



## Graduate Student Academic Appeals

<b>Policy Category:</b>	Rights and Responsibilities
<b>Subject:</b>	Graduate Student Academic Appeals
<b>Subsections:</b>	<a href="#">Graduate Student Appeals of Academic Decisions:</a> <a href="#">Subject Matter of an Appeal;</a> <a href="#">Grounds of Appeal;</a> <a href="#">Appeal Procedure;</a> <a href="#">Appeals at the Course/Program Level;</a> <a href="#">Appeals at the SGPS Level;</a> <a href="#">Appeals to SRBA:</a> <a href="#">Jurisdiction;</a> <a href="#">Onus;</a> <a href="#">Evidence;</a> <a href="#">Relief;</a> <a href="#">Application for Hearing;</a> <a href="#">Further Appeals;</a> <a href="#">Procedure at Hearings;</a> <a href="#">SRBA Jurisdiction and Procedures Under the Policy and Procedures for the Conduct of Research</a>
<b>Approving Authority:</b>	Senate
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<b>Related Procedures:</b>	*
<b>Officer(s) Responsible for Procedures:</b>	*
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### GRADUATE STUDENT APPEALS OF ACADEMIC DECISIONS

Students may appeal an academic decision or ruling in accordance with the appeal procedures set out below. Students have a right to appeal to their graduate programs and, if unsuccessful, to the Vice-Provost (Graduate and Postdoctoral Studies). Some decisions may be appealed further to the Senate Review Board Academic (SRBA). The Vice-Provost's rulings in academic matters are final unless overturned or modified on appeal to the SRBA.

A decision or ruling remains in effect unless overturned or modified by the individual or body hearing an appeal of that decision or ruling.

Throughout this document, the word "Vice-Provost" means "Vice-Provost (Graduate and Postdoctoral Studies) or designate."

Note: Appeals of Scholastic Offence decisions are not covered under this policy. For the appeal procedure for scholastic offence decisions see "Scholastic Discipline for Graduate Students".

#### Subject Matter of an Appeal

Students may appeal:

- a mark on an examination or on a particular piece of work, or final standing in a course
- a ruling of an instructor, program, or administrator in an academic matter

#### Grounds of Appeal

An appeal must be based on one or more of the following grounds:

- medical or compassionate circumstances
- extenuating circumstances beyond the student's control
- bias
- inaccuracy
- unfairness

Ignorance of Senate regulations and policies, program requirements, and policies as set out in the University's Academic Calendars does not constitute grounds for an appeal.

#### Appeal Procedure

It is incumbent on students to initiate each step at the earliest opportunity, and on the University officers concerned to act as expeditiously as possible. *Note: Legal counsel is not permitted at any stage of the appeal process prior to the level of the*

*Senate Review Board Academic.*

### **Appeals at the Course/Program Level**

1. If the appeal relates to a specific course, a student must first attempt to resolve the matter informally with the course instructor. If the instructor is not available or if the matter is not resolved to the student's satisfaction, the student has a right of appeal to the individual(s) or body designated to hear appeals at the graduate-program level. Students should contact their graduate program to obtain information on the program's appeal process. An appeal must be filed within four weeks of the issuance of the mark or ruling.
2. For all other appeals, a student must initiate the appeal with the individual(s) or body designated to hear appeals at the graduate-program level. Students should contact their graduate program to obtain information on the program's appeal process. An appeal must be filed within four weeks of the issuance of the mark or ruling.
3. In no circumstances shall the original decision maker(s) whose decision or ruling is under appeal hear an appeal of that decision or ruling at the program level.
4. Deadlines for filing appeals may be extended at the discretion of the individual or body hearing student appeals.
5. In addition to any other information required by individual graduate programs, appeals submitted by students should include the following information:
  - the matter being appealed
  - the grounds of appeal
  - a clear and detailed explanation of the facts supporting the grounds of appeal
  - all supporting documentation
  - the desired outcome or remedy
6. The designated decision maker shall issue a written decision ("program decision"), normally within 3 weeks of receipt of the appeal.

### **Appeals at the SGPS Level**

1. A student may appeal the program decision to the Vice-Provost. An appeal application together with all required documentation, including a copy of the previous decision, must be filed with the Office of the School of Graduate and Postdoctoral Studies within three weeks of the issuance of the program decision. Students should contact the Office of the School of Graduate and Postdoctoral Studies for more information. The required application form can be found online at:

[http://grad.uwo.ca/doc/academic\\_services/appeal/appeal\\_SGPS\\_form.pdf](http://grad.uwo.ca/doc/academic_services/appeal/appeal_SGPS_form.pdf)

The deadline for filing an appeal may be extended at the discretion of the Vice-Provost.

2. In considering an appeal, the Vice-Provost shall review the materials submitted by the student and the program and may obtain such further information as the Vice-Provost deems relevant to the appeal. The Vice-Provost shall give the student a reasonable opportunity to meet with her or him and may meet with such other individuals as she or he deems necessary.
3. The Vice-Provost shall issue a written decision, with reasons, normally within four weeks of receipt of the appeal.
4. A student may have a further right of appeal to the Senate Review Board Academic (SRBA) if the decision falls within the jurisdiction of SRBA. Appeals to SRBA must be made within six weeks of the date of the Vice-Provost's decision. The decision of the Vice-Provost or designate remains in full force and effect unless and until overturned or modified by SRBA.
5. SRBA appeal applications are available on the Web at:

[http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/SRBA\\_Application.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/SRBA_Application.pdf)

### **APPEALS TO SRBA**

References to the Dean, in the case of graduate students, are to be understood to refer to the Vice-Provost (Graduate and Postdoctoral Studies)

#### **Jurisdiction**

In addition to jurisdiction conferred upon SRBA by any other Senate regulation or policy, SRBA has jurisdiction to hear appeals from certain academic decisions of Deans, other than those relating to admission and advanced standing, provided that the appellant has followed the procedures set out above for requesting relief at the earlier levels, and provided that SRBA otherwise has jurisdiction to consider the appeal as set out below.

1. For scholastic offence appeals, a student has the 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 as a result of a "scholastic offence".

2. For other appeals, a student may apply for an oral hearing before SRBA in the following circumstances:

- a) the student alleges that there has been a failure to follow, or to properly apply, a Senate regulation; or
- b) the Dean's decision requires the student to withdraw from a program, from the University or from an Affiliated College; or
- c) the appeal is against general marking or grading practices; or
- d) the appeal is against a Dean's decision made with respect to the Policy on Academic Accommodations for Students with Disabilities.

A panel of SRBA, upon considering only the written application of the student (see **Application for Hearing**, below), may in its discretion order that an oral hearing be scheduled, or deny the appeal. In making its decision, SRBA will consider the grounds and evidence provided in the Application for Hearing. In the case of 2.a), the student must set out in the Details of the Appeal both the Senate regulation and the alleged error, as well as explain how this error affected the student's academic performance.

3. In exceptional circumstances, SRBA may agree to an oral hearing of an appeal against a Dean's decision that does not fall within #1 or #2 above, if a student alleges in the Application for Hearing that there was a failure to observe a procedural requirement at the decanal level or bias at the decanal level. Such allegations must be supported by evidence. A detailed description of the evidence supporting the allegation (including any supporting documentation) must be presented, in writing, as part of the Application for Hearing. 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. If SRBA is satisfied on the basis of the written documentation that there was a failure to observe a procedural requirement at the decanal level it may instruct the Dean to reconsider the matter. If the SRBA panel agrees to an oral hearing of an appeal alleging a failure to observe a procedural requirement at the decanal level or bias at the decanal level, the standard onus requirements set out below will apply.

Note: A denial of transfer into a Faculty, School, Affiliated University College or program following a requirement to withdraw from another Faculty, School, Affiliated University College or program at the University may not be appealed to SRBA. The denial of transfer is an admission decision and is therefore outside SRBA's jurisdiction.

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 of SRBA prior to the date of

the hearing. The Chair, upon receipt of such notice, or in any other circumstances where it appears to the Chair that there is a question as to whether the SRBA has jurisdiction to hear a matter, may in his/her discretion convene a panel to consider such written arguments as it deems appropriate and decide the issue of jurisdiction. The decision of any such panel shall be binding on any subsequent panel hearing the merits of the appeal.

### Onus

1. The onus is on the student to satisfy SRBA that the ruling of the Dean was unreasonable or unsupportable on the evidence before the Dean; or, with respect to a sanction imposed for a "scholastic offence", that the penalty was unreasonable.
2. Notwithstanding #1 above, in cases where a Dean made a finding that a student's conduct amounted to a "scholastic offence" and where the student denies either that the acts were committed or that the acts amounted to a "scholastic offence", the onus is on the Dean to satisfy SRBA that the student committed the alleged acts and that the acts amounted to a "scholastic offence".
3. The onus requirements set out in #1 and #2 for an appeal against a finding that a student's conduct amounted to a "scholastic offence" or against the sanction imposed for a scholastic offence, apply mutatis mutandis to an appeal against a finding that there has been a breach of other University policies such as the Policy and Procedures for the Conduct of Research, or an appeal against the sanction imposed for such breach.
4. Where an appeal falls under the Policy on Academic Accommodations for Students with Disabilities, the onus is on the Faculty to persuade SRBA that the suggested accommodation or accommodations would compromise the academic integrity of the course or program in light of the essential requirements of that course or program.

### Evidence

SRBA will consider only that evidence that was before the Dean whose decision is being appealed. Evidence that was not before the Dean 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 accompanied by a written explanation as to why the evidence is relevant and significant and why it was not previously available. Similarly, 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.

Copies of all documentation that the parties intend to present at the hearing, 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 the date of the hearing.

### **Relief**

In granting an appeal, SRBA will grant such relief as it deems appropriate.

### **Application for Hearing**

Appeals to the SRBA must be made on an Application for Hearing which must be filed with the University Secretariat within six weeks\* of the date of the Dean's decision. Exceptions to the six week time limit for filing an appeal with the SRBA are at the discretion of the Chair of SRBA upon written application by the student. An Application for Hearing will not be accepted by the University Secretariat unless the application is complete. A complete application will include the following: details of the appeal, including a description of the matter under appeal and the reasons for challenging the Dean's decision; the requested relief; a copy of the Dean's decision; a copy of the student's letter to the Dean requesting relief, if applicable; and all relevant supporting documentation. Applications for a hearing by the SRBA and further details on hearing procedures may be obtained from the University Secretariat, Room 4101, Stevenson Hall. A request from a party to postpone a scheduled hearing, or to delay scheduling a hearing after an Application has been filed, will be at the discretion of the Chair of SRBA and will be granted only in exceptional circumstances. Such postponement or delay shall not exceed six months. The parties will then be contacted to arrange a hearing date. (If the appellant cannot be contacted to arrange a hearing date, he/she 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 notified of the hearing date.

If, following receipt of an Application for Hearing, the University Secretariat is unable to contact the appellant within a reasonable time to schedule a hearing, the appellant will be notified by registered mail at the address on the Application for Hearing of the deadline by which he/she must contact the University Secretariat (six months from the date the Application for Hearing was filed) to arrange a hearing. If the appellant has not contacted the University Secretariat by the specified deadline, the Application and documentation will be returned to the appellant and may not be resubmitted.

The Application for Hearing can be printed from:

[http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/SRBA\\_Application.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/SRBA_Application.pdf)

\* Under the Policy on Academic Accommodation for Students with Disabilities, an appeal to the SRBA must be filed within two weeks of the date of the Dean's decision.

### Further Appeals

SRBA is the final level of academic appeal in the University; its decisions in substantive matters, and decisions as to jurisdiction and whether it will hear an appeal, are final. The Chair of Senate (i.e., the President & Vice-Chancellor) will entertain appeals against decisions of SRBA 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 weeks of the date of the Notice of 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** (below) and it could not be said that the parties had been accorded a fair hearing.

Decisions which are appealed to the Chair of Senate remain in full force and effect until the appeal is disposed of by the Chair of Senate.

### Procedure at Hearings

SRBA will review its jurisdiction to hear the appeal in closed session prior to the commencement of the hearing. (Note: If a party disputes the jurisdiction of SRBA to hear the appeal, the Chair must receive written notice and reasons prior to the date of the hearing. See **Jurisdiction** above.)

#### A. Order of Proceedings

1. Introduction of SRBA 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 Faculty representative, followed by questions from SRBA members.
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 Faculty.
7. Presentation of evidence by the Faculty representative.



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

### ***B. Order of Proceedings – Scholastic Offence Appeals\****

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

1. Introduction of SRBA members and review of documentation.
2. Opening statement by the Faculty.
3. Presentation of evidence by the Faculty representative.
4. Cross-examination of the Faculty representative by the appellant, followed by questions from SRBA members.
5. Re-examination of the Faculty representative, if desired, on any new matters brought out in cross-examination. (The procedure in 3, 4 and 5 is followed for the Faculty representative and witnesses. The order of presentation is at the Faculty's discretion.)
6. Opening Statement by appellant.
7. Presentation of evidence by appellant.
8. Cross-examination of the appellant by the Faculty representative, followed by questions from SRBA 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 Faculty, if desired, on any new matters raised by the appellant.
11. Cross-examination of reply witness, followed by questions from SRBA members.
12. Summary remarks by the appellant.
13. Summary remarks by the Faculty.

\* Where the student 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 "A" above.

Scholastic offences are set out in Senate policy (see Scholastic Discipline in the "Academic Rights and Responsibilities" section of the Calendar). The Faculty is required, in cases of this type, to present its case first in order to ensure that the SRBA has a full understanding of the nature and extent of the allegations against the student prior to the student presenting his or her case.

Where an appeal falls under the "Policy on Academic Accommodations for Students with Disabilities", the onus is on the Faculty to show why the suggested accommodation would compromise the academic integrity of the course; thus, the order of proceedings will be that set out in section "B" above.

Where the appeal concerns allegations of a breach of other University policies such as the Policy and Procedures for the Conduct of Research which are contested by the appellant, the order of proceedings will be that set out in section "B" above. Where the student does not contest the allegations of a breach, but appeals against the sanction(s) imposed, the order of proceedings will be that set out in section "A" above.

### ***C. Adjournments***

An adjournment of the hearing may be ordered by the Chair when necessary. Convenience to the parties and to the members of SRBA will be considered by the Chair in 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 members must constitute a quorum.

### ***D. Expedience***

An effort should be made to limit the presentation of non-contentious facts and arguments to the 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.

### ***E. Retention of Legal Counsel***

In matters of academic appeal, the right to be represented by legal counsel will be accorded only at the level of SRBA. The Senate Review Board Academic also reserves the right to retain counsel.

### ***F. 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.)

### ***G. Costs***

The parties must bear all their own legal expenses, if any. SRBA will not order the Faculty to pay all or part of the appellant's costs nor will it order the appellant to pay all or part of the Faculty's costs.

### ***H. Previous Decisions***

Each appeal is decided on its merits. A decision of SRBA does not set a precedent.

### ***I. 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.

### ***J. Official Record of the Appeal***

The official record of the appeal hearing will consist of all documentation submitted by the parties, the Notice of Decision and the statement of reasons of SRBA. This record will be retained by the University Secretariat for at least one year following the hearing.

## SRBA JURISDICTION AND PROCEDURES UNDER THE POLICY AND PROCEDURES FOR THE CONDUCT OF RESEARCH

For appeals under the Policy and Procedures for the Conduct of Research, SRBA regulations are as follows:

- a) Jurisdiction: In matters pertaining to the Policy and Procedures for the Conduct of Research, SRBA has jurisdiction to hear appeals of decanal rulings regarding formal complaints of breach of this policy made against student respondents.
- b) Quorum: The SRBA quorum for hearing an appeal from a decanal ruling in a Policy and Procedures for the Conduct of Research matter is four. Of those four, three members, including the chair, will be voting members; one member, the University Secretary (or designate), will be a non-voting *ex officio* member. The three voting members will be selected in accordance with the usual SRBA procedures. No more than two of the three voting members shall be a graduate or undergraduate student.
- c) Representation: In an SRBA appeal hearing based on grounds under the Policy and Procedures for the Conduct of Research, the appellant to SRBA is entitled to representation at the appellant's expense and, without restricting the foregoing, the appellant is entitled to seek representation by the University Ombudsperson, as may be appropriate.
- d) Confidentiality: Any proceedings in relation to a formal complaint under the Policy and Procedures for the Conduct of Research shall be confidential unless one of the parties to the proceeding requests that the proceeding be open to the public. If such a request is made, the proceeding shall be open to the public unless there are compelling reasons that the proceeding remain closed for reasons of public safety, privacy of personal information, or undue prejudice to the proceeding, some other proceeding, or a party or member of the public.
- e) Onus: The onus requirements set out for an appeal against a finding that a student's conduct amounts to a "scholastic offence" or against the sanction imposed for a scholastic offence (page 3 of the Information Sheet, #1 and #2 under *Onus*), apply *mutatis mutandis* to an appeal against a finding that there has been a breach of other University policies such as the Policy and Procedures for the Conduct of Research, or an appeal against the sanction imposed for such breach.
- f) Penalties: Upon conviction of a breach of the Policy and Procedures for the Conduct of Research, a student will be subject to any penalty that the SRBA deems appropriate, in light of all the circumstances of the case. Penalties

may range from an absolute discharge up to and including suspension or expulsion from the University in the most serious cases.