

Procedure for Senate Review Board Academic Appeals

Governing Policy:	Senate Review Board Academic Appeals
Subsections:	Introduction ; Application for Appeal ; Reconsideration by the Dean ; Specific Application Requests ; Jurisdiction ; Initial SRBA Panel Review Process ; Evidence ; Scheduling an Oral Hearing ; Procedure at Hearings ; Further Appeal
Officer(s) Responsible for Procedures:	Provost & Vice-President (Academic)
Effective Date:	September 1, 2025
Supersedes:	(NEW)

1.00 **INTRODUCTION**

Students may appeal some academic decisions or rulings issued by a Dean to the Senate Review Board Academic (SRBA) in accordance with the appeal procedures set out below. Previously decided rulings by Deans or the Vice-Provost (Graduate and Postdoctoral Studies) in academic and scholastic disciplinary matters are final unless overturned or modified on appeal to SRBA.

These procedures are to be read in conjunction with the *Senate Review Board Academic Appeals* policy.

References to the Dean in this procedure and related policy are to be interpreted as “Dean or their designate or equivalent”. In the case of graduate students, Dean is to be interpreted as “Vice-Provost (Graduate and Postdoctoral Studies) or their designate”. For an appeal based on a request for relief related to Western Continuing Studies course, “Dean” shall be interpreted as “Dean of the partnering Faculty”.

This process applies to appeals of Graduate and Undergraduate Academic matters and Scholastic Offence decisions.

To learn more about the request for relief and appeals process, you may contact the Office of the Ombudsperson.

2.00 APPLICATION FOR APPEAL

2.1 The Application

Appeals to SRBA must be made on an Application for Appeal (Application) and must be filed with the University Secretariat ***within six (6) weeks of the date of the Dean's decision.***

An application will not be accepted by the University Secretariat unless the application is complete. A complete application will include the following:

- 1) details of the appeal, including a description of the matter under appeal and the reasons for challenging the Dean's decision;
- 2) the requested relief;
- 3) a copy of the Dean's decision;
- 4) a copy of the student's letter to the Dean requesting relief, if applicable; and
- 5) all relevant supporting documentation.

The Secretariat strongly encourages all parties to electronically file their submissions.

2.2 Details of the Appeal

The Details of the Appeal shall be concise and comply with the following requirements:

- 1) the length shall be no more than ten pages (letter size);
- 2) the spacing shall be at least one and one-half lines apart;
- 3) the font shall be 12-point size; and
- 4) the margins shall not be less than 2.5 cm/1 inch.

The Details of the Appeal shall be organized as follows for each ground for appeal:

- 1) identify the ground for appeal;
- 2) state the argument(s) for each ground;

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- 3) describe the relevant evidence to support each argument, including references to consecutively numbered exhibits, if any, that are attached to the Details of the Appeal (e.g., Exhibits 1-5).

An Application shall not include any duplicative materials. The Secretariat shall inform a student if their Application does not conform with these requirements and will provide an opportunity for a student to amend their submissions (e.g., remove duplicate materials, reorganize materials).

All allegations must be supported by evidence in the initial Application. A detailed description of the evidence supporting the allegation (including any supporting documentation) must be presented, in writing, as part of the Application.

SRBA appeal applications are available on the University Secretariat website.

3.0 RECONSIDERATION BY THE DEAN

After a student has submitted a complete Application, including all supporting documentation, the Secretariat shall notify the Dean of the appeal. The Dean shall be provided an opportunity to reconsider their decision, typically within seven (7) business days of the notification.

4.0 SPECIFIC APPLICATION REQUESTS

4.1 Request to Exceed Page Limit for the Details of Appeal

A student may submit a written request to extend the ten-page limit for the Details of the Appeal to a maximum of 15 pages prior to the expiration of the six-week timeline to file a complete Application. The request must be submitted to the Secretariat in the form of a letter addressed to the Chair of SRBA (the "Chair"), setting out the reasons for the request. The request will be submitted to the Respondent for a written response.

The request and response will then be submitted to the Chair for a ruling. If the request is granted, a student may timely submit a complete Application, including no more than 15 pages for the Details of Appeal. If the request is denied, a student may timely submit a complete Application, including no more than 10 pages for the Details of Appeal.

4.2 Request for a Timeline Extension to File an Application

Before the application deadline, a student may submit a written request to extend the six-week timeline to file an Application. The request must be submitted to the Secretariat in the form of a letter addressed to the Chair, setting out the reasons for

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the request and a requested new deadline. A request submitted after the application deadline will not be considered except for medical or compassionate circumstances. The request will be submitted to the Respondent for a written response.

The Appellant's request and the Respondent's response will then be submitted to the Chair for a ruling. A request from a party to extend the application deadline will be granted or denied at the discretion of the Chair. If the request is granted, the Application will be accepted no later than a date set out by the Chair. If the request is denied, the Application will not be accepted.

5.0 JURISDICTION

5.1 Preliminary Review

For all appeals, the Chair will conduct a preliminary review of the submitted information to determine if SRBA has jurisdiction to hear the matter.

If the Chair determines SRBA does not have jurisdiction, the Secretariat will provide the student notice of the intent to dismiss for lack of jurisdiction.

If the Chair determines SRBA does have jurisdiction, the Secretariat will schedule an initial SRBA Panel Review as set out below.

5.2 Student Jurisdictional Submissions

If the student wishes to challenge a notice of intent to dismiss for lack of jurisdiction, the student may make written submissions with reasons detailing why they believe SRBA has jurisdiction within 10 days of receiving the notice of intention to dismiss.

5.3 Party Jurisdictional Challenge

If a party wishes to challenge the jurisdiction of SRBA to hear a particular matter, the party must give written notice with reasons to the Chair prior to the date of the initial panel hearing.

5.4 Chair Response

The Chair, upon receipt of a notice challenging either the determination of jurisdiction or notice of intent to dismiss, or in any other circumstances where it appears there is a question as to whether SRBA has jurisdiction to hear a matter, shall convene a panel to consider such written arguments and decide the issue of jurisdiction.

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The decision of any such panel shall be binding on any subsequent panel hearing the merits of the appeal. If submissions are not received, the Chair will issue the dismissal of the appeal.

6.0 INITIAL SRBA PANEL REVIEW PROCESS

- 1) A student has an automatic right to an oral hearing before SRBA if the appeal is against a finding that the student's conduct amounted to a "scholastic offence" and/or for relief against the penalty imposed by the Dean resulting from a "scholastic offence".
- 2) If the Chair determines SRBA has jurisdiction, a panel will convene to consider the written application and supporting documents submitted by the student and the Dean's response.
- 3) If a student alleges in the Application that there was a failure to observe a procedural requirement at the decanal level, or apprehension of bias at the decanal level, SRBA will request a written response from the Dean before making a decision. The student will be provided with a copy of the Dean's response and will be given the opportunity to reply to it in writing. The length of each of the Dean's response and the student's reply shall be no more than ten pages (letter size), spacing shall be at least one and one-half lines apart, the font shall be 12-point size, and the margins shall not be less than 2.5 cm. If SRBA is not satisfied on the basis of written documentation that there was a failure to observe a procedural requirement at the decanal level, it will deny the appeal. If SRBA is satisfied that there was a failure to observe a procedural requirement at the decanal level, it may instruct the Dean to reconsider the matter.
- 4) For all grounds of appeal, the Dean may provide and SRBA will accept a written response from the Dean before proceeding. If the Dean wishes to provide a written response, they must inform the Secretariat within a week of receiving notice of the appeal. The student will be provided with a copy of the Dean's response and will be given the opportunity to reply to it in writing. The length of each of the Dean's response and the student's reply shall be no more than ten pages (letter size), spacing shall be at least one and one-half lines apart, the font shall be 12-point size, and the margins shall not be less than 2.5 cm.
- 5) The Initial SRBA Panel, upon considering only the written application of the student and Dean's response, may in its discretion, order that an oral hearing be scheduled or deny the appeal based on the grounds and evidence provided in the Application and the Dean's response. In making its decision, SRBA will consider the grounds and evidence provided in the Application.
- 6) If the Application includes evidence that supports a ground for appeal that was not selected on the application, SRBA will consider that additional ground for

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appeal in addition to any that were selected on the application form.

- 7) The onus requirements set out in the SRBA Appeals Policy apply to both the Initial SRBA Panel and any oral hearings that follow the initial panel hearing.

7.0 **EVIDENCE**

SRBA will consider only that evidence that was before the Dean whose decision is being appealed or, in the case of an oral hearing, given as testimony during the hearing. ***Evidence that was not before the Dean or given as testimony will not be considered unless SRBA determines that it is relevant, significant, and could not have been available at an earlier stage through reasonable efforts.*** If additional documentary evidence is submitted, it must be relevant to the grounds for appeal being made and accompanied by a written explanation as to why the evidence is relevant and significant and why it was not previously available.

Similarly, in the case of a hearing, if either party intends to call a witness whose evidence was not before the Dean, the party must file with the University Secretariat, prior to the hearing, a written explanation as to why such evidence is relevant and significant and why it was not previously available.

If either party submits new evidence at any point of the process prior to a panel meeting or hearing, the Secretariat shall notify and provide the new evidence to the other party, who will have the opportunity to respond to the new evidence, typically within seven (7) business days. If the student provides new evidence, the Dean may also reconsider their decision, typically within seven (7) business days of the notification.

Copies of all documentation submitted to the Secretariat by the parties, together with a copy of the Appellant's official transcript of academic record (obtained by the University Secretariat from the Office of the Registrar), will be distributed to both parties (Appellant and Dean) and to the members of SRBA serving on the hearing panel by the University Secretariat prior to SRBA's review of the appeal.

8.0 **SCHEDULING AN ORAL HEARING**

If the appeal is regarding a scholastic offense or the SRBA panel decides to proceed with a hearing, the parties will be contacted to arrange a hearing date. If, following receipt of an application, the University Secretariat is unable to contact the Appellant within a reasonable time to schedule a hearing, the Appellant will be notified by electronic mail at the address on the Application of the deadline by which they must contact the University Secretariat (within, at most, six months from the date the Application was filed) to arrange a hearing.

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SRBA will proceed in the absence of one or more parties if it is satisfied that the parties were properly notified of the hearing date.

8.1 Request to Postpone a Scheduled Hearing or Delay the Scheduling of a Hearing

A request from a party to postpone a scheduled hearing, or to delay scheduling a hearing after an Application has been filed, will be granted only in exceptional circumstances at the discretion of the Chair. Such postponement or delay shall not exceed six months. The parties then will be contacted to arrange a hearing date. (If the Appellant cannot be contacted to arrange a hearing date, they will be notified of the hearing date by registered mail at the address set out in the Application). SRBA will proceed in the absence of one or more parties if it is satisfied that the parties were properly notified of the hearing date.

8.2 Request for Accommodations

If a student with a disability requires reasonable accommodations to participate in any aspect of the appeal procedures, the student shall timely submit written notice to the Secretariat in the form of a letter addressed to the Chair. The Secretariat shall notify Accessible Education and the student of its receipt of the request and offer to share information on hearing procedures, if needed, to assist in Accessible Education's determination of reasonable accommodations for the student. Accessible Education shall provide written notice to the Chair and the student regarding its determination. If a student disagrees with the decision of Accessible Education, they shall follow the appeal procedures set out in the *Western University Policy on Academic Accommodation for Students with Disabilities* and provide written notice to the Chair that they have initiated the appeal procedures.

9.0 PROCEDURE AT HEARINGS

9.1 Order of Proceedings

- 1) Introduction of SRBA panel members and review of documentation.
- 2) Opening Statement by Appellant (brief description of the grounds for the appeal and the relief requested).
- 3) Presentation of evidence by Appellant.
- 4) Cross-examination of the Appellant by the Respondent, followed by questions from SRBA members.

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- 5) Re-examination of the Appellant, if desired, on any new matters brought out in cross-examination. (The procedure in 3, 4 and 5 is followed for the Appellant and witnesses. The order of presentation is at the Appellant's discretion.)
- 6) Opening statement by the Respondent.
- 7) Presentation of evidence by the Respondent.
- 8) Cross-examination of the Respondent by the Appellant, followed by questions from SRBA panel members.
- 9) Re-examination of the Respondent, if desired, on any new matters brought out in cross-examination. (The procedure in 7, 8 and 9 is followed for the Respondent and witnesses. The order of presentation is at the Respondent's discretion.)
- 10) Reply evidence by the Appellant, if desired, on any new matters raised by the Respondent.
- 11) Cross-examination of reply witness, followed by questions from SRBA panel members.
- 12) Summary remarks by the Respondent.
- 13) Summary remarks by the Appellant.

9.2 Order of Proceedings – Scholastic Offence Appeals*

Where the appeal concerns allegations of a scholastic offence **that are contested** by the Appellant, the order of proceedings shall be:

- 1) Introduction of SRBA panel members and review of documentation.
- 2) Opening statement by the Respondent.
- 3) Presentation of evidence by the Respondent.
- 4) Cross-examination of the Respondent by the Appellant, followed by questions from SRBA panel members.
- 5) Re-examination of the Respondent, if desired, on any new matters brought out in cross-examination. (The procedure in 3, 4 and 5 is followed for the Respondent and witnesses. The order of presentation is at the Respondent's discretion.)

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- 6) Opening Statement by Appellant.
- 7) Presentation of evidence by Appellant.
- 8) Cross-examination of the appellant by the Respondent, followed by questions from SRBA panel members.
- 9) Re-examination of the Appellant, if desired, on any new matters brought out in cross-examination. (The procedure in 7, 8 and 9 is followed for the appellant and witnesses. The order of presentation is at the Appellant's discretion.)
- 10) Reply evidence by the Respondent, if desired, on any new matters raised by the Appellant.
- 11) Cross-examination of reply witness, followed by questions from SRBA panel members.
- 12) Summary remarks by the Appellant.
- 13) Summary remarks by the Respondent.

* Where the Appellant does not contest the allegations of a scholastic offence, but appeals against the sanction(s) imposed, the order of proceedings will be those set out in section 9.1 above.

In Scholastic Offence cases, the Respondent is required to present its case first to ensure that SRBA has a full understanding of the nature and extent of the allegations against the Appellant prior to the Appellant presenting their case.

9.3 Adjournments

An adjournment of the hearing may be ordered by the Chair when necessary. Convenience to the parties and to the panel members of SRBA will be considered by the Chair when ordering an adjournment or setting a date for resumption of the hearing but the paramount consideration will be the provision of a fair hearing. In successive sessions, the original SRBA panel members must constitute a quorum.

9.4 Expedience

An effort should be made to limit the presentation of non-contentious facts and arguments to SRBA. Time will be saved if the parties are able to agree in advance on as many as possible of the facts relevant to the case. The Appellant is encouraged to contact the Dean in this regard prior to the hearing to determine what facts can be agreed upon.

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9.5 Witnesses

The parties may call witnesses to support their case. Witnesses will be invited into the hearing room when called upon to give evidence. (See also the section on **Evidence** above).

9.6 Notice of Decision

At the conclusion of the hearing, SRBA will deliberate in closed session for the purpose of arriving at a decision. The Notice of Decision will be sent to the parties as soon as possible after a decision is made. A brief written statement of reasons will follow within a reasonable time.

10.0 FURTHER APPEAL

The Chair of Senate (i.e., the President & Vice-Chancellor) will entertain appeals against decisions of SRBA following a hearing only when a party alleges a serious procedural error by SRBA. An appeal to the Chair of Senate must be filed in writing **within two (2) weeks of the date of the Reasons for Decision of SRBA.**

After inviting written arguments from the parties, the Chair of Senate may order that the matter be re-heard by SRBA if the Chair of Senate is satisfied that, as a result of a serious procedural error by SRBA, the parties did not have an opportunity to present their case in accordance with the **Procedure at Hearings** and it could not be said that the parties had been accorded a fair hearing.

Last Reviewed:

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