

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 303 OF THE ACADEMIC APPEALS COMMITTEE

October 3, 2005

To the Academic Board,
University of Toronto.

Your Committee reports that it held a policy meeting on Thursday, September 29, 2005, at which the following members were present:

Professor Emeritus R. Scane (Chair)
Mr. H. Aboghodieh
Professor C. Beghtol
Professor P. Catton
Ms C. D'Souza
Dr. A. Dong
Ms B. Goldberg
Dr. G. Halbert
Ms K. Hilton
Professor Y. Johnson
Professor I. McDonald
Professor Mayo Moran
Ms M. Somerville
Ms B. E. Vosburgh

Ms N. Gillespie, Legal Counsel, Office of the Vice-President and Provost
Ms H. Lashiotakis, Director, Policy and Planning, Office of the Vice-President and Provost
Dr. A. Gray, Judicial Affairs Officer

1. Motion to change the Terms of Reference of the Academic Appeals Committee to increase the number of Chairs

The Senior Chair brought forward the following recommendation of the Striking Committee of the Academic Board:

THAT the Terms of Reference of the Academic Appeals Committee be changed to increase the number of Chairs.

Noting that the Striking Committee did not specify the number of chairs the Terms of Reference should require, the Chair proposed to the Committee that section 1.1 of the Terms of Reference of the Academic Appeals Committee be changed to require "at least 5" appointed Chairs as follows:

Report Number 303 of the Academic Appeals Committee

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)
- at least 5 appointed Chairs, all of whom shall be legally qualified, and one of whom shall be designated Senior Chair

There was no other discussion of the matter. Accordingly, on motion duly moved and seconded,

It was RESOLVED

THAT the Terms of Reference of the Academic Appeals Committee, a copy of which is attached hereto as Appendix A, be changed to increase the number of Chairs to at least 5.

2. Sub-Committee to Review the Guidelines for Academic Appeals Within Divisions

The Senior Chair introduced the work of the Subcommittee to Review the Guidelines for Academic Appeals Within Divisions, recalling the Provost's support of the review and the Sub-Committee's mandate. He then introduced Ms Bonnie Goldberg, a Chair of the Academic Appeals Committee and the Chair of the Subcommittee, and delegated the Chair's authority to her.

Ms Goldberg introduced the Subcommittee and provided a brief overview of the Draft Report of the Subcommittee to Review the Guidelines for Academic Appeals Within Divisions. In the course of the overview, Ms Goldberg highlighted several key points:

- The Report includes a proposed new *Policy on Academic Appeals Within Divisions* to revise the guiding principles of academic appeals within Divisions first articulated in the 1970s. Most of the key points of the 1977 Policy have been maintained, but expanded and modernized.
- The Provost's office has prepared a *Framework for the Divisional Appeals Processes* to provide guidance and advice to divisions on the establishment of appropriate processes in accordance with the Policy. The Framework is intended to set minimum standards, provide checklists and suggest best practices across the University. Discussions at the policy meeting will inform the Framework as well as the Report.
- In addition to the Report's conclusions from which the proposed new *Policy* was created, the Report also identifies several issues for consideration which were not specifically within its mandate but arose from input received during the consultation process.

The Committee proceeded to discuss the Report and proposed *Policy*. Members raised questions or made observations about areas such as the difference between petitions and appeals; the definition of an academic appeal; the meaning of "informal resolution" in the academic appeal process; and the need for greater communication to students of divisional appeals processes, available avenues for assistance, and applicable timelines. A discussion ensued about the types of remedies available in the academic appeals process and the question of whether interim relief is available pending an appeal. This feedback proved very instructive and the Chair of the Subcommittee undertook to offer further clarification or elaboration where applicable in the Report and the proposed *Policy*.

* Pursuant to By-law Number 2 of the Governing Council, the Chairman and Vice-chairman 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.

Report Number 303 of the Academic Appeals Committee

The Chair of the Academic Appeals Committee also commented on the importance of having well prepared and well reasoned cases in matters that come to a hearing of the Academic Appeals Committee. The recommendations and proposals in the draft Report recognize this and recommend measures to assist students in the appeals process. However, such measures will require resources, and the Committee Chair noted the University's compelling interest in finding and providing those resources.

On motion duly moved and seconded,

It was RESOLVED

THAT the proposed Policy on Academic Appeals within Divisions, dated October 15, 2005, a copy of which is attached hereto as Appendix B, be approved effective September, 2006.

Documentation supporting the Policy is attached to this Report for information: the Subcommittee report and current policy are attached as Appendix C, and the Provostial "Framework for the Divisional Appeals Process" is attached as Appendix D.

3. Other Business

There was no other business.

Anthony Gray
Secretary

Ralph Scane, Q.C.
Senior Chair

34945v3



University of Toronto

OFFICE OF THE GOVERNING COUNCIL

ACADEMIC APPEALS COMMITTEE

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)
- at least 4-5 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-chairman 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.
- 3.1.3 Decisions with respect to the final disposition of an appeal will be carried by a simple majority of the panel hearing the appeal. The Chair 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.
- 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.

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 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:
- (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.
- 3.2.3** The quorum for policy meetings is 6, excluding the Chairs, at least 3 of whom must be teaching staff members and at least 1 of whom must be a student. Motions in such meetings will be carried by a simple majority. The Chairs each have a vote in such meetings.
- 3.2.4** At the conclusion of a policy meeting, the Committee shall report its 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 the Committee on 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

20571