

POLICY ON ACADEMIC APPEALS WITHIN DIVISIONS

October 15, 2005

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1. Guiding Principles: The implementation of all academic appeals within the University across all divisions should be informed by the following principles:

- i. **Diversity, Equity, and Accommodation:** Consistent with the University's commitment to diversity, equity and accommodation, and its accompanying institutional policies, every division should be sensitive to issues of diversity, equity, and accommodation in the academic appeals process.
- ii. **Consistency:** The purpose of the Policy on Academic Appeals within Divisions is to formalize University wide principles to ensure effective procedures for the academic appeals process are in place within divisions. The Policy is designed to set minimum standards and consistent procedures across the University.
- iii. **Flexibility:** While the Policy is intended to establish certain essential features of a division's academic appeal system, it recognizes that divisional size and complexity of issues have a bearing on divisional needs in this regard.
- iv. **Transparency and timeliness:** The University ensures that information on procedures for academic appeals are well publicized, accurate, clearly presented, and readily accessible to students, instructors, and staff. Student academic appeals should be addressed in a timely manner, using appropriate, fair and transparent procedures.
- v. **Fairness and Confidentiality:** Throughout the process, students should have the opportunity to raise matters of proper concern to them without fear of disadvantage and in the knowledge that privacy and confidentiality will be appropriately respected. Both formal and informal resolutions for academic appeals should be available to the student.
- vi. **Academic Standards and Regulations:** The academic appeals process and principles should be applied in a manner that maintains academic standards and contributes to the University goal of academic excellence. Detailed information about the University of Toronto's Academic Regulations and Requirements can be found in relevant University Policies regarding academic regulations and requirements such as the *Grading Practices Policy*, as amended from time to time.

2. The Academic Appeal

- i. An academic appeal is an appeal by a student of the University:
 - (a) against a University decision as to his or her success or failure in meeting an academic standard or other academic requirement of the University; or,
 - (b) as to the applicability to his or her case of any academic regulation of the University; however,
 - (c) no appeal lies from any admissions decision.
- ii. The standard of review of an academic appeal is reasonableness.

3. Guidelines for divisional processes for academic appeals

- i. Divisions should decide how best to implement this policy and what additional principles, structures and procedures, not inconsistent with the spirit of this policy, may be required.¹
- ii. Divisional processes should be broadly communicated and available in print form and electronic form.
- iii. Divisional processes should offer opportunities for early resolutions and should provide informal lines of communication throughout the process. Students should be encouraged to resort to these alternatives before launching formal appeals.
- iv. Divisional processes should recommend informal mediation throughout the process and parties should be encouraged to consider the possibility of resolution throughout the process.
- v. Divisional processes should encourage a student's confidential disclosure of appropriate information at the earliest possible stage particularly with respect to diversity, accommodation and other personal issues that may be relevant to the disposition of the appeal.
- vi. Divisional processes should set timelines for administrative decision making and student response throughout the process. Timelines should include sufficient flexibility and discretion to accommodate the particular circumstances of the appeal and to avoid inappropriate prejudice to the student or to the University.
- vii. Divisional processes should provide a mechanism for periodic internal review and a reporting mechanism for an annual report to the division's governing body.
- viii. Divisional processes should refer to the fact that throughout the process, students should have the opportunity to raise matters of proper concern to them without fear of disadvantage.
- ix. Divisional processes should provide a clear mechanism for responding to academic appeals. Guidelines for divisional processes should delegate the authority to determine divisional appeals to a standing committee of reasonable size ("the divisional appeals committee").

¹ The minimum procedural standards set out in this policy are not meant to prevent divisions from establishing procedures that permit immediate action such as the suspension of a student or the restrictions of a student's participation in clinical or practice related activities where such action is appropriate to address health and safety issues or to fulfill professional or regulatory obligations.

This committee should report to the division's governing body for information. This committee should include members of the teaching staff and student body. The selection process for student members should be done with a view toward diversity and transparency.

- x. Divisional processes should provide that students commencing a divisional appeal do so by a written notice that states the nature and grounds of the appeal, and which includes copies of any documents relied upon in support of the appeal.
- xi. Divisional processes should ensure that the student has the right to a hearing before the divisional appeals committee in person, with or without counsel or other advisor, and to call evidence and present argument in person or by counsel.
- xii. Divisional processes should ensure that divisional appeals committees give appellants a written statement of reasons for the decision at the time the decision is handed down.

4. Right of Appeal to the Academic Appeals Committee of the Academic Board of Governing Council

- i. Divisional processes should require that any student whose appeal has been denied must be advised of a further right of appeal of the decision of the divisional appeals committee to the Academic Appeals Committee of the Academic Board of Governing Council. The existence of this right of appeal should be clearly communicated, in writing, to students for whom the appeal was denied at the divisional level.
- ii. The procedures for appeals to the Academic Appeals Committee are set out in the Committee's Terms of Reference.²

5. Implementation and Monitoring

- i. So as to provide for the fair and effective disposition of academic appeals, every division of the University is required to maintain processes for academic appeals that are consistent with this Policy.
- ii. The Office of the Provost will establish a framework for the divisional academic appeal processes which reflects best practices and incorporates the principles and minimum standards set out in this policy.
- iii. The Office of the Provost is responsible for monitoring the implementation of divisional appeals processes that are in compliance with this Policy. The Office of the Provost is also responsible for facilitating a periodic review of divisional processes for consistency to the Policy, for facilitating effective communication of the Policy and divisional processes, and for conveying information to the divisions about suggested best practices.
- iv. The Office of the Provost will undertake to ensure that information about divisional processes is communicated in technologically relevant, up-to-date and easily accessible ways.

² <http://www.utoronto.ca/govcncl/bac/details/aa/aator.pdf>

Subcommittee Report & Current Policy

*The Academic Appeals Process within University Divisions:
Enhancing the Student Experience, Improving Administrative Efficiency
and Maintaining Academic Excellence*

*Report of the Subcommittee to Review the Guidelines for Appeals within Divisions
October 15, 2005*

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*The Academic Appeals Process within University Divisions:
Enhancing the Student Experience, Improving Administrative Efficiency
& Maintaining Academic Excellence*

Report of the Subcommittee to Review the Guidelines for Appeals within Divisions

A. Introduction

The University of Toronto's Governing Council approved the current *Guidelines for Academic Appeals within Divisions* ("Guidelines") in the mid-seventies. The *Guidelines* remain almost exactly in their original form. The *Guidelines* were not intended to be a comprehensive set of procedures for divisional academic appeals. Rather, the purpose of the *Guidelines* was to set minimum standards across the University and at the same time provide the academic divisions the ability to implement precise procedures according to local needs.

In 2005, the Subcommittee to Review the Guidelines for Academic Appeals within Divisions was constituted. Please accept this report as the completion of our mandate. In light of our consultations, we are confident that this report and its accompanying recommended revised guidelines will find favour with the University, its students, and its divisions.

A lot has changed since the *Guidelines* were first drafted. The Subcommittee hopes our recommendations modernize the guidelines in light of the ever-changing and expanding nature of the University, the increasing diversity of students, the advent of new forms of technology, and on-going commitments to and improvements in the overall student experience. We sought to ensure that the consideration of issues of diversity, equity and accommodation are essential to the process. We hope we have identified and offered suggestions to ameliorate some inconsistencies in the way in which the appeals process was implemented across divisions. We want to ensure that there is improved consistency in the application of academic policies and regulations for all students, while at the same time preserving the flexibility for divisions to implement processes which are appropriate to local needs.

When the Subcommittee reflects on its own difficulty in tracking down a complete set of divisional guidelines, key contacts, policies and guides, we can only imagine a single student's frustration at doing so, often at a time of crisis. We hope too that this report will address issues of accessibility and transparency.

B. Mandate & Composition

The Academic Appeals Committee met on January 31st 2005 to approve the composition and terms of reference of the Subcommittee to Review the Guidelines for Academic Appeals within Divisions (Report 294 of the Academic Appeals Committee).

The Committee approved the following mandate:

- (a) To assess the continued appropriateness of the minimum standards set out in the *Guidelines*, and specifically whether or not they ought to be raised;
- (b) To review current practices within the University;
- (c) To consider the introduction of time-lines;
- (d) To specifically examine and make recommendations on the grade appeal process throughout the University;¹
- (e) To make recommendations on procedures for settling appeals outside of a hearing;
- (f) To examine and make recommendations on mediation and dispute resolution procedures;
- (g) To examine the remedies which should be available to appellate committees;²
- (h) To examine what matters should fall within the definition of an academic appeal.

The Subcommittee, like its parent Committee, is representative of all the estates of Governing Council, namely; faculty, students, administrative staff, alumni and government appointees. The Academic Appeals Committee approved the following composition for the Subcommittee.

Ms. Bonnie Goldberg – Chair (Co-Chair, Academic Appeals Committee)
Prof. Clare Beghtol (Teaching Staff)
Mr. Brian Davis (Administrative Staff)
Dr. Gerald Halbert (L.G.I.C.)
Ms. Françoise Ko (Graduate Student)
Mr. Stefan Neata (Undergraduate Student)
Ms. Maureen Somerville (Alumni)

In addition the Subcommittee relied on the assistance of:

Mr. Louis Charpentier, Secretary of the Governing Council
Ms. Nora Gillespie, counsel, Office of the Provost, assessor to the Committee
Mr. Paul Holmes, Judicial Affairs Officer, until March 2005
Ms. Beverley Stefureak, secretary to the Committee

C. The Consultation Process

The Subcommittee began its task by collecting the petition and academic appeal procedures from every division with an undergraduate degree program, as well as from Woodsworth College, the Transitional Year Program, the School of Continuing Studies and the School of Graduate Studies. The documentation was divided among members who analyzed in an objective and comparative way against nine parameters each division's current practice and procedure with what was suggested in the 1977 Guidelines. After sharing the analyses in written form, members of the Subcommittee

¹ The Subcommittee did not hear sufficient information about this issue to make recommendations and this issue in particular is covered in other University policies.

² The Subcommittee did not hear sufficient information about this issue to make recommendations.

dedicated the major part of one meeting to discussing particular areas and questions about which they hoped to achieve more information during the series of consultation meetings that was to follow.

The Subcommittee decided to meet separately with representatives from each division from whom the Academic Appeals Committee hears appeals fairly regularly. The Subcommittee further agreed that every other division, in groups of two or three, would be invited to meet with the Subcommittee. Individuals within those divisions who had the most experience with and knowledge of petitions and appeals would be invited to the meetings. Student leaders from the major student governments would be consulted, as would the Ombudsperson, Downtown Legal Services (“DLS”), lawyers from Cassels Brock and Blackwell involved in University judicial affairs, the current chairs of the Academic Appeals Committee and the accessibility coordinators from the three campuses. An open student forum would be scheduled to provide the opportunity for broad student input to the review [The open forum was advertised through the *Varsity* newspaper and on the “events” website and also invited written submissions from students.] The consultation process would begin with an overview from the Provost’s Office.

All individuals invited to meet with the Subcommittee were asked before the meeting to think about the following issues: how the Guidelines and their fundamental principles enabled or informed the division’s own guidelines; whether there were areas of “best practice” or special strength within the division; whether there were areas that could be strengthened; and finally, the ways in which the division responds to decisions of the Academic Appeals Committee. These questions were slightly modified depending on the individual to whom they were sent.

Over the course of five weeks and eight meetings the Subcommittee met with the following individuals (some of whom also provided written submissions):

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| Academic Appeals Committee | <ul style="list-style-type: none"> ▪ Ms. Jane Kidner, Assistant Dean, Faculty of Law ▪ Professor Emeritus Ralph Scane, Faculty of Law |
| Accessibility Services | <ul style="list-style-type: none"> ▪ Ms. Janice Martin, Manager, Accessibility Services, St. George campus ▪ Ms. Elizabeth Martin, Manager, AccessAbility Resource Centre, UTM ▪ Ms. Tina Doyle, Manager, AccessAbility, UTSC ▪ Dr. Pat Harris, Accessibility Services, St. George campus |
| Cassels, Brock & Blackwell LLP | <ul style="list-style-type: none"> ▪ Mr. Don Guthrie ▪ Ms. Sari Springer ▪ Mr. Tim Pinos |
| Downtown Legal Services | <ul style="list-style-type: none"> ▪ Ms. Mary Misener, Acting Director |
| Faculty of Applied Science and Engineering | <ul style="list-style-type: none"> ▪ Ms. Barbara McCann, Registrar ▪ Professor Kim Pressnail, Chair of the Ombuds Committee |

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| Faculty of Arts and Science (FAS) | <ul style="list-style-type: none"> ▪ Ms. Elaine Ishibachi, Associate Registrar, Secretary of FAS Committee on Standing and of the Academic Appeals Committee ▪ Professor Sue Howson, Vice Dean, Undergraduate Education & Teaching, ex-officio Chair of the Committee on Standing and Academic Appeals Board ▪ Dr. Elizabeth Leesti, Associate Registrar, Director of Student Affairs, and Vice-Chair of the Committee on Standing. ▪ Professor Anne Urbancic, Chair of the Academic Appeals Committee |
| Faculty of Dentistry | <ul style="list-style-type: none"> ▪ Professor John Mayhall, Chair, Academic Appeals Board ▪ Ms. Margaret Tompsett, Registrar |
| Faculty of Law | <ul style="list-style-type: none"> ▪ Ms. Lois Chiang, Assistant Dean, Students ▪ Professor Lorne Sossin, Associate Dean |
| Faculty of Medicine | <ul style="list-style-type: none"> ▪ Professor Michael Wiley, Past Chair of the Academic Appeals Committee ▪ Dr. Rosemary Meier, Chair of the Academic Appeals Committee |
| Faculty of Music | <ul style="list-style-type: none"> ▪ Ms. Nalayini Balsubramaniam, Registrar |
| Faculty of Nursing* | <ul style="list-style-type: none"> ▪ Professor Jan Angus, Chair of the Academic Appeals Committee (*had to cancel her meeting, but submitted written comments on behalf of her Faculty) |
| Faculty of Pharmacy* | <ul style="list-style-type: none"> ▪ Ms. Brenda Thrush, Registrar (*unable to attend a scheduled meeting and met with the Chair by telephone) |
| Faculty of Physical Education and Health | <ul style="list-style-type: none"> ▪ Professor Gretchen Kerr, Chair of the Academic Appeal Committee |
| Graduate Student Leadership | <ul style="list-style-type: none"> ▪ Ms. Charlotte Reeve, Graduate Students' Union ▪ Ms. Rose deCosta, Graduate Students' Union |
| Office of the University Ombudsperson | <ul style="list-style-type: none"> ▪ Ms Mary Ward, University Ombudsperson |
| Ontario Institute for Studies in Education | <ul style="list-style-type: none"> ▪ Dr. Claire Alleyne, Registrar |
| Open Student Forum | <ul style="list-style-type: none"> ▪ In attendance: five students, two of whom were student government leaders from whom the Subcommittee had no comments in the earlier meetings |
| Part-time Student Leadership | <ul style="list-style-type: none"> ▪ Mr. Chris Ramsaroop, Past President, Association of Part-time Undergraduate Students ▪ Ms. Oriel Varga, Association of Part-time Undergraduate Students |
| Provost's Office | <ul style="list-style-type: none"> ▪ Professor Edith Hillan, Vice-Provost, Academic ▪ Professor David Farrar, Deputy Provost and Vice-Provost, Students, |

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| School of Continuing Studies* | <ul style="list-style-type: none"> ▪ Ms. Lorraine Nishisato, Registrar (*unable to attend a scheduled meeting and met with the Chair by telephone) |
| School of Graduate Studies* | <ul style="list-style-type: none"> ▪ Ms. Jane Alderdice, Director of Quality Assessment and Governance ▪ Professor Umberto De Boni, Acting Associate Dean, Division I ▪ Professor Emeritus Ralph Scane, Chair, Graduate Academic Appeals Board • Sandra Acker, Associate Dean, Social Sciences, School of Graduate Studies provided written comments |
| The Association of Arts and Science Students* | <ul style="list-style-type: none"> ▪ * unable to meet the Subcommittee but submitted comments in writing |
| Transitional Year Program* | <ul style="list-style-type: none"> ▪ * Professor Rona Abramovitch declined to meet with the Subcommittee because of the unique nature of the division, and thus did not believe they could provide anything more than the Subcommittee had already heard from the Faculty of Arts and Science. |
| Undergraduate Student Leadership | <ul style="list-style-type: none"> ▪ Ms. Ranjini Ghosh, President, Students' Administrative Council ▪ Mr. Sean O'Connell, President, Erindale College Students' Union ▪ Mr. Jeff Rybak, Vice-President, Academics, Scarborough College Students' Union |
| University of Toronto at Mississauga | <ul style="list-style-type: none"> ▪ Professor Gordon Anderson, Chair, Academic Appeals Committee |
| University of Toronto at Scarborough | <ul style="list-style-type: none"> ▪ Professor Ian McDonald, former Associate Dean ▪ Professor Nick Cheng, Associate Dean |
| Woodsworth College* | <ul style="list-style-type: none"> ▪ * Ms. Cheryl Schook, Registrar, declined to meet with the Subcommittee because of the unique nature of the division, and thus did not believe they could provide anything more than the Subcommittee had already heard from the Faculty of Arts and Science. |

In addition to the written submissions provided to the Subcommittee during the consultation process, we had the benefit of two additional documents.

- **The 1994 Beatty Report:** In 1994, the then-Provost asked Professor David Beatty of the Faculty of Law to conduct a review of the University's procedures for resolving questions about academic discipline and academic appeals. This is referred to as the "1994 Beatty Report."
- **The 1996 Cassels, Brock & Blackwell LLP memorandum:** In 1996, Don Guthrie of Cassels Brock & Blackwell LLP responded to a request from the then-Secretary of Governing Council to make recommendations concerning the streamlining, and simplification of the University's "judicial" processes and structures. The memo

refers specifically to the 1994 Beatty Report. This memo is referred to as the “1996 Cassels memo.”

A further consultative stage at the request of the Provost’s Office occurred through August and September 2005, when Principals and Deans were asked to review the working draft, proposed policy, and proposed Provostial framework.

D. Jurisdictional Background

The 1996 Cassels memo and the 2005 written submission from the lawyers at Cassels set out very clearly the jurisdictional basis for the University’s academic appeals process. Academic appeals are heard initially at the divisional level pursuant to section 70 of the *University of Toronto Act, 1947* and at the University-wide level by the Academic Appeals Committee of the Governing Council pursuant to section 48 of that Act. The procedure has been governed by the Guidelines on Academic Appeals within Academic Divisions, written by Professor Bruce Dunlop and approved in 1977, and by the Terms of Reference of the Academic Appeals Committee, revised 2002.

Pursuant to the *University of Toronto Act*, the Governing Council has delegated power and authority to the Academic Appeals Committee to hear and determine student academic appeals. This delegation of authority also relates to the composition of the Committee, as primarily composed of members of Governing Council.

The 1994 Beatty Report eloquently described the combined effect of the Guidelines and legislation as follows:

The procedures that have been developed for cases of academic appeals are much more decentralized. Here Faculties and Departments have been encouraged, within broad guidelines, to set up procedures, which reflect their own institutional needs. Local units are expected to resolve cases of this kind on their own and even to provide a system of internal appeals. The University’s role in cases of academic petitions and appeals is much more limited [than in cases of academic discipline] and involves the Academic Appeals Committee (made up of faculty, students, and members of Governing Council), acting as a kind of overseer of local decision-making to ensure students are treated with a measure of uniformity and fairness across the University.

E. The numbers & the need for review

The academic petitions and appeals process is a “growth industry” to quote one divisional officer who appeared before the Subcommittee. We heard a great deal of information about the increasing number of petitions and appeals being filed throughout the University’s largest divisions. For example, at the University of Toronto at Mississauga, the number of petitions has quadrupled in the last 10 years. The Faculty of Arts & Science saw approximately 3500 petitions in 1994-1995, and more than 4000 in 2003-2004. The University of Toronto at Scarborough deals with more than 1000

petitions a year and approximately 80 appeals each year. The School of Graduate Studies has seen a four-fold increase in appeals to its Graduate Academic Appeals Board this year.

It is our belief that despite the volume, the Guidelines are working very well. This is because the majority of appeals are still resolved locally. The 1994 Beatty Report described the success of the current structure:

The current procedures are, on the whole doing a pretty good job. ... The overwhelming majority of academic petitions and appeals are resolved within the units in which they arise. ... In only a very small percentage of cases are the University's Appeals Committee called into play. In the case of Arts & Science for example, in 1992-3, only 4 cases ... were taken beyond the Academic Appeals Board of the Faculty. Again, in my experience as a labour arbitrator, this represents a staggeringly high success rate and explains the parties' general satisfaction with the way these issues are being resolved.

Statistics compiled by the Judicial Affairs Officer demonstrate that the number of appeals being heard by the Academic Appeals Committee has neither decreased nor increased markedly over a ten-year period. In 1994-1995, the Academic Appeals Committee disposed of 16 matters. In 1995-1996, 19 matters were dealt with, but in 1999-2000 only 10 matters were heard. In 2002-2003, the Academic Appeals Committee heard 14 cases. Similarly, the number of appeals emanating from each division remains constant. For example, in both 1997-1998 and 2004-2005 there were 6 appeals from UTSC. The Faculty of Pharmacy has only sent 7 appeals in ten years to Governing Council. The Faculties of Dentistry and Nursing have not sent an appeal to Governing Council since 1998. Since the Subcommittee heard of significant increases in the number of petitions, these statistics suggest that divisions are still resolving petitions locally.

However, the 1994 Beatty Report noted concerns about the "increasing volume of petitions that were being filed and about the difficulties students sometimes faced in knowing exactly how their petitions and appeals would proceed." A system that is decentralized, even one that is working well at the local level, still needs guidelines that ensure that results are neither arbitrary nor inconsistent across divisions. This system must also be flexible and accessible. Thus, an assessment and appropriate adjustment of the current guidelines will improve administrative efficiency and will ease the administrative burden that the academic petitions and appeals process creates.

There are several additional reasons as to why it was time to review these Guidelines. They need to reflect the changing face of the University and the changing capabilities of technology. Although they offer excellent principles, they are lacking critical details in some important areas, such as in area of timeliness, informal mediation, early resolution, and the Guidelines' relationship with other relevant and new institutional policies. Issues of diversity, equity, and accommodation must also be explicitly addressed.

F. The perspective of the University Ombudsperson

Mary Ward, the current University Ombudsperson, shared the following information with us. The Ombudsperson has specifically asked the University Administration to review the current Guidelines. Concerns about academic appeals for grades and standing remain one of the most common types of student concern. She noted that this is not unusual in an academic environment, and certainly not at an institution of this size and complexity. However, issues of timeliness and divisional response are important.

She provided us with statistical information indicating that within her office, the percentage of her caseload relating to grading disputes and academic appeals has declined each year over the past three years. She credits this improvement to increased communication by the administration to the community about the appeals process; increased communication between students and instructors/decision-makers regarding grading practices and academic standards; and workshops and support material for staff involved in the administration of appeals at the divisional level.

G. The Intersection of Accessibility Issues and Academic Petitions and Appeals

The Subcommittee considered the issue of accessibility as it relates to the academic petitions and appeals process. We met with the Accessibility Services managers from the three campuses. Accessibility Services assist students in the petition and appeal process by providing written letters, either confirming a student is a registered student with the service, or by providing detailed information as to the disability and its impact on the student's academic performance. We learned that accommodations are meant to ensure that the University is doing everything it can to assist a student, but accommodations do not lower academic standards. We heard information that many students, even if they are registered and advised about the process, launch petitions without consulting Accessibility Services first, or other similar service providers at the University.

H. Current Best Practices

The Subcommittee gained remarkable insight and information by consulting with those individuals closely concerned with academic petitions and appeals across the University of Toronto. We were very impressed by the level of professionalism across the University's many divisions and three campuses in the area of student petitions and academic appeals. We learned of the responsiveness of divisions to recommendations from the Academic Appeals Committee. We learned of the care being taken to create documents that interpret and advise students going through the process. We learned of the attempts by many faculty officers, such as college registrars, to craft clear, well-publicized guidelines and to notify students in academic distress of their rights and options.

We heard from several divisions about key divisional officers and offices charged with the responsibility of advising students at different stages throughout the process. The range of innovative services to assist students include mid-year reviews and opportunities to mediate and settle disputes prior to and during the formal appeal process. Some divisions have taken the initiative to revise their procedures to add flexibility and transparency. Several divisions have created a set of comprehensive timelines that cover both administrative and student action throughout the process. Different divisions have composed appeals committees that are more representative of the student body. The large divisions particularly impressed us with the care they take in responding to student appeals and the effort they make to communicate with student leadership despite the enormous volume of petitions.

I. Summary of Recommendations

We are greatly indebted to the many divisional officers, deans, registrars, student leaders, and university officials who took the time to provide our Committee with their recommendations. Our proposed policy reflects and incorporates their ideas, concerns and suggestions.

We heard from students and student leadership about the importance of a reporting mechanism from the divisions to Governing Council. Students identified the importance of each division creating or identifying a divisional officer whose responsibility is to assist students with petitions and appeals. Students want a system that offers earlier opportunities for resolution and mediation, more training for divisional officers and faculty dealing with appeals, and the introduction of timelines for both sides. Student leaders suggested improved methods for selecting students in a transparent and appropriate fashion to serve on appeal committees. They suggested documents that would assist students in understanding their academic and legal rights and responsibilities.

There is a notable consistency between the concerns and recommendations of administrators and those of the students. The representatives from the University's divisions were singularly impressive in their dedication to ensuring that the process is fair, consistent, and friendly. We heard of their desire for recommendations that would assist students in better understanding their rights, obligations, and role in the process so that they can succeed in university. They seek a system that would provide more training and information to faculty members and divisional officers involved in the process. Representatives from the divisions were supportive of the introduction of tighter timeframes for everyone involved in the process, of the provision of more accessible procedures, and of the need to identify specific divisional advisors responsible for guiding students through the academic petitions and appeals process.

Echoing the divisional officers, the Chairs of the Academic Appeals Committee noted the need for students to share all pertinent information at the earliest possible stage in the academic petitions and appeal process. The Chairs suggested that the University direct increased resources to training specific divisional officers with responsibility for

appeals at each division so that there is someone on the “front-line” to provide students with timely and pertinent advice on how to achieve their academic goals.

Many students and divisions mentioned the need for a student web portal that had links to each division, its guidelines, important university policies, necessary documents like the University of Toronto medical certificates, and a list of key divisional officers.

Several others we consulted also assisted us immensely. The lawyers from Cassels, Brock & Blackwell offered us guidance as to what should be appealable and the appropriate standard of review. Their submission with respect to including a definition of what constitutes an academic appeal has been incorporated into the proposed policy. They also advised us of the key components of a student’s hearing before an appeals committee. The lawyers at Downtown Legal Services provided us with insight into the importance of consistency and uniformity across the different divisions. The Ombudsperson recommended a system that has ample opportunity for informal and mediated resolutions and one with built-in timelines throughout the process. The managers from Accessibility Services support increased training and workshops as well as the selection of one departmental contact for each division for all accommodation issues relating to examinations. They also support increased communication between their offices and the divisional officers involved in appeals.

K. Additional Issues for Consideration

We would like to raise the following issues for consideration; they were not specifically within our mandate but arose from the input we received during the review process.

1. We put the following ideas forward for consideration specifically by the **Provost’s Office**.

An Independent Student Advocacy Office: Student leaders proposed the creation of an independent student advocacy office to provide individual support, advocacy, and counseling. This office would have connections to accessibility services, the Judicial Affairs Officer, and Downtown Legal Services. Students believe that this would offer an important additional resource to assist students in understanding and participating in the academic petitions and appeals process. It is possible that the need for this office would be less critical in light of anticipated divisional changes made to respond to a new policy and framework for implementation.

Educational Outreach: The Provost’s Office might consider the implementation of annual training in the following areas:

- Diversity training for divisional officers and members of divisional appeal committees involved in the divisional academic petitions and appeals process.
- Training for student leaders and divisional officers about the academic petitions and appeals process.
- Training for DLS caseworkers involved in the academic petitions and appeals process (currently being provided on an *ad hoc* basis by the Academic Appeals Committee chairs)

Downtown Legal Services: The Provost's Office could meet with the Executive Director of Downtown Legal Services to explore issues pertaining to public legal education, disclosure, and communication among the University, DLS and student leaders, and the university's academic petitions and appeals process more generally. This conversation is important in light of the limitations on DLS's ability to offer more services to the University. DLS is a student community legal aid clinic, constituted by the *Legal Aid Act*, and funded by Legal Aid Ontario. There is also a small levy imposed on students at the three campuses which contributes to the ability of DLS to represent students through its University Affairs division.

Possible Communication Strategies:

- A **guide** advising students of their rights and responsibilities with regard to the academic petitions and appeals process, and the division's concomitant rights and responsibilities in the academic petitions and appeals process.
- The **provision** of information to students about further recourse to appeal and about pertinent sources of help, advice, guidance and support available to students throughout the process, such as at the time an appeal is denied.
- A **document** advising students about the right to appeal to the Academic Appeals Committee of Governing Council, including information about commencing this appeal, timelines, forms, and the possibility of obtaining legal assistance from Downtown Legal Services.
- Each division should have a clear **mechanism** for responding to academic petitions within each division. We recommend that petitions are made in writing, kept confidential, and that the student includes all pertinent documents at the earliest stage in the petition process.
- The **identification** of a designated divisional officer within each division with administrative responsibility for the division's academic petitions and appeals process.
- The regular **communication** of best practices in the appeal process to the divisions.

2. We put the following ideas forward for consideration specifically by the **Office of Governing Council**.

Judicial Affairs Officer: The creation of this position was an important response on the part of the University to concerns about the academic appeals process, and other judicial-decision making areas of the University. We recommend increased communication from the JAO, such as communiqués to divisions about how to respond to appeals at the Academic Appeals Committee level, how to liaise with DLS when a student retains DLS, and information about recent decisions of the AAC. We also recommend increased

training for Academic Appeal Committee members on diversity, equity and accommodation issues as they relate the academic appeals process.

The Academic Appeals Committee: The Academic Appeals Committee is generally considered to be discharging its duty to the University in a fair, equitable, and efficient manner. We did hear however of concerns by divisions about the lack of timeliness in the Committee's response to student appeals. We recommend that the Academic Appeals Committee convene a meeting to consider the introduction of timelines to its terms of reference. Further, we recommend that the JAO institute a system whereby information is conveyed to divisions in a timely fashion about the status of pending student appeals at the Academic Appeals Committee level. Finally, as discussed above, we recommend more training of Academic Appeals Committee members in issues such as diversity.

CURRENT POLICY

Guidelines for Academic Appeals Within Divisions Revised May 19, 1977 University of Toronto Governing Council

GUIDELINES FOR ACADEMIC APPEALS WITHIN DIVISIONS

1. These guidelines for academic appeals are not intended to constitute a complete code of practices and procedures. They are intended only to establish certain essential features of an appropriate appeal system. They recognize that divisional size and complexity have a bearing on divisional needs in this regard and it is therefore left to the divisions (a) how best to implement these guidelines and (b) what additional principles, structures and procedures, not inconsistent with the spirit of these guidelines, may be required.
2. An academic appeal is an appeal by a student (a) against a decision as to his or her success or failure in meeting an academic standard or other requirement or (b) as to the applicability to his or her case of any academic regulation.
3. So as to minimize the necessity for appeals to be taken, every division of the University in which decisions which may be the subject of appeal are made should adhere to certain general principles.
4. So as to provide for fair and effective disposition of appeals that nevertheless are taken, every division of the University in which an appeal may arise should establish certain structures and procedures.

General Principles

5. Regulations and requirements should be clear, precise and well publicized. Lack of information or understanding can be a significant source of grievance. The more important regulations and requirements should appear in the calendar along with notice of the existence and availability of other regulations.
6. Regulations and requirements should be established or approved by the appropriate authority within the division and should not be changed to the detriment of students who have made decisions, choices and commitments in reliance on them. Arbitrary decisions or amendments can also be a significant source of grievance.
7. Dates should be established for the determination and announcement by course instructors of the essays, tests, examinations and other work required for credit and the grading scheme. These dates should be well in advance of the deadline for withdrawal from courses or transfer to other courses. The announced work assignments and grading scheme should not thereafter be changed materially except in extraordinary circumstances and with the approval of the appropriate divisional authority.

Structures and Procedures

8. Each division should have the appropriate formal procedures and structures for considering academic appeals. Each division should also, however, seek to open informal lines of communication and encourage students to resort to them before launching formal appeals. Grievances often involve misunderstandings which can be informally settled provided they are brought to the attention of the appropriate instructor or academic administrator.

9. While structures and procedures for dealing with petitions and appeals may vary from a single-level system in the smallest divisions to a multi-level system in the largest, at the level of final decision there should be a right of hearing. Each division should repose authority to determine appeals within the division in a standing committee, of reasonable size, hereafter called the divisional committee, which should report to the Faculty Council or other divisional governing body for information. This committee should include members of the teaching staff and student body.
10. The procedures available within a division for considering appeals should be well publicized, as should the existence of a further right of appeal to the Academic Appeals Board of the Academic Affairs Committee of the Governing Council.
11. Appeals should be commenced by a written notice stating the nature and grounds of the appeal, which should be accompanied by copies of any documents relied upon in support of the appeal. Divisions should establish a suitable time limit for the launching of appeals.
12. The appellant should have the right to appear before the divisional committee in person, with or without counsel or other advisor, and to call evidence and present argument in person or by counsel. Appellants frequently are not satisfied that they have been fairly dealt with until they have had a hearing. If they have no right to a hearing at the divisional level, they are more likely to appeal to the Academic Appeals Board to obtain one. The provision for a hearing at the divisional level will make it more likely that the divisional decision will be accepted by the appellant. The intention to be represented by counsel should be communicated to the divisional committee in advance of the hearing, preferably in the notice of appeal.
13. The divisional committee should give appellants a concise but complete statement of reasons for the decision at the time the decision is handed down.
14. In the case of an appeal against the grade assigned or credit given to any essay, test, examination or other written work, if the divisional committee should have reason to believe that a significant error might have been made, the work should be referred to one or more outside experts in the field of study concerned whose opinion should be considered by the divisional committee in deciding whether to allow the appeal. Divisions not already having a simple system of reviewing grades should consider the merits of establishing such a procedure.

Miscellaneous

15. The Academic Appeals Board will be pleased to assist any divisions with advice in the setting up of appeal structures and procedures.



University of Toronto

OFFICE OF THE VICE PRESIDENT AND PROVOST

Framework for the Divisional Appeals Processes

The purpose of the *Framework* is to provide guidance and advice for the establishment of appropriate divisional appeals processes in accordance with the University *Policy on Academic Appeals Within Divisions*. The guiding principles, definition and guidelines for divisional processes of appeals are specified in the *Policy*.

The *Framework* is intended to set minimum standards, provide ‘checklists’ and suggest best practices across the University so that academic appeals are operated fairly and consistently and at the same time provide the academic divisions the ability to implement procedures which are responsive to local needs. Divisional size, complexity and program needs have a bearing on divisional processes. It is therefore left to each division to determine what additional principles, structures and procedures, not inconsistent with the spirit of the *Policy*, may be appropriate.¹

Implementation

Every division of the University should establish an academic appeal process. Divisions decide how best to implement the *Policy* and what additional principles, structures and procedures, not inconsistent with the spirit of the *Policy*, may be required. Each division should review its appeal procedures having regard to the compliance with the new *Policy* and this *Framework*.²

CHECKLIST:

- The division establishes practices to promote faculty and relevant staff awareness of the appeal procedures and circumstances in which they can be used.
- The division establishes appropriate training and review so that faculty and staff responsible for administering the procedures are competent in their operation and carry out their mandate.
- The divisional process provides a mechanism for periodic internal review of the appeal processes and a reporting mechanism for an annual report to the division’s governing body. The report is presented without disclosure of the name(s) of the student(s) involved.

¹ The minimum procedural standards set out in this policy are not meant to prevent divisions from establishing procedures that permit immediate action such as the suspension of a student or the restrictions of a student’s participation in clinical or practice related activities where such action is appropriate to address health and safety issues or to fulfill professional or regulatory obligations.

² Although petitions are not academic appeals, best practice will include considering the divisional petitions process with respect to the same general principles as those set out in the *Policy*.

Communication

Every division should have a clear and comprehensive communication strategy with respect to the academic appeals process. Information about the process should be available to students on request from the appropriate divisional offices and accessible on the division's website.

CHECKLIST:

- The divisional process is broadly communicated and available to students, staff and instructors.
- The divisional process documentation is accurate, clearly presented, readily accessible and issued to students, instructors and staff.

Best practice: A division may provide each instructor with an instructor's handbook as a guide to the appeals process. Students should also have access to guides to the appeal process through the Registrar's office and on the division website.

- The divisional process documentation advises students of their rights and responsibilities with regard to the academic appeals process, and the division's concomitant rights and responsibilities in the process.

Best practice: Student responsibilities, for example, include the need to keep the division apprised of any address or name changes, observation of sessional dates, and awareness of specific University policies and procedures. Examples of divisional responsibilities include the communication of the appeals process and timely notification of divisional appeals committee meetings.

- The divisional process documentation includes a schedule of important divisional academic dates or reference to the division's important academic dates.
- The divisional appeals process is clearly communicated both within the print calendars and web sites for the division.
- For multi-departmental divisions, the divisional processes are linked within the departmental sites. Links to the *Policy* are embedded within the text. The URL for the divisional appeals process should be transmitted to the Office of the Provost for inclusion in a listing of all the divisional processes to be located on the Provost's web site.
- For divisions that have graduate programs, the divisional documentation includes references and/or links to the School of Graduate Studies academic appeals procedures.
- The divisional process documentation explicitly defines an academic appeal and provides examples of what constitutes grounds for appeal.

Best practice: The process for both appeals and petitions may be outlined in the same document.

- Pertinent sources of help, advice, guidance and support available to students in the appeal and post-appeal stages are included in the documentation.
- University policies relevant to the appeals process are included within the documentation. These policies include, but are not limited to, the following:

- *The University Grading Practices Policy.*
- *Policy on Access to Student Academic Records and Policy on Access to Information and Protection of Privacy*
- *Statement of Institutional Purpose*
- *Statement on Human Rights*

- *Policy on Scheduling of Classes and Examinations and Other Accommodations for Religious Observances*

Best practice: Include a reference or link to all the University policies online:
<http://www.utoronto.ca/govcncl/pap/alphapol.htm>

- The documentation clearly provides, in print and on-line, the name and contact information of the appeals office and/or designated divisional officer(s) responsible for the division's academic appeals process.
- The divisional process documentation communicates the fact that throughout the process, students have the opportunity to raise matters of proper concern to them without fear of disadvantage.

Procedures

Every division should provide that both formal and information resolutions for academic appeals. Students should be encouraged to resort to these alternatives before launching formal appeals.

CHECKLIST:

- Both formal and informal resolutions for academic appeals are available to the student and communicated in the divisional process documentation. Opportunities for early resolutions of a matter are also outlined and available
- Counseling should be available in appropriate cases to assist informal resolution, early disclosure and mediation where appropriate.

Best practice: Students are encouraged to discuss any issues regarding the academic aspects of a course with the instructor first. It is recommended that, if appropriate, an issue should be documented in writing.

Timelines

The Divisional process documentation should set out reasonable timelines for initiating an appeal, and for student and administrative action and response required during the process. However, since individual cases vary in complexity and circumstances, the divisional process should also include sufficient flexibility and discretion to accommodate the particular circumstances of the appeal and to avoid inappropriate prejudice to the student or to the University.

CHECKLIST:

The Divisional process documentation:

- Establishes a suitable time limit for the launching of appeals.
- Sets timelines for the appeals process taking into account the volume and complexity of appeals. The timelines should have sufficient flexibility to accommodate unusual or unexpected circumstances.

Best practice: Dates are coordinated with the established schedule for essays, tests, examinations and other work required for credit and the grading scheme. This time limit can be extended in appropriate circumstances where the delay is sufficiently explained.

Best practice: The *Policy on Scheduling of Classes and Examinations and Other Accommodations*

for *Religious Observances* (<http://www.utoronto.ca/govcncl/pap/policies/religious.html>) articulates the University's commitment and expectations with respect to reasonable accommodation of the needs of students who observe religious holy days other than those already accommodated by ordinary scheduling and statutory holidays.

- Specifies the timeframe within which steps in the process should occur and provides for notice to the student when timeline cannot be met by the division. Students should seek extensions of timelines prior to their expiry and provide the reasons for such requests. The process should identify the officer who has the discretion to waive timelines in appropriate circumstances.

Initiation of an appeal

Students are encouraged to meet with a designated divisional officer knowledgeable in the division's academic appeals process to discuss the appeal preparation. The successive procedures to file an appeal should be clearly outlined by this individual, along with the timelines and requirements of documentation to be provided.

CHECKLIST:

The Divisional process documentation:

- Encourages a student's confidential disclosure of appropriate information at the earliest possible stage and throughout the process, particularly with respect to diversity, accommodation and other personal issues that may be relevant to the disposition of the appeal.
- States all student records are confidential, including the appeal and its documentation.

Best practice: The University has a strict policy on this included in the *Policy on Access to Student Academic Records* (<http://www.utoronto.ca/govcncl/pap/policies/sturec.html>). To quote from the Policy, only those staff members who need to may "have access to relevant portions of an official student academic record for purposes related to the performance of their duties."

- States the deadline by which academic appeals must be filed.
- Stipulates that a formal appeal is commenced by the appellant sending notice i) in writing, ii) stating the nature and grounds for the appeal, and iii) is accompanied by any documents that will be used in support of the appeal.
- Specifies the requirement for proper documentation for the appeal. The most common documentation may be a medical certificate, but other documentation can be relevant and examples should be provided.

Best practice: Medical documentation: The University of Toronto Student Medical Certificate should be submitted if illness is the reason for the appeal. The certificate is available online at <http://www.utoronto.ca/health/forms/forms.htm> and, should also be available from the specified divisional office(s). Note that the physician's report must establish that the patient was examined and diagnosed at the time of illness, not after the fact. The Division should be clear that a statement that merely confirms a report of illness made by the student for documentation by the physician may not be sufficient. An appropriate Medical certificate would normally show:

- That the student was examined at the time of illness
- The degree of disability involved
- The duration of the disability

- The practitioner's professional opinion as to whether the student should receive special consideration on medical grounds.

Best practice: Statements from social workers, lawyers, clergy and other professionals may also be relevant and should:

- State the nature and extent of the problem
- Give her/his professional opinion as to whether the student should receive special consideration on the grounds documented in the student's appeal

Receipt of the appeal

The designated divisional officer writes to the student to acknowledge receipt of the appeal within a time set out in the policy. The letter should include the following information.

CHECKLIST:

- An acknowledgement of receipt of the appeal;
- A statement advising the student of any apparent deficiencies in the notice of appeal and that any documents must be provided by a certain date if not included.
- An outline of the division's process for appeals.
- A statement informing the appellant that mediation can be considered with the possibility of settlement and how to access mediation.
- As soon as practicable, an indication of the date, time and place of the hearing of the appeal.
- A statement informing the appellant that he/she may appear in person with or without counsel, and a brief description of the process followed at the appeal; the notice should ask that if an appellant is appearing with counsel, this intention is communicated in writing prior to the date of the appeal.
- A general description of how the Division's Appeals Committee conducts the appeal;
- A reminder that if appellant should decide not to attend the hearing on that date and at that time and place, the committee may proceed in her/his absence;
- A description of the decisions that the committee may make; (For example, for an appeal to be successful it must receive at least a majority of the votes of the voting committee members; for example, that panel members deliberate in private).
- A statement as to how the decision of the committee will be communicated to the student;

Divisional Appeals Committee

A division delegates the authority to determine divisional appeals to a standing appeals committee of reasonable size.

CHECKLIST:

- The divisional process documentation outlines the function and responsibilities of the appeals committee.
- The divisional process provides that the committee reports to the Division's governing body for information on an annual basis.
- The divisional process provides that the committee includes members of the teaching staff and student body. The selection process for student members should be done with a view toward diversity and transparency.

Best practice: A Committee is optimally composed of a number of rotating members, in order to have consistency when considering issues as a panel.

- The divisional process provides for the fact that the student has the right to a hearing before the divisional appeals committee in person, with or without counsel or other advisor, and to call evidence and present argument in person or by counsel. The student should be present throughout the hearing but the Committee will deliberate and decide the appeal in private. The deliberations of the Committee are confidential. The record of the appeal is the notice of appeal, the documents filed and the formal reasons delivered by the Committee.
- The divisional process stipulates that divisional academic appeals committees do not discuss the matter beforehand, and treat each case on a confidential basis.
- The divisional process stipulates that the divisional appeals committee gives appellants a written statement of reasons for the decision within a set timeline.

Best practice: The reasons of the Committee should provide sufficient detail to understand the evidence accepted at the hearing and the basis for the decision. Reasons should be given in writing within a set time from the hearing.

Denial of an Appeal

If the appeal is denied at the Divisional level, information about further recourse to appeal and about pertinent sources of help, advice, guidance and support available to students is included in the written statement. Appealing from a Divisional Committee does not relieve the student from the impact of the Divisional decision pending the appeal. In some cases the student may seek interim relief, for example permission to continue attending classes while waiting for the outcome of the appeal. Such requests may be considered by the division having regard to the circumstances of the individual case.

CHECKLIST:

- The Divisional process documentation informs appellants about the right to appeal to the Academic Appeals Committee of Governing Council, including information about commencing this appeal, timelines, forms, and the availability of legal assistance from Downtown Legal Services.

Best practice: Information regarding the Academic Appeals Committee's Terms of Reference, Membership and Appeal Forms are available online at <http://www.utoronto.ca/govcncl/bac/details/aadetail.htm>.