



OFFICE OF THE GOVERNING COUNCIL

RULES OF PRACTICE AND PROCEDURE OF THE ACADEMIC APPEALS COMMITTEE OF THE GOVERNING COUNCIL

Effective: July 1, 2025

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Academic Appeals Committee

Rules of Practice and Procedure

Part 1. Purpose, interpretation and application

1. These *Rules of Practice and Procedure* (“Rules”) apply to any [new appeals filed on or after July 1, 2025](#).
2. These Rules are enacted in accordance with the [Terms of Reference](#) (“TofR”) of the Academic Appeals Committee (“AAC”) and pursuant to section 25.1 of the *Statutory Powers Procedure Act* (“SPPA”), which applies to the AAC.
3. These Rules will be liberally interpreted to secure the just, most expeditious and cost-effective determination of every proceeding on its merits. References in these Rules to a “proceeding” include any step in the hearing process, including steps like [motions](#) and [pre-hearing conferences](#).
4. The AAC is an [appeal body](#). Therefore, not all sections of the SPPA are mandatory. If a rule does not address a section of the SPPA, the AAC has declined to apply that part of the SPPA to this process and these Rules.
5. These Rules apply solely to the process of an academic appeal before the AAC. They supplement but do not alter or replace any part of the TofR or the [Policy on Academic Appeals Within Divisions](#) (“Policy”). If there is any conflict between these Rules and the TofR or the Policy, the TofR or Policy prevails.
6. By outlining existing practices and procedures, these Rules provide clarification, flexibility, efficiency and transparency for the chairs and panel members hearing cases, as well as for students and divisions who appear before the AAC.
7. In these Rules, references to the term “student” mean the person or their representative who filed an appeal before the AAC in accordance with the

Policy, and references to the term “division” mean the division, including a faculty, or its representative, that is responding to the student’s appeal.

Part 2. Type and form of hearing

8. The AAC is a [reviewing body](#) and [decides whether the division’s decision was reasonable](#). It is not a forum to rehear the case from the beginning, except where there is an allegation of procedural unfairness in the division’s proceedings.
9. There are 2 components to the AAC’s [reasonableness review](#):
 - (a) fairness of the divisional process; and
 - (b) reasonableness of the divisional outcome.
10. The default method of a proceeding shall be virtual.

Part 3. Roles and responsibilities

11. Normally, appeals are decided by a three-person panel, including a legally qualified chair. Some issues, such as jurisdictional or procedural issues, may be determined by a chair alone.
12. [The Senior Chair has the same duties and responsibilities of a chair. Additional responsibilities of the Senior Chair include:](#)
 - (a) addressing issues related to appeals that have not yet been assigned to another chair, including:
 - (i) deciding a student’s request to expedite their appeal;
 - (ii) determining whether an appeal is outside the [jurisdiction](#) of the AAC;
 - (iii) deciding a request for an extension of time to file an appeal, a [response](#), or a [reply](#);
 - (iv) presiding over a pre-hearing conference to address preliminary issues; and
 - (v) deciding whether an appeal should be accepted despite a student’s failure to comply with filing requirements; and,
 - (b) delegating responsibilities to other chairs and the [Secretary](#).

13. The [Secretary](#) of the AAC supports the administration of the academic appeal process. Any duties of the Secretary can be performed by their assistants as delegated by the Secretary.

Part 4. Calculating time

14. In calculating time under these Rules, if a deadline falls on a statutory holiday or a day when the University is closed, the deadline moves to the next day that is not a holiday or a [day of closure](#).
15. If a document is sent or received on a statutory holiday or a day the University is closed, the document will be considered to have been sent or received on the next day that is not a holiday or a [day of closure](#). For deadlines that fall during the December university closure, the deadline shall be extended by the same number of days of closure that remain after the original deadline.
16. A [timeline or deadline](#) may be shortened or extended with the permission of the Senior Chair or delegate, either on their own initiative, or when a reasonable request is received from a student or division.
17. A [request for a variation in the usual timeline or deadline established by these Rules](#) shall be made via email to the [Secretary](#), with an explanation for the request.
18. If the student or division does not comply with a timeline or deadline under these Rules, the proceeding may not be processed, and depending on the type of proceeding, and whether the student or division did not comply, [it may result in the appeal or proceeding being closed](#).

Part 5. Filing of documents

19. Students and divisions shall send all correspondence or documents related to their appeals to the [Secretary](#) of the AAC by email.

Part 6. Initiating and responding to an appeal

20. The student and the division should not be arguing their case anew, but rather they should argue whether the final divisional appeal decision was reasonable, based on the evidence that was before it, when that appeal body made its decision.
21. To file an appeal in accordance with the ToFR, a student shall:
 - (a) complete the [Notice of Appeal Form](#);
 - (b) include all required information and documents as outlined in the Notice of Appeal Form;
 - (c) file the completed Notice of Appeal Form and required documents by emailing them to the Secretary or their assistants within the 90-day deadline specified in the ToFR.
22. Once the appeal is forwarded to the division by the [Secretary](#), the division shall file its [response](#) with the required documents by emailing them to the Secretary within 60 days, with a copy to the student.
23. If the student chooses to file a [reply](#), they will have 14 days from the day they receive the division's response to file it with the Secretary by email, with a copy to the division.
24. [Submissions](#) (i.e., the arguments, not evidence) by the student or the division shall not exceed 40 pages, double-spaced, unless the Senior Chair or a chair assigned to the appeal permits otherwise.
25. In exceptional circumstances, a chair may accept an appeal from a student for hearing on an expedited basis. The student shall make the request to expedite by sending an email to the Secretary, and completing the expedited section on the Notice of Academic Appeal Form.
26. A chair may seek the position of the division when in receipt of a [request for an expedited hearing](#).
27. A chair will consider the following in determining whether to accept the appeal on an expedited basis:
 - (a) whether the student has been responsible for any delay;
 - (b) whether the division has been responsible for any delay;

- (c) the impact on the student's academic status by not accepting the appeal on an expedited basis;
 - (d) the impact on other current students who are waiting to have their appeal heard;
 - (e) operational considerations related to composing a panel;
 - (f) the impact on the remedies requested; or
 - (g) any other factors that a chair may deem relevant.
- 28.** If an appeal has been accepted on an expedited basis, the response time for the division and reply time for the student will be determined by the chair accepting the expedited appeal and may be shorter than 60 days or 14 days respectively.
- 29.** The chair shall decide the request for an expedited hearing as soon as possible, but no later than 5 working days after a chair has received all of the requested information.

Part 7. Refusal to process commencement of a proceeding

- 30.** If a student or division does not meet requirements related to the commencement of a proceeding (e.g., an appeal filed by the student or a motion filed by the student or division), the chair or Secretary, as the case may be, may decline to process that proceeding.
- 31.** Before declining to process the proceeding, the chair or Secretary shall:
- (a) notify the student or division that the requirements are not met; and
 - (b) give the student or division such time as the chair or Secretary determines is appropriate in the circumstances to comply with the requirements.

Part 8. Dismissal of appeals outside the jurisdiction of the AAC

- 32.** In accordance with the ToFR, a chair may dismiss an appeal if they determine that an appeal is not within the AAC's [jurisdiction](#).
- 33.** Before dismissing an appeal under this part, the chair shall:
- (a) give the student and the division notice of their intention to dismiss the appeal without a hearing;

- (b) provide the reasons for their intention to dismiss the appeal without a hearing (i.e., that the appeal is outside of the AAC's jurisdiction);
- (c) inform the parties of their right to make written submissions within the time limits set out in the notice; and
- (d) consider any submissions received by the specified time.

34. The chair may give the student an opportunity to amend their appeal.

Part 9. Dismissal of an appeal that is frivolous or vexatious

- 35.** A panel of the AAC may dismiss an appeal as [frivolous or vexatious](#). Such a [motion](#) may be brought by the division in accordance with Part 11 below, and shall be included in the response to the appeal. A motion may also be brought by a chair, and in such cases shall comply with parts (a) through (d):
- (a) give the student and division notice of its intention to dismiss the appeal;
 - (b) provide the reasons for its intention to dismiss the appeal (i.e., the appeal is frivolous or vexatious);
 - (c) inform the parties of their right to make written submissions to the AAC within the deadlines set out in the notice; and
 - (d) consider any written submissions received by the specified time.
- 36.** The panel shall consider the student's and the division's submissions in determining whether to dismiss the appeal.

Part 10. Pre-hearing conference

- 37.** A chair may, at the request of a student or division or on their own initiative, direct the student and division to attend a [pre-hearing conference](#) (i.e., a meeting led by a chair) to address preliminary or procedural issues to assist with managing the appeal. For greater clarity, the substantive merits of an appeal will not be decided at a pre-hearing conference.
- 38.** A request for a pre-hearing conference shall be filed with the [Secretary](#), with a copy to the other side (i.e., the student or division), setting out the request and the reason for the request.

39. The Secretary shall forward the request to the chair. The chair shall decide whether to convene a pre-hearing conference. The chair may seek the position of the other side, or direct the student and the division to file submissions in advance of the pre-hearing conference, based on a timeline to be determined by the chair.
40. Pre-hearing conferences will normally be held virtually but may also proceed in written format as determined by the chair. If a pre-hearing conference is held virtually, the Secretary shall issue a notice of pre-hearing conference to the student and the division that sets out the date, time and procedural issues to be determined.
41. Unless otherwise directed by the chair conducting the pre-hearing conference, or the student and division consent, attendance of the student and division is required. For clarity, even if the student and division consent, the final decision rests with the chair.
42. Where a student or division who is required to attend at or participate in a pre-hearing conference does not attend at or participate in the conference, the chair may proceed in the absence of that person.
43. At a pre-hearing conference, a chair may:
 - (a) schedule a further pre-hearing conference; and/or
 - (b) schedule or adjourn a hearing; and/or
 - (c) issue a direction or an order concerning the conduct of the appeal.
44. A pre-hearing conference shall be held in the absence of the public.

Part 11. Motions

45. A [motion](#) is a request by a student or division for the AAC to rule or decide on a particular issue within an appeal.
46. A motion may be brought by a student or division in accordance with this Part, other than motions brought by a division seeking to dismiss an appeal under Part 9.
47. Motions are normally heard by a chair alone, but a chair may determine that a motion is more properly heard by a panel of the AAC.

- 48.** If the chair determines a hearing is required, the Secretary shall issue a notice of virtual hearing as set out in Part 12.
- 49.** A motion shall be made by [notice of motion](#). The notice of motion shall be provided to the other side (i.e., student or division) and a copy shall be filed with the Secretary.
- 50.** A notice of a motion does not need to be in any particular form, but it shall set out the grounds (i.e., reasons or basis) for the motion and the relief (i.e., outcome) requested. The student or division shall email a copy of the notice of motion to the other side (i.e., student or division) and to the Secretary.
- 51.** After receiving a notice of motion, the chair shall direct the student and division about what additional submissions or supporting documents are permitted or required in the motion materials (e.g., affidavit evidence, factum – which is a written statement of the facts and law to be relied upon and the argument of the student or division).
- 52.** The person filing the notice of motion shall provide the motion materials as directed by the chair, to the other side at least 10 days before the hearing of the motion, and with the Secretary at least 7 days before the hearing of the motion. The documents required in the motion materials (i.e., those in addition to the notice of motion) will be outlined by the chair.
- 53.** The person [responding to the motion](#) (i.e., the student or division) shall provide their motion materials as directed by the chair, to the person filing the motion, at least 3 days before the hearing of the motion. A copy of the responding materials shall be filed with the Secretary at least 3 days before the hearing of the motion. The documents required in the response materials will also be outlined by the chair.
- 54.** A motion shall be heard virtually or in writing, as determined by the chair, after obtaining the position of the student and the division.
- 55.** A chair or panel may make such order as they consider appropriate, including:

 - (a) granting the motion, in whole or in part;
 - (b) dismissing the motion, in whole or in part;
 - (c) adjourning the hearing of the motion, in whole or in part; or

- (d) reassigning the motion to the panel presiding at the hearing on the merits, directing that the motion be heard as part of the hearing of the rest of the appeal.

- 56.** The length of the motion submissions shall be in accordance with rule 24.

Part 12. Hearings

- 57.** Although the default method of a hearing is virtual, the AAC (chair or panel as determined by the chair) may also hold a hearing in writing (i.e., based on written submissions only), or hold a hybrid hearing, or in exceptional circumstances, in-person.
- 58.** Hearings relating to the merits of an appeal are normally scheduled for one three-hour block of time. If a student or division wishes to ask for more time than this prior to the hearing date, they need to make a request in writing sent to the Secretary for a decision by the chair. The chair may seek the position of the other side. The length of a hearing is at the sole discretion of a chair and/or panel.
- 59.** A notice of virtual hearing shall include:
- (a) the date, time, medium, and purpose of the hearing;
 - (b) a reference to the statutory authority under which the hearing will be held;
 - (c) information about how the hearing will be held including information about how to access and attend the virtual hearing;
 - (d) a statement that the only purpose of the hearing is to deal with procedural matters, if that is the case;
 - (e) a statement that the hearing will be held virtually unless the student or division satisfies the AAC that the virtual hearing is likely to cause significant prejudice (in which case the AAC shall hold an in-person hearing and provide directions for that purpose); and
 - (f) a statement that if a student or division with reasonable notice neither acts under clause (e), if applicable, nor participates in the hearing in accordance with the notice, the AAC may proceed without the party's participation and the party will not be entitled to any further notice in the proceeding.
- 60.** A notice of written hearing shall include:

- (a) the date and purpose of the hearing, and details about the manner in which the hearing will be held;
- (b) a reference to the statutory authority under which the hearing will be held;
- (c) a statement that the hearing will be held in writing unless the student or the division satisfies the AAC that there is good reason for not holding a written hearing (in which case the AAC will determine whether to hold it as a virtual or in-person hearing and if so, to provide directions for that purpose); and
- (d) a statement that if the student or the division with reasonable notice neither acts under clause (c) nor participates in the hearing in accordance with the notice, the AAC may proceed without the party's participation and the party will not be entitled to any further notice in the proceeding.

- 61.** A notice of an in-person hearing shall include:
- (a) the date, time, place and purpose of the hearing;
 - (b) a reference to the statutory authority under which the hearing will be held; and
 - (c) a statement that if a party with reasonable notice does not attend at the hearing, the panel may proceed in the party's absence and the party will not be entitled to any further notice in the proceeding.
- 62.** Once a hearing is scheduled, the [Secretary](#) will make all the necessary arrangements for the hearing and give notice of those arrangements to the parties.
- 63.** If the student or division does not make themselves reasonably available for a hearing date, a date will be selected, and the student and division will be provided with reasonable notice.
- 64.** Where reasonable notice of a hearing has been given to a student or division in accordance with this part, and the student or division does not attend at or does not participate in the hearing, the panel may proceed in the absence of the student or division and the student or division is not entitled to any further notice in the proceeding.
- 65.** Subject to rule 66, every hearing, or portion of a hearing, that is held virtually is open to the public.

- 66.** A student or a division may bring a motion to request that a hearing or a part of a hearing will be held in the absence of the public where:
- (a) private financial or personal matters or other matters may be disclosed of such a nature, that having regard to the circumstances, the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public;
 - (b) in the case of a hearing, or a portion of a hearing, it is not practical to hold the hearing or the part of the hearing in a manner that is open to the public.
- 67.** Motions under this part shall be brought in accordance with Part 11 above.
- 68.** The chair may order that a motion brought under rule 66 be held in the absence of the public.
- 69.** Where the chair has made such an order:
- (a) individuals who attend the hearing shall not share information that they hear or learn at the hearing, except to another person who attended the hearing or to their legal representative; and
 - (b) the chair may also order that the reasons for decision from the hearing be redacted or not be made publicly available.
- 70.** The panel conducting the hearing may, at any time, review any order it made under this part. The panel may confirm, vary, suspend or cancel the order, unless it was an order made by a chair alone.

Part 13. Evidence

Part 13.1. Allowing new written evidence

- 71.** Although the appeal before the AAC is not a trial, but is a review based on the reasonableness of the division's decision, the AAC has broad jurisdiction, including in relation to admitting new evidence that was not submitted or considered at the previous level of appeal. In exceptional circumstances, and in such a manner and upon such terms as the chair hearing the appeal may direct, the AAC may receive new evidence.
- 72.** If a student or division includes new evidence in their respective appeal materials, they shall identify this evidence and seek leave of the chair to

submit the evidence. New evidence will normally not be allowed to be submitted at the hearing if it has not been included in the appeal hearing materials.

73. The student or division, as the case may be, that did not submit the new evidence will be provided an opportunity to provide their position regarding allowing the new evidence.
74. The chair retains full discretion to determine whether evidence that was not included in the written materials but was submitted at the hearing, will be admitted. Before making this determination, the chair will seek the position of the student and/or the division.
75. Chairs may consider some or all of the following factors when determining whether to admit the new evidence:
 - (a) whether the evidence could have been submitted at the previous level of appeal, and whether there is a reasonable explanation for the failure to submit it;
 - (b) whether admitting the evidence would address an allegation of procedural unfairness that occurred at the previous level of appeal;
 - (c) whether the evidence is relevant;
 - (d) whether the evidence is reliable; and
 - (e) whether, if admitted, the evidence would reasonably be expected to have changed the lower decision that is being reviewed.
76. If new evidence is admitted, the panel will determine the weight (i.e., influence and value) that will be accorded to it. Weight can depend on several factors, including whether the other side has had an opportunity to assess and test the evidence, as well as its reliability and persuasiveness.

Part 13.2. Oral evidence through witnesses

77. Given that the AAC is a [reviewing body](#), oral testimony is normally not permitted. Only in exceptional circumstances will a chair consider allowing oral testimony. In making this determination, the chair shall also consider:
 - (a) whether hearing oral testimony will address any alleged procedural unfairness that may have occurred at the lower level;
 - (b) whether other attendees at the hearing can provide similar information but not in the form of oral testimony; and

- (c) whether hearing oral testimony would have altered the outcome at the lower level.

Part 14. Communication with a chair or other panel members

- 78. Only the Secretary is permitted to communicate with the chair or the panel. Students, divisions and others shall send correspondence to the chair via email through the Secretary. They shall copy the other side involved in the appeal on that correspondence.

Part 15. Decisions

- 79. Written reasons, including for motions, are normally issued within 6 weeks after the last day of the hearing on the motion or merits.
- 80. The chair of the panel may at any time, and without prior notice to the student or division, correct typographical errors, errors of calculation or similar minor errors that do not materially affect the reasons or result, and the corrected version will be provided to the student and division by the Secretary. A chair who determined an issue without a panel may also make such corrections.
- 81. A student or division may submit a request in writing, with notice to all the parties, that the chair correct such typographical errors, errors of calculation, or similar minor errors made in the reasons or order. Whether to accept this request is at the sole discretion of the chair.
- 82. The [AAC does not accept requests for reconsideration of its decisions](#), including procedural decisions, motion decisions, and those made in pre-hearing conferences.

Part 16. Record of proceeding

- 83. The Secretary shall compile a record of every proceeding, which shall contain:
 - (a) every document filed with the Secretary under these Rules in respect of the proceeding or a step in the proceeding;

- (b) every document received by a panel or chair under these Rules in respect of the proceeding or a step in the proceeding;
- (c) the notice of hearing of a proceeding;
- (d) every direction issued by a chair in respect of the proceeding or a step in the proceeding;
- (e) the order and/or the reasons in a motion in the proceeding;
- (f) the written reasons (i.e., the AAC's report); and
- (g) the recording of the hearing or motion as well as the transcript of the hearing or motion, if one is prepared.

Part 17. Non-compliance with the Rules

- 84.** Where it is necessary in the interests of justice, an order dispensing with compliance with any procedural requirement in these Rules may be made by a chair or a panel on their own initiative.
- 85.** In addition, a student or division may be permitted to depart from a procedural requirement in these Rules with the consent of the other side (e.g., student or division) and approval of the chair or panel.