



Date: April 18, 2019
To: Members of Senate
From: Senate Committee on Appeals
Re: **2018/2019 Annual Report**

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 2018/2019 academic year.

Appeals Received

The Senate Committee on Appeals received 10 appeals in 2018/2019.

Non-Academic Misconduct Appeals

One appeal concerned a decision by the President to suspend a student for non-academic misconduct, the particulars of which included allegations of sexual misconduct. The parties relied on the provisions of the Resolution of Non-Academic Misconduct Allegations Policy to guide the appeal. The Hearing Panel considered issues of procedural fairness in the investigative process as well as the reasonableness of the suspension itself. In the result, the appeal was denied and the suspension was upheld.

Academic Appeals

The remaining appeals concern academic matters:

1. The first case involved a request for academic concessions on medical grounds and for other extenuating circumstances. The Hearing Panel conducted the appeal on the basis of written materials. It allowed the appeal in part.
2. The second case involved a request for academic concessions, albeit in this instance for course work that the student had been completed prior to graduation. The Hearing Panel conducted the appeal on the basis of written materials. It denied the appeal.
3. The third case involved a request to belatedly drop a course without penalty, due to an apparent error in the registration process. The Hearing Panel conducted the appeal on the basis of written materials. It allowed the appeal. As set out below, the Hearing Panel formed the view at the conclusion of this matter that the university's policy on academic concessions would benefit from review and possible revision.
4. The fourth case involved the denial of a co-op term pre-requisite waiver. The Hearing Panel conducted the appeal on the basis of written materials. It allowed the appeal.

5. The fifth case involved a request to transfer between programs within the same faculty. The parties reached a mediated agreement, and the matter did not proceed to hearing as a result.
6. The sixth case involves a request for academic concessions based on medical grounds. This matter is ongoing.
7. The seventh case involves a student who was denied a request for academic accommodation. This matter is ongoing.
8. The eighth case involves a faculty's grade conversion process for exchange terms. This matter is ongoing.
9. The ninth case involves a purported violation of the Policy on Academic Integrity for conduct that allegedly occurred in the course of an exam. This matter is ongoing.

The outcomes of all ongoing cases will be included in the 2019/2020 Annual Report.

Recommendations

Academic Concessions

As noted above, a Hearing Panel concluded that the university's Policy on Academic Concessions should be reviewed and possibly revised. It found that the language of the policy is unduly restrictive and poorly framed, and that provision should be expressly made for additional extenuating circumstances.

A similar recommendation is included in the 2015/16 Annual Report of Prof. Mark Gillen, then Chair of the Senate Committee on Appeals.

Workload of Senate Appeals Committee

Below is a chart showing the number of appeals filed in recent years:

Year	Number of appeals
2018/2019	10
2017/2018	2
2016/2017	4
2015/2016	1
2014/2015	1
2013/2014	0

It is apparent from these numbers that there has been a marked increase in the workload of the Senate Appeals Committee and those staff members within the University Secretary's office responsible for supporting the work of this committee.

Preliminary investigations have not revealed a clear cause for this increase, and continued monitoring is required. In the meantime, we will explore means by which we might streamline our administrative processes. We also will consider the potential of additional alternative dispute resolution processes.

We made a request to the Senate Committee on Agenda and Governance for the participation of additional student Senators in hearing panels, to support our increased workload this past year. Similar support might be requested in future years, if the number of appeals remains at the current level.

I thank 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.

Respectively submitted,

2018/2019 Senate Committee on Appeals

Michelle Lawrence, Chair, Faculty of Law
Doug Baer, Vice-Chair, Faculty of Social Science
Neil Bulford, Faculty of Science
Carolyn Butler-Palmer, Faculty of Fine Arts
Lynda Gagné, Faculty of Human and Social Development
Dale Ganley, Peter B. Gustavson School of Business
Mauricio Garcia-Barrera, Faculty of Graduate Studies
Maan Hani, Student Representative (GSS)
Adair Ng, Student Senator
Jillian Roberts, Faculty of Education
Stephen Ross, Faculty of Humanities
Poman So, Faculty of Engineering
Anona Wiebe, Student Senator
Yu Ten (Jason) Wu, Student Senator
Ada Saab (Secretary), Acting Associate University Secretary