

# Undergraduate Student Academic Appeals

## UNDERGRADUATE STUDENT ACADEMIC APPEALS

The University Senate has delegated to Deans the right to waive any academic regulation. The Deans' rulings in academic matters are final unless overturned or modified on appeal to the Senate Review Board Academic (SRBA). SRBA is the final body to which students may appeal certain rulings of Deans in academic matters, and its decisions are final.

### REQUESTS TO INSTRUCTOR, DEPARTMENT CHAIR, AND FACULTY DEAN

(The notes below have been updated to reflect current titles on August 2008)

Note: Throughout this document, reference to "Dean" is to be interpreted "Dean or his/her designate" and reference to "Department Chair" is to be interpreted "Department Chair or his/her designate."

Requests for relief for undergraduate students ordinarily proceed in this order:

- a) Course instructor (informal consultation)\*
- b) Department Chair (submission of written request)
- c) Faculty Dean (submission of written request)

\* A request for relief relating to a specific course (e.g., with respect to a mark, grade, appropriateness of assignments or examinations, or grading practices) must be initiated with the appropriate course instructor. Requests for relief on other matters should be initiated in the office having immediate jurisdiction for the particular requirement or regulation in question. Students in doubt as to the appropriate level at which to initiate such requests should consult their Dean. Scholastic offences will be handled in accordance with the Policy on Scholastic Discipline.

Notes:

1. In the **BMOS (or BACS) Program**, "Department Chair" shall be interpreted as "Program Director" (in the Faculty of Social Science) or "Program Coordinator" (at Huron University College).
2. In the **Faculty of Health Sciences**, "Department Chair" shall be interpreted as "School/Program Director."
3. In the case of courses offered by the **Program in Writing, Rhetoric and Professional Communication**, in the **Faculty of Arts and Humanities**, including certificate-credit and diploma-credit courses, "Department Chair" shall be interpreted as "Program Director."
4. Normally, a request for relief in a **Certificate-credit or Diploma-credit course** will proceed as set out above. Except as otherwise noted, in cases where a certificate-credit or diploma-credit course is offered by a Faculty with department structure, but is not offered by a particular department, a request for relief will proceed directly from the instructor to the Dean of the Faculty.

In a course offered by **Continuing Studies at Western**, "Department Chair" shall be interpreted as "Director of Continuing Studies at Western" and "Faculty Dean" shall be interpreted as "Dean of the partnering Faculty."

5. In the **Department of Women's Studies and Feminist Research**, "Faculty Dean" shall be interpreted as "Dean of the Faculty of Arts and Humanities."
6. In the **School of Social Work, King's University College**, "Department Chair" shall be interpreted as "School Director."

### **Requests for Relief**

A student may request that a grade on a particular piece of work, or a final standing in a course or program, be changed; OR a student may request an exemption from a Senate academic regulation. The subject of a request for relief can range from waiver of progression requirements, to accuracy of grades on examinations or assignments, to appropriateness of sanctions imposed for scholastic offences. Such a request can include questions of fairness or appropriateness of general grading practices, and can be launched regardless of whether a record of the student's work exists.

#### **Examples of relief that can be considered by a Dean:**

1. waiver of a Senate regulation or requirement.
2. allowing the opportunity for reexamination or reassessment.
3. directing the adjustment of a grade on a particular piece of work following the report of an independent assessor. [It is possible that a grade may be lowered as a result of reassessment.]
4. directing the adjustment of grades in the case of a request for relief against general marking or grading practices. [This form of relief does not extend to the reevaluation of the work submitted.]
5. setting aside or adjusting a ruling at a previous level that a scholastic offence occurred, or adjusting the severity of a sanction imposed for a scholastic offence.

Not all types of relief are suitable for any given request. For example, in the absence of an adequate permanent record of the student's work, the only form of relief that might be appropriate would be allowing the opportunity for reassessment.

### **Grounds**

The grounds for a request for relief may be one or more of: medical or compassionate circumstances, extenuating circumstances beyond the appellant's control, bias, inaccuracy, or unfairness. All grounds advanced in a request for relief must be supported by a clear and detailed explanation of the reasons for the request together with all supporting documentation.

Ignorance of Senate regulations and policies, and particular program requirements and policies, as set out in the University Calendar, does not constitute grounds for a request for relief.

### **Deadlines for Requests for Relief**

**Marks:** A request for relief against a mark or grade must be initiated with the instructor as soon as possible after the mark is issued. In the event that the instructor is not available to the student, or fails to act, or if the matter is not resolved satisfactorily with the instructor, a written request for relief must be submitted to the Chair of the department within three weeks from the date that the mark was issued. In the case of a final grade in a course, the written request for relief must be submitted to the Chair of the department by the following dates:

January Marks:	January 31
April/May Marks:	June 30
Intersession:	July 31
May/June Dentistry Marks:	July 31
Summer Evening:	August 31
Summer Day:	September 15
Spring/Summer Distance Studies Courses:	October 15

A request for relief against a decision of the Chair must be made to the Dean in writing not later than three weeks after the Chair's decision is issued. All relevant information and documentation must be provided to the Dean with the request for relief.

**Program eligibility and progression:** A request for relief against a decision concerning program eligibility must be made to the Chair of the department in writing by June 30. A request against a decision of the Chair must be made to the Dean in writing within three weeks of the Chair's decision being issued. Students requesting a Dean's Waiver of Progression Requirements must do so in writing to the Dean of their Faculty by June 30 (if required to withdraw at the end of April), or within 30 days of the posting of grades on the UWO Web site by the Office of the Registrar (if required to withdraw following any other session).

**Other requests for relief:** Requests for relief regarding Scholastic Offences and other matters not related to the normal completion of a course during a regular academic session (including requests for relief against grades in a Special Examination, satisfaction of "Incomplete" requirements, etc.), must be made in writing within three weeks of the date of a decision being issued.

Notes:

1. In the **Medical Program**, a request for relief against a mark must be initiated with the instructor within four weeks of the mark being approved by the appropriate administrative committee. All other requests for relief must be made within four weeks of the date of the decision giving rise to the request for relief. A request for relief to each successive level of appeal must be made within four weeks of the date of the decision at the prior level.
2. In the **Faculty of Law**, a request for relief against a final grade in a course must be submitted to the Dean by March 1 for First Term Marks; by April 1 for January Term Marks; and, by June 30 for Spring Term Marks. All other applicable deadlines are as set out above.
3. In the **Richard Ivey School of Business**, a request for relief against a mark must be initiated with the instructor within six weeks of the mark being issued. All other requests for relief must be made within six weeks of the date of the decision giving rise to the request for relief. A request for relief to each successive level of appeal must be made within six weeks of the date of the decision at the prior level.
4. The deadline for an appeal to SRBA remains at six weeks after a decision has been issued by a student's Dean. (Under the Policy on Academic Accommodations for Students with Disabilities, a student must apply to SRBA within two weeks of the Dean's decision.)

### **Procedure**

It is incumbent on the student to initiate each step at the earliest opportunity, and on the University officer concerned to act upon that request as expeditiously as possible. In the case of a request for relief relating to a specific course, a resolution of the problem should first be attempted through informal consultation with the instructor. If the student is dissatisfied with the decision of the instructor, or if the instructor fails to act, or cannot or will not be physically available within a reasonable time period, a written request for relief may be submitted directly to the department Chair or to the Dean in faculties without departmental structure.

Following a request for relief by an undergraduate student to a department Chair, the student, if not satisfied with the decision of the Chair, may then submit a written request to the Dean of the Faculty in which the course or program was taken. In the case of requests for relief relating to: (a) the grade on a piece of work or final standing in a course or a regulation relating to a specific course, the relevant Dean will be the Dean of the Faculty offering that course; and, (b) enrolment in a specific program, the relevant Dean will be the Dean of the Faculty offering that program.

A written request need not be lengthy, but should indicate clearly the detailed reasons for the request and the relief requested. All relevant supporting documentation must be attached.

In the case of a scholastic offence, the procedures for a request for relief are set out in the Policy on Scholastic Discipline.

A student may appeal the decision of a Dean to the Senate Review Board Academic only if the decision falls within the jurisdiction of SRBA as set out below under **APPEALS TO SRBA**. A Dean's decision which is appealed to SRBA remains in full force and effect unless overturned or modified by SRBA.

## **APPEALS TO SRBA**

### **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 University 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 item 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, therefore, is 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 then will 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 (six months from the date the Application for Hearing was filed) by which he/she must contact the University Secretariat 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 appellant by Faculty representative, followed by questions from SRBA members.
5. Re-examination of 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 Faculty representative.
7. Presentation of evidence by Faculty representative.
8. Cross-examination of Faculty representative by appellant, followed by questions from SRBA members.
9. Re-examination of 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 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 Faculty representative.
13. Summary remarks by 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 Faculty representative.
3. Presentation of evidence by Faculty representative.
4. Cross-examination of Faculty representative by appellant, followed by questions from SRBA members.
5. Re-examination of 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 appellant by Faculty representative, followed by questions from SRBA members.
9. Re-examination of 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 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 appellant.
13. Summary remarks by Faculty representative.

\* 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 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.

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**Related Policies and Notes:**

The link to the Ombudsperson's website is <http://www.uwo.ca/ombuds/>

Scholastic Discipline – Undergraduate Students:

[http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/scholastic\\_discipline\\_undergrad.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf)

SRBA Appeal Application form:

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

Academic Accommodations for Students with Disabilities

[http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/accommodation\\_disabilities.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_disabilities.pdf)

Academic Integrity in Research Activities:

[http://www.uwo.ca/univsec/pdf/policies\\_procedures/section7/mapp70.pdf](http://www.uwo.ca/univsec/pdf/policies_procedures/section7/mapp70.pdf)

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