The terms of reference for the Senate Committee on Appeals require that the Chair provide an annual report to Senate at its May meeting. This report covers the 2015/2016 academic year.

**Appeals Received**

The Senate Committee on Appeals reported in its 2013/14 annual report that one appeal was under review to determine whether it fell within the jurisdiction of the committee. The Chair determined that it did fall within the jurisdiction of the committee, and the appeal was concluded in March 2016. The appeal was from a student who had been denied deferrals in two courses and denied the extension of a deferral in a third course. The appeal was heard solely on the basis of written materials. A meeting of the hearing panel was also held following failure of the appellant to submit required documentation to consider whether the appellant had failed to comply with an order of the hearing panel, which could have resulted in dismissal of the appeal. Following submission of all required documentation, the hearing panel proceeded to consider the appeal. All materials submitted by the parties were given full consideration. The hearing panel decided unanimously to dismiss the appellant’s request for deferral and extension of deferral. Under the circumstances, however, the hearing panel ordered that WE registration status should be awarded for the courses.

The committee has not received any non-academic misconduct appeals since introduction of the Resolution of Non-Academic Misconduct Allegations Policy in 2011.

**Recommendations**

The appeal completed in the spring of 2016 raised some issues that the appeal Hearing Panel thought should be given consideration by Senate.
One issue for consideration is the scope of an instructor’s authority to allow a student to register in a course when the student has not completed one or more pre-requisites for the course and has not completed any course, or courses, at another institution that might be considered equivalent to the pre-requisite course, or to pre-requisite courses. Does an instructor, for instance, have authority to allow a student to take a course without having completed pre-requisite or equivalent courses and allow that student to continue in and complete the course without ever completing the pre-requisite courses or equivalents? Further, does an instructor have authority to allow a student to take a particular course without having completed pre-requisite or equivalent courses on the basis that the student will complete the pre-requisite courses or equivalents during the term in which the particular course is taught? Should instructors in such situations be required to refer to an administrator, such as a department chair or associate dean, a proposal to complete pre-requisites while the course for which they are pre-requisites is in progress? The problem that arose in the particular appeal might well have been avoided if instructors had referred the student’s request to complete pre-requisite courses during the term the courses requiring the pre-requisites were being taught to a department chair or associate dean rather than granting the student’s request.

Faculties and departments should consider whether there should be a requirement that all permissions to register in a course without one more of the pre-requisite courses be subject to approval by a department chair or associate dean with the chair or associate dean taking advice from the instructor with respect to the student’s source of equivalent knowledge but with the chair or associate dean considering other administrative concerns in relation to the particular student. While this would increase the burden of department chairs or associate deans, it might reduce potential subsequent administrative burdens due to problems that can arise where instructors, who have limited administrative experience, make decisions that fail to take into account one or more concerns, such as, perhaps, workload issues for the particular student.

In the particular appeal an argument was made that sometimes the basis for, or at least part of a basis for, allowing a student to register in a course where the student has not taken the pre-requisite courses is the student’s strong personal reason for taking the course. Permission on the basis of the student’s strong reason for taking the course would, in the Hearing Panel’s view, be effectively a complete waiver of the pre-requisite requirement. The Hearing Panel questioned whether an instructor had authority to grant such a waiver. If the purpose of a pre-requisite is a pedagogical one that focuses on knowledge required before a particular course is taken, then, in the Hearing Panel’s opinion, strong personal reasons for taking a course are not appropriate grounds for permitting a student to register in a course where the student has not taken the pre-requisite courses.

The Hearing Panel had some reservations as to whether an instructor can grant permission to a student to satisfy the pre-requisites for a course at any time right
up to just before the day the final exam is written. Pre-requisites for a course are approved by the department on the recommendation of the instructor, or instructors, who set up the course at the outset. The course together with its pre-requisites is ultimately approved by Senate. The course description, together with its pre-requisites, is set out in the academic calendar. Since the pre-requisites appear in the academic calendar as approved by Senate, any modifications of those pre-requisites would have to be approved by Senate although the approval process would be initiated at the department level and typically on the recommendation of the instructor, or instructors, in the course. In the view of the Hearing Panel it might, therefore, be argued that an instructor has no authority to modify the pre-requisites on his or her own accord. The modification must go through the department and ultimately through Senate. Consequently, while an instructor may grant permission for a student to be registered in a course for which the student has not completed the pre-requisites on the basis that the student has, in some form or another, knowledge equivalent to knowledge that would have been provided by the pre-requisite courses, the instructor arguably does not have authority to completely waive pre-requisite requirements. The instructor arguably also does not have authority to allow a student to complete the pre-requisite requirements at any time up to just before the date the final exam is written (whether at the scheduled time or on a deferred basis). Doing so would, in the view of the Hearing Panel, effectively convert the pre-requisite into a co-requisite and the intention of a pre-requisite is that it be completed before, not during, the course since, otherwise, it would have simply been made a co-requisite.

The Hearing Panel was of the view that there is a possible justification for the granting of permission to complete pre-requisite courses while the course for which the pre-requisites are required is ongoing as long as the pre-requisites are completed before the pre-requisite knowledge is needed in the ongoing course. The particular appeal, however, demonstrated the dangers of granting such permission. Departments and Faculties may want to consider a direction to instructors to refer any requests for such permissions to complete pre-requisites while a course for which they are pre-requisites is ongoing to the chair of the department or to an associate dean.

**Academic concessions**

Another issue the Hearing Panel thought should be considered is the possibility of more clearly identifying criteria for the granting of an academic concession. The Hearing Panel was struck with the paucity of criteria for academic concessions. The Respondent in the particular appeal noted a number of considerations relating to academic concessions that the Hearing Panel thought were relevant considerations. Perhaps a non-exhaustive list of matters that may be considered in the context of the granting of an academic concession might be helpful for persons assessing requests for academic concession and might give students a better sense of the discretionary nature of academic concessions and the considerations that go into them.
A further issue the Hearing Panel thought should be considered is whether questions of academic concession should be taken out of the hands of individual instructors and put in the hands of an administrator such as department chair or associate dean. An administrator would have the benefit of greater experience in dealing with the various considerations that go into an assessment of a request for academic concession and could potentially thereby reduce the number of problems that could arise from ill-advised grants of academic concession. This, the Hearing Panel recognized, would involve an added burden on departmental administrative staff but it might, nonetheless, be worthwhile to the extent it reduces problems that can arise from ill-advised grants of academic concession.

**Conclusion**

I would like to conclude by thanking all members of the Senate Committee on Appeals. The work of this committee is very important to the just operation of the university and your contributions are greatly appreciated.

**2015/16 Senate Committee on Appeals**

Mark Gillen, Chair, Law  
Carolyn Butler-Palmer, Fine Arts  
Aaron Devor, Social Sciences  
Gweneth Doane, Graduate Studies  
Olisa Ezeh, GSS representative  
Rebecca Grant, Business  
Alex Neiman, Student Senator  
Monica Prendergast, Education  
Stephen Ross, Humanities  
Wesley-Ryan Boyd, Student Senator  
Esther Sangster-Gormley, Human and Social Development  
Frank van Veggel, Science  
Peter Wild, Engineering  
Carrie Andersen, Associate University Secretary (Secretary)