



Framework for the Divisional Appeals Processes

The purpose of the *Framework* is to provide guidance and advice for the establishment of appropriate divisional appeals processes in accordance with the *University Policy on Academic Appeals Within Divisions*. The guiding principles, definition and guidelines for divisional processes of appeals are specified in the *Policy*.

The *Framework* is intended to set minimum standards, provide ‘checklists’ and suggest best practices across the University so that academic appeals are operated fairly and consistently and at the same time provide the academic divisions the ability to implement procedures which are responsive to local needs. Divisional size, complexity and program needs have a bearing on divisional processes. It is therefore left to each division to determine what additional principles, structures and procedures, not inconsistent with the spirit of the *Policy*, may be appropriate.¹

Implementation

Every division of the University should establish an academic appeal process. Divisions decide how best to implement the *Policy* and what additional principles, structures and procedures, not inconsistent with the spirit of the *Policy*, may be required. Each division should review its appeal procedures having regard to the compliance with the new *Policy* and this *Framework*.²

CHECKLIST:

- The division establishes practices to promote faculty and relevant staff awareness of the appeal procedures and circumstances in which they can be used.
- The division establishes appropriate training and review so that faculty and staff responsible for administering the procedures are competent in their operation and carry out their mandate.
- The divisional process provides a mechanism for periodic internal review of the appeal processes and a reporting mechanism for an annual report to the division’s governing body. The report is presented without disclosure of the name(s) of the student(s) involved.

¹ The minimum procedural standards set out in this policy are not meant to prevent divisions from establishing procedures that permit immediate action such as the suspension of a student or the restrictions of a student’s participation in clinical or practice related activities where such action is appropriate to address health and safety issues or to fulfill professional or regulatory obligations.

² Although petitions are not academic appeals, best practice will include considering the divisional petitions process with respect to the same general principles as those set out in the *Policy*.

Communication

Every division should have a clear and comprehensive communication strategy with respect to the academic appeals process. Information about the process should be available to students on request from the appropriate divisional offices and accessible on the division's website.

CHECKLIST:

- The divisional process is broadly communicated and available to students, staff and instructors.
- The divisional process documentation is accurate, clearly presented, readily accessible and issued to students, instructors and staff.

Best practice: A division may provide each instructor with an instructor's handbook as a guide to the appeals process. Students should also have access to guides to the appeal process through the Registrar's office and on the division website.

- The divisional process documentation advises students of their rights and responsibilities with regard to the academic appeals process, and the division's concomitant rights and responsibilities in the process.

Best practice: Student responsibilities, for example, include the need to keep the division apprised of any address or name changes, observation of sessional dates, and awareness of specific University policies and procedures. Examples of divisional responsibilities include the communication of the appeals process and timely notification of divisional appeals committee meetings.

- The divisional process documentation includes a schedule of important divisional academic dates or reference to the division's important academic dates.
- The divisional appeals process is clearly communicated both within the print calendars and web sites for the division.
- For multi-departmental divisions, the divisional processes are linked within the departmental sites. Links to the *Policy* are embedded within the text. The URL for the divisional appeals process should be transmitted to the Office of the Provost for inclusion in a listing of all the divisional processes to be located on the Provost's web site.
- For divisions that have graduate programs, the divisional documentation includes references and/or links to the School of Graduate Studies academic appeals procedures.
- The divisional process documentation explicitly defines an academic appeal and provides examples of what constitutes grounds for appeal.

Best practice: The process for both appeals and petitions may be outlined in the same document.

- Pertinent sources of help, advice, guidance and support available to students in the appeal and post-appeal stages are included in the documentation.
- University policies relevant to the appeals process are included within the documentation. These policies include, but are not limited to, the following:

- *The University Grading Practices Policy.*
- *Policy on Access to Student Academic Records and Policy on Access to Information and Protection of Privacy*
- *Statement of Institutional Purpose*
- *Statement on Human Rights*

- *Policy on Scheduling of Classes and Examinations and Other Accommodations for Religious Observances*

Best practice: Include a reference or link to all the University policies online:

http://www.governingcouncil.utoronto.ca/Governing_Council/policies.htm

- The documentation clearly provides, in print and on-line, the name and contact information of the appeals office and/or designated divisional officer(s) responsible for the division's academic appeals process.
- The divisional process documentation communicates the fact that throughout the process, students have the opportunity to raise matters of proper concern to them without fear of disadvantage.

Procedures

Every division should provide for both formal and informal resolutions for academic appeals. Students should be encouraged to use these alternatives before launching formal appeals.

CHECKLIST:

- Both formal and informal resolutions for academic appeals are available to the student and communicated in the divisional process documentation. Opportunities for early resolutions of a matter are also outlined and available
- Counseling should be available in appropriate cases to assist informal resolution, early disclosure and mediation where appropriate.

Best practice: Students are encouraged to discuss any issues regarding the academic aspects of a course with the instructor first. It is recommended that, if appropriate, an issue should be documented in writing.

Timelines

The Divisional process documentation should set out reasonable timelines for initiating an appeal, and for student and administrative action and response required during the process. However, since individual cases vary in complexity and circumstances, the divisional process should also include sufficient flexibility and discretion to accommodate the particular circumstances of the appeal and to avoid inappropriate prejudice to the student or to the University.

CHECKLIST:

The Divisional process documentation:

- Establishes a suitable time limit for the launching of appeals.
- Sets timelines for the appeals process taking into account the volume and complexity of appeals. The timelines should have sufficient flexibility to accommodate unusual or unexpected circumstances.

Best practice: Dates are coordinated with the established schedule for essays, tests, examinations and other work required for credit and the grading scheme. This time limit can be extended in appropriate circumstances where the delay is sufficiently explained.

Best practice: The *Policy on Scheduling of Classes and Examinations and Other Accommodations*

for Religious Observances

(<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppjun291995.pdf>) articulates the University's commitment and expectations with respect to reasonable accommodation of the needs of students who observe religious holy days other than those already accommodated by ordinary scheduling and statutory holidays.

- Specifies the timeframe within which steps in the process should occur and provides for notice to the student when timeline cannot be met by the division. Students should seek extensions of timelines prior to their expiry and provide the reasons for such requests. The process should identify the officer who has the discretion to waive timelines in appropriate circumstances.

Initiation of an appeal

Students are encouraged to meet with a designated divisional officer knowledgeable in the division's academic appeals process to discuss the appeal preparation. The successive procedures to file an appeal should be clearly outlined by this individual, along with the timelines and requirements of documentation to be provided.

CHECKLIST:

The Divisional process documentation:

- Encourages a student's confidential disclosure of appropriate information at the earliest possible stage and throughout the process, particularly with respect to diversity, accommodation and other personal issues that may be relevant to the disposition of the appeal.
- States all student records are confidential, including the appeal and its documentation.

Best practice: The University has a strict policy on this issue included in the *Guidelines Concerning Access to Official Student Academic Records* (<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppmay132008.pdf>). To quote from the Policy, only those staff members who need to may "have access to relevant portions of an official student academic record for purposes related to the performance of their duties."

- States the deadline by which academic appeals must be filed.
- Stipulates that a formal appeal is commenced by the appellant sending notice i) in writing, ii) stating the nature and grounds for the appeal, and iii) is accompanied by any documents that will be used in support of the appeal.
- Specifies the requirement for proper documentation for the appeal. The most common documentation may be a medical certificate, but other documentation can be relevant and examples should be provided.

Best practice: Medical documentation: The University of Toronto Verification of Student Illness or Injury should be submitted if illness or injury are the reason for the appeal. The certificate is available online at <http://www.illnessverification.utoronto.ca/index.php> and should also be available from the specified divisional office(s). Note that the form must establish that the patient was examined and diagnosed at the time of illness, not after the fact. The Division should be clear that a statement that merely confirms a report of illness made by the student may not be sufficient.

Best practice: Statements from social workers, lawyers, clergy and other professionals may also be relevant and should:

- State the nature and extent of the problem
- Give her/his professional opinion as to whether the student should receive special consideration on the grounds documented in the student's appeal

Receipt of the appeal

The designated divisional officer writes to the student to acknowledge receipt of the appeal within a time set out in the policy. The letter should include the following information.

CHECKLIST:

- An acknowledgement of receipt of the appeal.
- A statement advising the student of any apparent deficiencies in the notice of appeal and that any documents must be provided by a certain date if not included.
- An outline of the division's process for appeals.
- A statement informing the appellant that mediation can be considered with the possibility of settlement and how to access mediation.
- As soon as practicable, an indication of the date, time and place of the hearing of the appeal.
- A statement informing the appellant that he/she may appear in person with or without counsel, and a brief description of the process followed at the appeal; the notice should ask that if an appellant is appearing with counsel, this intention is communicated in writing prior to the date of the appeal.
- A general description of how the Division's Appeals Committee conducts the appeal;
- A reminder that if appellant should decide not to attend the hearing on that date and at that time and place, the committee may proceed in her/his absence.
- A description of the decisions that the committee may make. (For example, for an appeal to be successful it must receive at least a majority of the votes of the voting committee members; for example, that panel members deliberate in private).
- A statement as to how the decision of the committee will be communicated to the student;

Divisional Appeals Committee

A division delegates the authority to determine divisional appeals to a standing appeals committee of reasonable size.

CHECKLIST:

- The divisional process documentation outlines the function and responsibilities of the appeals committee.
- The divisional process provides that the committee reports to the Division's governing body for information on an annual basis.
- The divisional process provides that the committee includes members of the teaching staff and student body. The selection process for student members should be done with a view toward diversity and transparency.

Best practice: A Committee is optimally composed of a number of rotating members, in order to have consistency when considering issues as a panel.

- The divisional process provides for the fact that the student has the right to a hearing before the divisional appeals committee in person, with or without counsel or other advisor, and to call evidence and present argument in person or by counsel. The student should be present throughout the hearing

but the Committee will deliberate and decide the appeal in private. The deliberations of the Committee are confidential. The record of the appeal is the notice of appeal, the documents filed and the formal reasons delivered by the Committee.

- The divisional process stipulates that divisional academic appeals committees do not discuss the matter beforehand, and treat each case on a confidential basis.
- The divisional process stipulates that the divisional appeals committee gives appellants a written statement of reasons for the decision within a set timeline.

Best practice: The reasons of the Committee should provide sufficient detail to understand the evidence accepted at the hearing and the basis for the decision. Reasons should be given in writing within a set time from the hearing.

Denial of an Appeal

If the appeal is denied at the Divisional level, information about further recourse to appeal and about pertinent sources of help, advice, guidance and support available to students is included in the written statement. Appealing from a Divisional Committee does not relieve the student from the impact of the Divisional decision pending the appeal. In some cases the student may seek interim relief, for example permission to continue attending classes while waiting for the outcome of the appeal. Such requests may be considered by the division having regard to the circumstances of the individual case.

CHECKLIST:

- The Divisional process documentation informs appellants about the right to appeal to the Academic Appeals Committee of Governing Council, including information about commencing this appeal, timelines, forms, and the availability of legal assistance from Downtown Legal Services.

Best practice: Information regarding the Academic Appeals Committee's Terms of Reference, Membership and Appeal Forms are available online at <http://www.adfg.utoronto.ca/processes/acappeals.htm>.