

REPORT NUMBER 267 OF THE ACADEMIC APPEALS COMMITTEE

May 22, 2002

To the Academic Board,
University of Toronto

Your Committee reports that it held a policy meeting on at 1:00 p.m. in the Board Room on Wednesday, May 22, 2002, at which the following were present:

Assistant Dean Bonnie Goldberg (In the Chair)
Professor Ed Morgan
Professor Clare Beghtol
Professor Luigi Girolametto
Professor Gretchen Kerr
Assistant Dean Karen Lewis
Mr. Kashif Pirzada
Professor Olga Pugliese
Mrs. Susan Scace
Professor Donna Wells
Ms. Geeta Yadav

Mr. Paul Holmes, Judicial Affairs Officer
Ms. Beverly Stefareak, Assistant Secretary

Regrets:

Assistant Dean Jane Kidner
Professor Emeritus Ralph Scane
Professor Christopher Barnes
Dr. Alice Dong
Professor David Jenkins
Ms. Patricia Ricci

A policy meeting was called pursuant to the Terms of Reference of the Academic Appeals Committee (the "Terms") to consider revisions to the Terms. Assistant Dean Bonnie Goldberg, currently an Acting Chairperson of the Academic Appeals Committee, chaired the policy meeting.

The Committee examined each change individually. The following items were discussed:

- Committee composition
- Creation of a Senior Chair and the titles to be used for the other Chairs
- The legal qualifications of the Chairs

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- The role of the Chair
- The powers of the Committee

YOUR COMMITTEE RECOMMENDS

THAT the terms of reference of the Academic Appeals Committee, dated May 22, 2002, a copy of which is attached hereto as appendix "A", be approved.

May 29, 2002



OFFICE OF THE GOVERNING COUNCIL

Memorandum

To: Members of the Academic Board

From: Louis Charpentier, Secretary of the Governing Council

Date: May 30, 2002

Item Identification

Revised Terms of Reference for the Academic Appeals Committee

Sponsor

Louis Charpentier, Secretary of the Governing Council

Jurisdictional Information

The Governing Council approves Terms of Reference for its Boards and Committees. The first step in this process is the approval of the Terms of Reference by the Committee itself.

Background Information

One of the objectives for Governing Council for this governance year was to update terms of reference of all the committees and boards of the Governing Council. Accordingly, the senior staff in the Office of the Governing Council has reviewed the current terms of reference with the intent of updating each to reflect current practice. Proposals for changed or rearranged wording, or additions/deletions are to clarify the particular function of each body and the relationships among the various bodies, or between a parent Board and its committee(s). In some instances, new wording is proposed to facilitate the functioning of the committee or board where new requirements for accountability could not have been foreseen when the current terms of reference were approved. Ideally, the changes proposed also will serve to remove ambiguity or vagueness from the terms of reference and will support both the Governing Council and the administration in the approval process.

Highlights

Some changes are to comply with a consistent format:

- the addition of the *ex officio* members
- the addition of a section on term lengths

New additions include:

- expanding the composition to specify "at least" 7 teaching staff, 3 students, and 2 lay members
- there will be four Chairs, one of whom will be designated Senior Chair
- the appeal procedure has been amended to make it clear that appeals are heard by a panel of five committee members
- reference to "motions" has been deleted
- the presiding Chair will determine all questions of law. The panel will determine questions relating to the interpretation of University policy
- the deadline for filing an appeal has been clarified
- the purpose and procedure for policy meetings of the committee has been expanded and clarified

Action Sought

Approval of the following motion:

THAT the proposed revised Terms of Reference for the Academic Appeals Committee, dated May 22, 2002, be recommended to the Governing Council for approval, effective July 1, 2002.

ACADEMIC APPEALS COMMITTEE

TERMS OF REFERENCE

1. MEMBERSHIP

1.1 Composition^{*}

- at least 7 teaching staff members
- at least 3 students
- at least 2 lay members (drawn from amongst the government appointee, alumni and administrative staff members of the Governing Council)
- 4 appointed Chairs, all of whom shall be legally qualified, and one of whom shall be designated Senior Chair—~~an appointed Chair and up to 2 Vice-Chairs, each of whom shall be legally qualified. A Vice-Chair shall act in the absence of the Chair.~~

A majority of the members of the Academic Appeals Committee [the “Committee”] must be members of the Governing Council^{**}, and such members must be a majority at all appeal hearings and meetings at which final decisions are taken on behalf of the Governing Council. The duties of the Senior Chair shall be as indicated herein, and additionally, as specified by the rules passed by the Academic Appeals Committee itself.

When deemed necessary by the Senior Chair of the Committee, in order to satisfy the requirements of composition and quorum for an appeal hearing, additional members may be co-opted by the Senior Chair, from amongst members of the Governing Council. ~~Co-opted members from outside the Council must be approved by the Chair of the Academic Board.~~ The Chair of the Academic Board must approve co-opted members from outside the Council. The Chair of the Academic Board may also appoint for temporary periods ~~other qualified persons—~~ an Interim Chair to chair individual hearings.

1.2 Term

Terms shall be for one year, commencing July 1, and may be renewed.

5.2.22 FUNCTION

(a) 2.1 Individual Appeals (i) To hear and consider appeals made by students against decisions of faculty, college or school councils (or committees thereof) in the application of academic regulations and requirements and (ii) to report its decisions, which shall be final, for information to the Academic Board. The name of the appellant shall be withheld in such reports.

(b) 2.2 Policy and Procedures To advise the Committee on Academic Policy and Programs ~~Academic Board~~ from time to time on policy and procedures with respect to academic appeals throughout the University and on divisional appeal procedures. ~~and~~

2.3 To determine detailed procedures in its own operations.

^{*} Pursuant to By-law Number 2 of the Governing Council, the Chairman and Vice-chair of the Governing Council, the President and the Chancellor are *ex officio* voting members of the Committee. The Secretary of the Governing Council is an *ex officio* non-voting member of the Committee.

^{**} Governing Council shall appoint Governing Council members of the Committee. Academic Board shall appoint non-Governing Council members of the Committee, including the Chairs. The Academic Board shall designate the Senior Chair.

3. Committee Meetings PROCEDURES

(a) 3.1 Appeal hearings

- (i) 3.1.1 Appeals shall be heard by a panel of five Committee members provided that at least one student member and at least three teaching staff members are present, and that a majority of those present are members of Governing Council
- (ii) 3.1.2 The appeal hearing shall be conducted by the Chair. The Chair shall be counted as one of the five required panel members and The Chair or Vice Chair, if he/she is a faculty member or professor emeritus will shall be included in the teaching staff complement for an appeal if the Chair is a faculty member or professor emeritus. In the event that none of the Chairs is able to act, the Chair of the Academic Board may appoint an Interim Chair, who shall be legally qualified, to conduct a hearing. In that event, the Interim Chair shall be counted as one of the five required panel members and shall be included in the teaching staff complement for an appeal if the Interim Chair so appointed is a faculty member or professor emeritus.
- (iii) 3.1.3 Decisions with respect to the final disposition of an appeal Motions will be carried by a simple majority of the panel hearing the appeal. The Chair of the hearing will have a vote only in the case of a tie.
- 3.1.4 The Chair conducting an appeal shall determine all questions of law. However questions pertaining to the interpretation of University policies shall be determined by a simple majority of the panel hearing the appeal. In the latter case, the Chair will have a vote only in the case of a tie.
- (iii) ~~Hearings will be conducted by the Chair or a Vice Chair of the Committee. In the absence of the Chair and Vice Chairs, the Chair of the Academic Board may appoint an interim chair, who shall be legally qualified, to conduct a hearing.~~
- 3.1.5 An appellant must have completed all levels of appeal open to him or her at the divisional level before filing a Notice of Appeal with the Committee.
- (iv) 3.1.6 An appeal to the Academic Appeals Committee shall, except in exceptional circumstances, be commenced by filing a Notice of Appeal in accordance with the rules of the Academic Appeals Committee with the Secretary of the Committee no later than 5:00 p.m. on the ninetyieth (90th) calendar days after the date of the decision from which the appeal is being taken has been communicated in writing to the appellant. Where this deadline falls on a day when the University is closed, the deadline shall be deemed to fall on the next regular business day of the University at 5:00 p.m.
- (v) 3.1.6 An appellant must have completed all levels of appeal open to him or her at the divisional level before filing a notice of appeal with the Academic Appeals Committee.
- (vi) 3.1.7 The Chair has the right to may refuse to give formal hearing to an appeal on the grounds that it is not within the jurisdiction of the Academic Appeals Committee.
- (vii) 3.1.8 The panel of the Academic Appeals Committee hearing an appeal has the right to refuse to give formal hearing to may dismiss an appeal (by unanimous decision consent of the members present), after considering the written submissions,

on the grounds that there is no real case for an appeal. Such appeals might be described in legal terms as frivolous or vexatious.

- (viii) 3.1.9 The procedures for hearings required by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. 22, as amended, are followed (in view of the fact that this is the final appeal body). The Committee may modify these rules provided that they continue to conform with the minimum requirements of the *Act*. Any such changes must be reported to the Academic Board for information.

(b) 3.2 Policy meetings

In this section, "Terms of Reference" means any document setting out the guidelines for the composition and procedures of a divisional academic appeal body or the Academic Appeals Committee of Governing Council.

- 3.2.1 The Committee meets, as deemed necessary by the Senior Chair or one of the other Chairs acting as his or her delegaterequired, to consider proposals concerning policies and procedures governing academic appeals at the divisional level and at the Governing Council level.

~~Amendments to divisional appeals procedures are normally presented to the Committee on Academic Policy and Programs as calendar amendments. When proposed changes are minor and within the *Guidelines for Academic Appeals Within Divisions*, they may be approved without reference to the Academic Appeals Committee.~~

3.2.23 Policy meetings may be called in the following circumstances:

- (i) where significant changes are proposed to the Terms of Reference of a divisional academic appeal body;
- (ii) where a division intends to enact completely new Terms of Reference for a divisional academic appeal body where none had existed previously;
- (iii) when proposed changes to the Terms of Reference of a divisional academic appeal body may be contrary to the Guidelines for Academic Appeals Within Divisions;
- (iv) to consider or recommend changes to the Terms of Reference of the Academic Appeals Committee of Governing Council; or,
- (v) when, in the opinion of the Senior Chair, or delegate, a policy meeting is required to deal with any other matter.

~~When very significant changes are proposed, or when changes are contrary to the *Guidelines for Academic Appeals Within Divisions*, the proposals are referred to the Academic Appeals Committee for comment before they are considered by the Academic Board.~~

- 3.2.3 The quorum for policy meetings is 6, excluding the Chairs and Vice-Chairs, at least 3 of whom must be teaching staff and at least 1 of whom must be a student. Motions in such meetings will be carried by a simple majority. The Chairs and Vice-Chairs each have a vote in such meetings.

3.2.4 At the conclusion of a policy meeting, the Committee shall report advice and recommendations for consideration in the following manner:

- (i) For items considered under 3.2.2(i) (ii) and (iii), the Committee shall report to Academic Policy and Programs;
- (ii) For items considered under 3.2.2(iv), the Committee shall report to the Academic Board; and,

(iii) For all other items considered under 3.2.2(v), the Senior Chair or delegate, acting with the advice of the Secretary of the Governing Council, shall determine the appropriate body for reporting purposes.

May 22, 2002
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ACADEMIC APPEALS COMMITTEE

TERMS OF REFERENCE

1. MEMBERSHIP

1.1 Composition *

- at least 7 teaching staff members
- at least 3 students
- at least 2 lay members (drawn from amongst the government appointee, alumni and administrative staff members of the Governing Council)
- 4 appointed Chairs, all of whom shall be legally qualified, and one of whom shall be designated Senior Chair

A majority of the members of the Academic Appeals Committee [the “Committee”] must be members of the Governing Council **, and such members must be a majority at all appeal hearings and meetings at which final decisions are taken on behalf of the Governing Council. The duties of the Senior Chair shall be as indicated herein, and additionally, as specified by the rules passed by the Academic Appeals Committee itself.

When deemed necessary by the Senior Chair of the Committee, in order to satisfy the requirements of composition and quorum for an appeal hearing, additional members may be co-opted by the Senior Chair, from amongst members of the Governing Council. The Chair of the Academic Board must approve co-opted members from outside the Council. The Chair of the Academic Board may also appoint for temporary periods an Interim Chair to chair individual hearings.

1.2 Term

Terms shall be for one year, commencing July 1, and may be renewed.

2. FUNCTION

- 2.1 To hear and consider appeals made by students against decisions of faculty, college or school councils (or committees thereof) in the application of academic regulations and requirements and to report its decisions, which shall be final, for information to the Academic Board. The name of the appellant shall be withheld in such reports.
- 2.2 To advise the Committee on Academic Policy and Programs from time to time on policy with respect to academic appeals throughout the University and on divisional appeal procedures.
- 2.3 To determine detailed procedures in its own operations.

* Pursuant to By-law Number 2 of the Governing Council, the Chairman and Vice-chair of the Governing Council, the President and the Chancellor are *ex officio* voting members of the Committee. The Secretary of the Governing Council is an *ex officio* non-voting member of the Committee.

** Governing Council shall appoint Governing Council members of the Committee. Academic Board shall appoint non-Governing Council members of the Committee, including the Chairs. The Academic Board shall designate the Senior Chair.

3. PROCEDURES

3.1 Appeal hearings

- 3.1.1 Appeals shall be heard by a panel of five Committee members provided that at least one student member and at least three teaching staff members are present, and that a majority of those present are members of Governing Council.
- 3.1.2 The appeal hearing shall be conducted by the Chair. The Chair shall be counted as one of the five required panel members and shall be included in the teaching staff complement for an appeal if the Chair is a faculty member or professor emeritus. In the event that none of the Chairs is able to act, the Chair of the Academic Board may appoint an Interim Chair, who shall be legally qualified, to conduct a hearing. In that event, the Interim Chair shall be counted as one of the five required panel members and shall be included in the teaching staff complement for an appeal if the Interim Chair so appointed is a faculty member or professor emeritus.
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- 3.1.4 The Chair conducting an appeal shall determine all questions of law. However questions pertaining to the interpretation of University policies shall be determined by a simple majority of the panel hearing the appeal. In the latter case, the Chair will have a vote only in the case of a tie.
- 3.1.5 An appellant must have completed all levels of appeal open to him or her at the divisional level before filing a Notice of Appeal with the Committee.
- 3.1.6 An appeal to the Committee shall, except in exceptional circumstances, be commenced by filing a Notice of Appeal in accordance with the rules of the Academic Appeals Committee no later than 5:00 p.m. on the ninetieth (90th) calendar day after the date of the decision from which the appeal is being taken. Where this deadline falls on a day when the University is closed, the deadline shall be deemed to fall on the next regular business day of the University at 5:00 p.m.
- 3.1.7 The Chair may refuse to give formal hearing to an appeal on the grounds that it is not within the jurisdiction of the Committee.
- 3.1.8 The panel of the Committee hearing an appeal may dismiss an appeal (by unanimous decision) after considering the written submissions, on the grounds that there is no real case for an appeal. Such appeals might be described in legal terms as frivolous or vexatious.
- 3.1.9 The procedures for hearings required by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. 22, as amended, are followed (in view of the fact that this is the final appeal body). The Committee may modify these rules provided that they continue to conform to the minimum requirements of the *Act*. Any such changes must be reported to the Academic Board for information.

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- 3.2.1** The Committee meets, as deemed necessary by the Senior Chair or one of the other Chairs acting as his or her delegate, to consider proposals concerning policies and procedures governing academic appeals at the divisional level and at the Governing Council level.
- 3.2.2** Policy meetings may be called in the following circumstances:
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 - (iii) when proposed changes to the Terms of Reference of a divisional academic appeal body may be contrary to the *Guidelines for Academic Appeals Within Divisions*;
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May 22, 2002

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