

**TORONTO METROPOLITAN UNIVERSITY  
POLICY OF SENATE**

**GRADE AND STANDING APPEALS**

<b>Policy Number:</b>	<b>168</b>
<b>Policy Revision Date:</b>	Winter 2020 – Effective Fall 2020
<b>Approval Date:</b>	December 2020; June 2, 2020
<b>Procedures Revision Date:</b>	May 16, 2022; October 29, 2021; June 16, 2021; May 2022; July 2022
<b>Next Policy Review Date:</b>	Fall 2025
<b>Responsible Office:</b>	Provost and Vice President Academic
<b>Approval:</b>	Senate

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**1. PURPOSE**

The purpose of this policy is to set out the framework, principles, regulations, and procedures governing all appeals of academic standing and final academic grades when all options for an informal resolution have been exhausted.

**2. APPLICATION AND SCOPE**

2.1. This policy applies to all full-time, part-time, undergraduate, graduate, law, and The G. Raymond Chang School of Continuing Education (“The Chang School”) students and any others to whom this policy may apply at Toronto Metropolitan University (the “University”).

This policy also applies to all faculty, staff, and administrators involved in the grading and appeal process. It describes the grounds and processes by which students may appeal academic standings and final academic grades when all options for an informal resolution have been exhausted.

2.2. Recognizing that the appeal process may be stressful, time intensive, and have high stakes for students, significant effort should be made to informally resolve issues relating to final academic grades before the submission of an appeal.

2.3. Any informal resolution must satisfy Senate academic policy and procedure requirements.

- 2.4. Grade reassessment and grade recalculation are not grounds for an academic appeal ([see Policy 162: Grade Reassessment and Grade Recalculation](#)).
- 2.5. Religious, Aboriginal, and spiritual observance is not a ground for appeal if the appropriate forms were not filed on time (see [Policy 150: Accommodation of Student Religious, Aboriginal and Spiritual Observance](#)).

### 3. DEFINITIONS

#### 3.1. **Burden of Proof**

In a grade appeal and standing appeal, the burden of proof is on the student to show that, on a balance of probabilities, it is more likely than not that the decision relating to final grade or academic standing is incorrect.

#### 3.2. **Decision Maker**

The person(s) within the department, program, Faculty, Senate Office, or Senate Appeals Committee (SAC) Panel authorized to make a decision regarding the appeal of a grade or standing.

#### 3.3. **Final Grade**

For the purposes of this policy final grade includes Progress Report designations for graduate students. Final grades are also referred to as official grades.

#### 3.4. **Grade Appeal**

A grade appeal is a request for a final grade to be reviewed or changed based on the presence of grounds for appeal and evidence supplied by the student to support their case.

#### 3.5. **Hearing**

The appeal proceeding in which the student presents their case to an SAC Panel (the decision makers) which will result in a final decision outcome.

#### 3.6. **Natural Justice**

This is composed of four (4) principles: the right to know the case against you; the right to an impartial and unbiased decision maker; the opportunity to be heard; the right to a decision and rationale for that decision.

#### 3.7. **Remedy**

This is the resolution requested by the student or the outcome from the decision maker to address a student's final grade or academic standing appeal. Possible remedies can be found in Procedures – Section 4.

#### 3.8. **Senate Appeal Committee (SAC) Panel**

The panel established by the Secretary of Senate, responsible for reviewing appeal submissions and/or Senate dismissal recommendations and that upon

evaluating the evidence provided, makes a decision on the appeal. Senate Appeal Committee decisions are final and not appealable.

**3.9. Standing Appeal**

A standing appeal is a request for a standing of Required to Withdraw (RTW) or Permanent Program Withdrawal (PPW) in the case of undergraduate students, and Withdrawn in the case of graduate students, to be reviewed or changed based on the grounds for appeal and evidence supplied by the student to support their case.

**4. PRINCIPLES**

**4.1. Academic Success**

The University is committed to promoting academic success and to ensuring that students' academic records reflect their academic abilities and accomplishments. The University expects that grades will reflect demonstrated knowledge of course material, and that academic decisions concerning final grades and academic standings will be fair, consistent, and objective.

**4.2. Senate Policy Framework**

The values stipulated in the [University's Senate Policy Framework](#) are applicable and fundamental to this policy.

**4.3. Fair Process**

The policy should be applied in a way that is consistent with the principles of natural justice, including, but not limited to the right to have one's perspective heard, to be informed about other perspectives and relevant information, and to receive a timely and fair decision based on the merits of each individual case.

**4.4. Non-Adversarial Approach**

The University is committed to resolving academic disputes in a mutually respectful, and timely way, rather than from an adversarial standpoint.

**4.5. Right to Support**

Both students and instructors have the right to seek and receive support and advice concerning participation in the appeals process.

**4.6. Accommodation**

All processes and procedures associated with this policy are to be carried out in accordance with relevant law and University policy concerning the accommodation of students (see [Policy 159: Academic Accommodation of Students with Disabilities](#) and [Policy 150: Accommodation of Student Religious, Aboriginal and Spiritual Observance](#)).

**4.7. Timeliness**

It is in the best interest of the student and the University for the timely resolution of any appeals under this Policy. Both the University and the student must work together to ensure the timely resolution of any appeals.

## 5. GENERAL REGULATIONS

- 5.1. Students earn grades that reflect their ability to demonstrate their knowledge of the course material through the means of evaluation.
- 5.2. It is the student's responsibility to raise concerns with the instructor about issues related to grades as soon as they arise and attempt to informally resolve these issues.
- 5.3. Where there is no response from the instructor regarding the concerns raised by the student relating to the final grade, or if the student does not feel that they can discuss the matter with the instructor, or if no resolution is reached, the Chair/Director of the teaching department must be consulted regarding an informal resolution.
- 5.4. Failure to attempt an informal resolution to the concern related to a final grade may jeopardize the success of an appeal made at a later date.
- 5.5. Grade appeals are for issues related to final grades that could not be informally resolved with an instructor, Chair/Director or designate.
- 5.6. Students may only appeal a final grade or academic standing if one or more grounds for appeal exist. The four (4) grounds for appeal are: Course Management; Extenuating Circumstances; Procedural Error; and Prejudice (see Policy – Section 6 for details).
- 5.7. In a standing appeal, students can only appeal their Required to Withdraw (RTW) or Permanently Withdrawn (PPW) standing (for undergraduate students), Withdrawn (for graduate students) and Failed (Faculty of Law students).
- 5.8. There are three (3) levels to which an undergraduate and graduate student can progressively appeal a final grade or their academic standing:
  - 1<sup>st</sup> Level - Department/School/Program
  - 2<sup>nd</sup> Level - Faculty
  - 3<sup>rd</sup> Level - Senate

For all Faculties that do not have multiple Departments/Schools/Programs, there are two (2) levels to which a student can progressively appeal a final grade or their academic standing:

- 1<sup>st</sup> Level - Faculty
- 2<sup>nd</sup> Level - Senate

A student may only appeal to the next level if they disagree with the decision of the previous level and if grounds for appeal exist or if they do not accept the remedy proposed by the previous level decision maker.

- 5.9. The burden of proof is on the student to show on a “balance of probabilities” that the decision relating to the final grade or academic standing is incorrect. Thus, to show that:
  - 5.9.1. the final grade incorrectly reflects their demonstrated knowledge of the course material; or
  - 5.9.2. their current academic standing should be changed; as academic standing is determined by a students’ overall cumulative academic performance; students must provide substantial reasons why their current standing is not appropriate.
- 5.10. Students must submit all documentation necessary to support their appeal.
- 5.11. Students have ten (10) business days from the date of receiving their official final grade/standing to submit the 1<sup>st</sup> Level appeal. All other levels of appeal must be submitted within ten (10) business days of receiving the decision letter.
- 5.12. Decision makers at every level will receive mandatory online training via the Senate Office to maintain currency in the appeals policy and procedures.
- 5.13. Decision makers must acquire and consider information on all perspectives before reaching a decision.
- 5.14. Appeals may only be dismissed at the Senate Level by a Senate Appeals Committee (SAC) Review Panel where the appeal either fails to meet the definition of one of the required grounds for appeal or fails to describe a clear reason when the student disagrees with the Faculty Level decision. If new evidence is submitted at the Senate Level, it must have a reasonable possibility of affecting the decision in order to proceed to a hearing. The decision of the SAC Review Panel is final and not appealable. For details on the Senate Level dismissal process, see Procedures – Section 5.
- 5.15. If the appeal is granted and the student proceeds with the remedy proposed, a grade appeal outcome may result in the final grade being increased, decreased, or unchanged and cannot be further appealed (see [Policy 162: Grade Reassessment and Grade Recalculation](#)).
- 5.16. Students may continue in their program and can be registered in courses on the basis of a probationary contract (undergraduate) or provisional plan (graduate) for up to one term while their standing appeal is being considered. Exceptions may be made when the decision timeline is delayed due to the University.
- 5.17. Students on a probationary contract or a provisional plan and are appealing their academic standing, must pay all appropriate fees. If the standing appeal is denied and the student remains RTW/PPW or Withdrawn, they will be given a full refund of the fees charged for the courses in which they enrolled in that semester.

Refunds will not be considered for past semesters that have already been completed.

- 5.18 Students must be mindful of the time allotted by the University to complete their degree/ certificate. If, during the appeal process the student exceeds their time allotted or a time extension has been exceeded and the process to request an additional extension is either not followed or not granted: the grade appeal and standing appeal may no longer be required/considered as the person appealing is no longer a student in that program. Decision makers should always consult with the Senate Office on these cases.

## **6 GROUNDS FOR APPEAL**

### **6.1 Course Management**

Appeals may be filed on the ground of Course Management when students believe that a final grade has been adversely affected because an instructor or supervisor has deviated significantly from course management policies (see [Policy 166: Course Management](#)), from the course outline, or the instructor has demonstrated personal bias or unfair treatment.

6.1.1. Personal bias or unfair treatment are not considered to be the same as Prejudice (see Policy – Section 6.4).

6.1.2. For graduate students, the grounds of Course Management includes the management of non-course program requirements by the supervisor and/or Graduate Program Director.

### **6.2 Extenuating Circumstances**

Appeals may be filed on the ground of Extenuating Circumstances when students believe that there has been occurrences of reasonable significance that: (a) are outside a student's immediate control; (b) could not have been reasonably foreseen or avoided; and (c) significantly impact the student's ability to fulfill their academic requirements.

### **6.3 Procedural Error**

Appeals may be filed on the ground of Procedural Error when it is believed that there has been an error in the procedure followed in the application of either this policy or any applicable policy of the University that has impacted a student's grade or standing. Appeals granted on this ground will resolve the procedural error.

### **6.4 Prejudice**

Appeals may be filed on the ground of Prejudice when it is believed that that the student's final grade or standing has been impacted by prejudice based on a ground protected under the Ontario Human Rights Code:

- Age
- Ancestry, colour, race

- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status)
- Gender identity, gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation

Students who believe their grade has been adversely affected by another form of personal bias or unfair treatment, unrelated to a protected human rights ground, may appeal under the ground of Course Management.

## **7. DECISIONS**

- 7.1 The Decision maker at any level of appeal may:
- deny the appeal;
  - grant the appeal; or
  - grant or deny the appeal in part, subject to conditions (refer to Procedures - Section 4.2)
- 7.2 If the student does not accept the conditions attached (refer to Procedures - Section 4.2), the appeal will be considered denied.
- 7.3 As outlined in Procedures – Section 5, the Secretary of Senate may recommend dismissal of an appeal to the Senate Appeals Committee for their review.
- 7.4 Decisions must satisfy Senate academic policy and procedure requirements.

## **RESCINDED POLICIES**

Senate Policy 134: Undergraduate Academic Consideration and Appeals Policy  
Senate Policy 152: Graduate Academic Consideration and Appeals Policy

## **RELATED DOCUMENTS**

Senate Policy 46: Undergraduate Course Grading, Academic Program Standing, and Eligibility to Graduate (The “GPA Policy”)

<https://www.torontomu.ca/senate/policies/pol46.pdf>

Senate Policy 157: Establishment of Student Email Accounts for Official University Communication <https://www.torontomu.ca/senate/policies/pol157.pdf>

Policy 159: Academic Accommodation of Students with Disabilities

<https://www.torontomu.ca/senate/policies/pol159.pdf>

Senate Policy 162: Grade Reassessment and Grade Recalculation

[https://www.torontomu.ca/senate/policies/pol162\\_reassessment.pdf](https://www.torontomu.ca/senate/policies/pol162_reassessment.pdf)

Senate Policy 164: Graduate Status, Enrolment and Evaluation

<https://www.torontomu.ca/content/dam/senate/policies/pol164.pdf>

Senate Policy 166: Course Management Policy

<https://www.torontomu.ca/senate/policies/pol166.pdf>

## GLOSSARY/APPENDICES

<p><b>Advocate</b></p>	<p>An individual sanctioned by one of the recognized Toronto Metropolitan University student bodies (e.g. the Toronto Metropolitan Students' Union [TMSU], Toronto Metropolitan Association of Part-time Students [TMAPS], or any other arm's length student group sanctioned by the University. An advocate is available at the request of a student to advise and assist with submissions, appeals, and to act as a resource for the student at meetings/formal discussions and appeal hearings. Policy 168 Procedures includes a list of authorized advocates.</p>
<p><b>Academic Accommodation</b></p>	<p>A pre-planned variation in the way a student with a disability receives course curriculum and materials, participates in course activities, or demonstrates mastery of course content and skills through evaluation and assessment (see Policy 159: Academic Accommodation of Students with Disabilities).</p>
<p><b>Faculty (capitalized)</b></p>	<p>Refers to the administrative unit (see Policy 2: Undergraduate Curriculum Structure) and the 2<sup>nd</sup> Level of the appeal process.</p>
<p><b>faculty (non-capitalized)</b></p>	<p>The term “faculty,” for the purpose of this policy, refers to the academic teaching staff of the University.</p>
<p><b>Grade – Final</b></p>	<p>A final grade is awarded upon completion of all required components of a course and is issued by the Registrar’s Office through RAMSS.</p>
<p><b>Grade Reassessment</b></p>	<p>A review and re-evaluation of a graded course component when a student disagrees with their grade based on the merit of their work (see Policy 162: <u>Grade Reassessment and Grade Recalculation Policy</u>).</p>
<p><b>Instructor</b></p>	<p>The person responsible for the course and includes all those represented by the Toronto Metropolitan Faculty Association as well as part-time, sessional, and Continuing Education contract lecturers who are represented by Unit 1 or Unit 2 of CUPE Local 3904.</p>
<p><b>Teaching Department</b></p>	<p>The academic unit that is responsible for the development, delivery, and administration of a course (see Policy 2: Undergraduate Curriculum Structure).</p>

# TORONTO METROPOLITAN UNIVERSITY

## POLICY OF SENATE

### PROCEDURES: Grade and Standing Appeals – Policy 168

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The Grade and Standing Appeals Procedures (the “Procedures”) outline the processes to be followed in carrying out Policy 168: Grade and Standing Appeals and the roles and responsibilities of students, instructors/faculty, Chairs/Directors, Departments/Schools/Programs, Faculties and Senate.

#### 1. SUBMISSION OF APPEALS

- 1.1. Appeal submissions must be completed in accordance with the instructions on the Senate website (<https://www.torontomu.ca/senate/appeals/>).
- 1.2. Students may submit a single grade appeal, multiple grade appeals and/or a (if applicable), with the understanding that a successful grade appeal(s) may render the standing appeal resolved (see Procedures Section 10 for the sequence of appeals).
- 1.3. Students must indicate in their submission where they disagree with the decision at the previous level (if applicable).
- 1.4. All documents to be presented as evidence must be included with the appeal submission. This includes:
  - 1.4.1. Any form, letter, or documentation that may support the appeal, including but not limited to: Toronto Metropolitan University, Health Certificate, medical forms, travel documents, email communications, grade or standing reports, progress reports, assignment or test results;
  - 1.4.2. All documents from previous level(s) of appeal including the final decision letter(s). NOTE: In the case of Appeals submitted through the Online Grade and Standing Appeal Submission System this step occurs automatically and students are not required to resubmit.
- 1.5. Incomplete submissions will not be processed.
- 1.6. When using the Online Grade and Standing Appeal Submission System:
  - 1.6.1. Department/School/Program level grade appeals are automatically filed with the Department/School/Program in which the course is taught. Grade appeals for all courses are filed with the Chair/Director of the Department/School/Program that has responsibility for that course. If the course is a continuing education course and not tied to a specific Faculty, the student’s appeal will automatically be filed with the Program Director within The Chang School.

- 1.6.2. All Faculty level grade appeals are automatically filed with the Dean/Associate Dean of the responsible Faculty. If the course is a continuing education course and not tied to a specific Faculty, the student's Faculty level appeal will automatically be filed with the Dean of The Chang School.
  - 1.6.3. All Senate level grade appeals are automatically submitted to the Secretary of Senate.
  - 1.6.4. Standing appeals at the Department/School/Program level are automatically filed with the student's Program. Faculty level standing appeals are automatically filed with the Dean/Associate Dean of the Faculty for the student's Program and Senate level standing appeals are automatically filed with the Secretary of Senate.
- 1.7. For Faculties not using the Online Grade and Standing Appeal submission system:
- 1.7.1. Department/School/Program level grade appeals are to be filed with the Department/School/Program in which the course is taught. Grade appeals for all courses must be submitted to the Department/School/Program and reviewed by the Chair/Director that has responsibility for that course. If the course is a continuing education course and not tied to a specific Faculty, the student's appeal must be submitted to The Chang School information desk, who will forward the appeal to the appropriate Program Director.
  - 1.7.2. All Faculty level grade appeals must be submitted to the Dean/Associate Dean of the responsible Faculty. If the course is a continuing education course and not tied to a specific Faculty, the student's Faculty level appeal must be submitted to The Chang School information desk, who will forward the appeal to the Dean of The Chang School.
  - 1.7.3. All Senate level grade appeals must be submitted to the Secretary of Senate.
  - 1.7.4. Standing appeals at the Department/School/Program level must be submitted to the student's Program. Faculty level standing appeals must be submitted to the Dean/Associate Dean of the Faculty for the students' Program and Senate level standing appeals must be filed with the Secretary of Senate.

## **2. GROUNDS FOR APPEALS**

Before filing a formal appeal, a student must determine if one or more of these grounds apply. With the exception of Procedural Error and Prejudice, no new grounds may be introduced at subsequent levels of appeal.

**Note:** When the ground of Procedural Error or Prejudice is introduced for the first time at a subsequent level of appeal, it should generally be because the student believes that, at the previous level of appeal, the appeal process or the decision maker engaged in a Procedural Error or Prejudice, unless there are compelling reasons that would account for the failure to raise these grounds at the initial level of appeal.

If a student should introduce the ground of Prejudice at the Faculty or Senate levels for the first time on the sole basis of a claim that their instructor engaged in prejudice, HRS will determine whether it is appropriate to assess the claim based on the procedures and timelines applicable to the Discrimination and Harassment Prevention Policy.

## 2.1. Course Management

- 2.1.1. Refer to Policy – Section 6.1 for a description of Course Management as a ground for appeal.
- 2.1.2. Students must provide the course outline or supervision agreements when it is relevant to their appeal and must detail where the deviation occurred and must explain how their academic performance was affected.
- 2.1.3. At the undergraduate level, Course Management may be considered as a ground for grade appeals, but not for appeals of academic standing.

## 2.2. Extenuating Circumstances

- 2.2.1 Refer to Policy – Section 6.2 for a description of Extenuating Circumstances as a ground for appeal.
- 2.2.2. Examples of Extenuating Circumstances:

**Health:** physical and mental health issues that are either sudden or acute,<sup>1</sup> including but not limited to unexpected illness or injury, hospitalization, or treatment, or significant aggravation of a pre-existing condition.

**Compassionate:** events, circumstances or emergencies that cause undue hardship, personal distress and/or trauma, including but not limited to:

- 2.2.2.1. death or life-threatening injury or illness of a close relative or friend;
- 2.2.2.2. traumatic experiences including being a victim of, or witness to a serious crime or involvement in, or witnessing a serious accident;

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<sup>1</sup> Physical or mental health issues of a chronic nature should be addressed through: [Policy 159: Academic Accommodation of Students with Disabilities](#) and through consultation with the University's [Academic Accommodation Support \(AAS\) office](#).

- 2.2.2.3. significant disruption to a student's domestic arrangements;
- 2.2.2.4. sudden loss of income or employment;
- 2.2.2.5. caregiver responsibilities, where a student has substantial unplanned responsibilities to members of their immediate family or members of their household who need their care and support.

Other Extenuating Circumstances: include, but are not limited to the following:

- 2.2.2.6. participation in a University-sanctioned event (e.g., varsity sports), or other events in which the student is representing the University, where the event conflicts with the requirements of a course;
- 2.2.2.7. participation in events such as conferences, case competitions, or field trips related to the student's field of study;
- 2.2.2.8. legal commitments, where a student is required to attend court.

### 2.3. Procedural Error

- 2.3.1 Refer to Policy – Section 6.3 for a description of Procedural Error as a ground for appeal.
- 2.3.2. Where students claim that an academic regulation or policy was improperly applied or not followed, they must reference both the policy and the alleged error and explain how this procedural error has affected their academic record. This may include such things as a failure to recalculate a grade or remark an exam, evidence not properly considered during an appeal, or when a response deadline has been missed.

### 2.4. Prejudice

- 2.4.1. Refer to Policy – Section 6.4 for a description of Prejudice as a ground for appeal.
- 2.4.2. Students must provide the rationale of how their final grade or standing or the decision at the previous level, has been impacted by prejudice based on one or more of the protected grounds under the Ontario Human Rights Code.
  - 2.4.2.1. For appeals submitted through the Online Grade and Standing Appeal Submission System, if prejudice is selected as a ground, a copy of the appeal submission will automatically be forwarded to Human Rights Services (HRS).

- 2.4.2.2. For those Faculties still accepting paper appeals, after submitting the appeal to the appropriate level, the student has an additional ten (10) business days to submit a copy of their appeal to Human Rights Services via email to [humanrights@torontomu.ca](mailto:humanrights@torontomu.ca). This step is required.
- 2.4.2.3. After Human Rights Services has received a copy of the student's appeal and confirmed receipt via email with them, the student must then contact the Human Rights Services Office within ten (10) business days to consult with them regarding their appeal on the ground of prejudice (see [Discrimination and Harassment Prevention Policy](#)).
- 2.4.2.4. If Human Rights Services determines that it will proceed with a complaint resolution process, then the student's appeal will be put on hold until this process is completed. This will result in an extension of time required to complete the appeal while Human Rights reviews the situation.
- 2.4.2.5. In addition to informing the student of their findings, Human Rights Services will inform the following of their complaint resolution process:

**Grade Appeals:**

- Instructor and the Chair/Director in all grade appeals at the Department/School/Program level;
- Dean/Associate Dean in all grade appeals at the Faculty level;
- Secretary of Senate in all grade appeals at the Senate level.

**Standing Appeals:**

- Chair/Director in all standing appeals at the Department/School/Program level
- Dean/Associate Dean in all standing appeals at the Faculty level;
- Secretary of Senate in all standing appeals at the Senate level.

- 2.4.2.6. Once Human Rights Services has completed their review and notified the appropriate parties as outlined above in 2.4.2.5., the appeal may proceed with being considered on any other ground(s) at the level it was submitted. A student may also withdraw their appeal at any time.
- 2.4.2.7. If Human Rights Services determines that there is insufficient evidence to support a claim of prejudice on a prohibited ground and the student wishes to proceed on the basis of personal bias or unfair treatment, the original appeal submission may then be revised on the ground of Course Management. If the Course

Management ground was already selected in the original submission, a revised submission may not be necessary. It is the responsibility of the student to resubmit their revised appeal (if applicable) to the appropriate level within ten (10) business days of receipt of the Human Rights Services findings. If a revised appeal is not submitted, the appeal will proceed using the student's original submission.

- 2.4.2.8. If, during the course of any level of appeal, it is determined that there is a claim of prejudice on a prohibited ground which was not previously assessed or reviewed by Human Rights Services at a previous level, it will be referred to that office and the appeal decision will be put on hold until Human Rights Services has assessed the claim and notified the appropriate parties outlined in 2.4.2.5. of the outcome of their review and/or recommendations (if applicable).

### **3. CONSIDERATION OF APPEAL**

#### **3.1. 1<sup>st</sup> Level – Department/School/Program**

- 3.1.1. The Chair/Director or designate will consider all appeal submissions and determine if the appeal is complete before it is processed.
- 3.1.2. The Chair/Director or designate may agree to accept an appeal after the deadline if there are special circumstances (supporting documentation must be provided). Otherwise late appeals are not accepted.
- 3.1.3. The Chair/Director or designate may not award a numerical/letter grade or require any action contrary to a University policy or collective agreement.
- 3.1.4. The Chair/Director or designate will respond to the student in writing within ten (10) business days of the receipt of the appeal with a decision. If the Chair/Director is unable to respond to the student within this time, the student must be notified of when they can expect a decision.
- 3.1.5. The Chair/Director or designate may consult with:
  - 3.1.5.1. Both the student and the faculty member for clarification if necessary; and/or
  - 3.1.5.2. Department/School/Program, the Dean's Office, and/or the Senate Office for support in handling appeals.
- 3.1.6. If the decision outcome requires a change to the student's academic record, it will be actioned by Student Records ten (10) business days after the decision is issued in order to allow for the ability to appeal to the next level.

### **3.2. 2<sup>nd</sup> Level – Faculty**

- 3.2.1. The Dean or designate will consider all appeal submissions and determine if the appeal is complete before it is processed.
- 3.2.2. The Dean or designate may agree to accept an appeal after the deadline if there are special circumstances (support documentation must be provided). Otherwise late appeals are not accepted.
- 3.2.3. The Dean or designate may not award a numerical/letter grade or require any action contrary to a University policy or collective agreement.
- 3.2.4. The Dean or designate will respond to the student in writing within ten (10) business days of the receipt of the appeal with a decision. If the Dean or designate is unable to respond to the student within this time, the student must be notified of when they can expect a decision.
- 3.2.5. The Dean or designate may consult with:
  - 3.2.5.1. The student, the instructor, or Department/School/Program for clarification if necessary; and/or
  - 3.2.5.2. The Senate Office for support in handling appeals.
- 3.2.6. If the decision outcome requires a change to the student's academic record, it will be actioned by Student Records ten (10) business days after the decision is issued in order to allow for the ability to appeal to the next level.

### **3.3. 3<sup>rd</sup> Level – Senate**

- 3.3.1. The Secretary of Senate or designate will review all Senate Level appeal submissions and determine if the appeal is complete before it is processed. Incomplete appeals will not be accepted.
- 3.3.2. The Secretary of Senate or designate may agree to accept an appeal after the deadline if there are special circumstances (supporting documentation must be provided). Otherwise late appeals are not accepted.
- 3.3.3. The Secretary of Senate or designate will respond to the student in writing within ten (10) business days of the receipt of the appeal submission to advise if the appeal meets the grounds as outlined in Policy, Section 6 to proceed to an appeal or if a dismissal is being recommended.

## **4. REMEDIES**

- 4.1. When an appeal is granted the decision maker must stipulate the remedy that will fairly and equitably address the issue of the student's grade or standing appeal. There is not an exhaustive list of remedies that can be provided. The Secretary of Senate can be consulted regarding what might be a fair and equitable remedy in the particular

circumstances of each case. Remedies must satisfy Senate academic policies and procedures.

4.2. If the decision is granted with conditions, a deadline must be provided to the student by which they must confirm acceptance of the conditions. Failure to accept the conditions will result in the appeal being considered denied.

4.3. The following are examples of possible remedies:

- rewrite of an exam or assignment.
- makeup of an exam or assignment.
- re-weighting of other course components.
- an INC grade with the opportunity to submit outstanding work or FS grade (if applicable).
- standing changes - which should include reference to probationary contracts for undergraduate students and provisional plans for graduate students. If granted, a standing appeal may result in reverting back to probationary/provisional standing.
- recommend a 4<sup>th</sup> attempt at a course (or 3<sup>rd</sup> attempt based on grade variations), which must be approved by the Registrar's Office.
- recommend a final grade review (see [Policy 162: Grade Reassessment and Grade recalculation Policy](#))

4.4. In rare cases only, where all other remedies are determined infeasible (usually due to mode of course delivery, such as when group work, presentation, or field work would be required), the decision maker may recommend a **retroactive course withdrawal** in the appeal decision. The decision maker must demonstrate in their decision that all other remedies (see section 4.3) were taken into consideration and specify why each of these other remedies were deemed unviable. This recommendation is subject to approval by the Office of the Registrar. If it is not clear that all other remedy options were considered within the decision letter rationale, the Office of the Registrar has the authority to deny the request.

## 5. RECOMMEND SUMMARY DISMISSAL OF SENATE LEVEL APPEAL PROCEDURES

5.1 The Secretary of Senate or Designate may recommend that the Senate Appeals Committee (SAC) summarily dismiss an appeal without a hearing if:

5.1.1 The appeal does not meet the definition in any of the required grounds for appeal;

5.1.2 The appeal does not describe a clear reason why the student disagrees with the Faculty Level decision;

- 5.1.3 The appeal is frivolous, vexatious, or brought in bad faith;
- 5.1.4 The appeal relates to matters that are outside of the jurisdiction of the Senate Appeals Committee
- 5.2 Before recommending that the SAC dismiss an appeal without a hearing, the Secretary of Senate or Designate shall provide the Student with a Notice of Intent to Recommend Summary Dismissal (“Notice”), which identifies the basis of the recommendation as outlined above.
- 5.3 Within ten (10) business days of receiving a Notice, the Student may provide written submissions responding to the recommendation, explaining why the SAC should not summarily dismiss the appeal. If the Student does not respond to the Notice within ten (10) business days, a SAC Review Panel shall proceed with its consideration of the recommendation to dismiss the appeal on a summary basis.
- 5.4 Upon review of the Appeal, the Notice of Intent to Recommend Summary Dismissal and the Student’s response to the Notice (if any), a SAC Review Committee shall, in writing:
  - 5.4.1 Dismiss the appeal, in whole or in part, with reasons; or
  - 5.4.2 Allow the appeal to proceed to a hearing on the merits in accordance with Policy 168 and its procedures.
- 5.5 The SAC Review Panel will be comprised of one faculty member of SAC as Chair, one additional SAC faculty member, and one SAC student member. The panel Chair is responsible for leading the summary dismissal review, procedures, and for writing the decision letter.
- 5.6 Summary dismissal decisions from a SAC Review Panel are final and cannot be appealed.

## **6. SENATE APPEALS COMMITTEE (SAC) HEARING**

- 6.1 The SAC Hearing Panel consists of three members:
  - 6.1.1 One faculty member as Chair;
  - 6.1.2 One faculty member; and
  - 6.1.3 One student.
- 6.2 It is in a student’s best interest to attend the hearing and the student is expected to attend unless they waive their right to attend. (See Procedures –Section 9 for who may accompany/represent the student at the SAC hearing).
- 6.3 The responding faculty member, who will usually be the course instructor, or Chair/Director(s), is expected to attend the hearing. (See Procedures – Section 9 for who may accompany/represent the responding faculty member at the SAC hearing.)

- 6.4 Witnesses may be invited by the student, the responding faculty member, or the Secretary of the Senate. Witnesses shall normally be present at the hearing only while giving evidence. Witnesses must make themselves available during the scheduled hearing.
- 6.5 If an advocate or legal representation has not been declared in advance of the Notice of Hearing being issued, and a student wishes to be represented by a University approved student advocate or a legal representative at their scheduled hearing: they must provide this in writing to the Secretary of Senate at least 24 hours in advance of the hearing, along with confirmation by the student advocate or legal representative of their attendance and intention to represent the student at the scheduled SAC appeal hearing.
- 6.6 The following individuals shall have the right to make submissions, both orally and in writing to the Senate Appeals Committee in respect of an appeal:
  - 6.6.1 The student, the student advocate approved by the University, and /or legal representation retained by the student.
  - 6.6.2 The respondents and any legal representation retained by the respondent.
  - 6.6.3 The Secretary of Senate
- 6.7 The Secretary of Senate or delegate may be present at the hearing in order to provide advice on the process and information on a student's academic record.
- 6.8 Appeal hearings are not open to the public due to privacy and confidentiality issues.
- 6.9 Appeal hearings may not be audio or video recorded, and no minutes of the proceedings are taken. The decision letter is considered the official record of the proceedings.
- 6.10 If the student, responding faculty member, legal representative, advocate, support person, or witness fails to attend the hearing, it may proceed in their absence unless the Hearing Panel is informed of an emergency situation.
- 6.11 The Secretary of Senate will facilitate the hearing by:
  - 6.11.1 appointing the Panel Chair along with the panel members.
  - 6.11.2 scheduling the hearing as expeditiously as possible based on the availability of the student, the responding faculty member(s), and panel members. If the student or the respondent(s) fail to provide availability by the requested date, a hearing will be scheduled without their input. All parties will be provided with a minimum of ten (10) business days' notice of the scheduled hearing.
  - 6.11.3 notifying all parties of the date, time, location of the hearing a minimum of ten (10) business days before the hearing.

- 6.11.4 distributing the hearing package electronically including all relevant documents to the panel, student, and responding faculty member(s) a minimum of five (5) business days before the hearing (including representatives or advocates where applicable).
- 6.11.5 ensuring the hearing procedures are available to the student and others involved in the hearing.
- 6.12 Decision makers should ensure that they are fully informed of all evidence related to an appeal before reaching a decision.
  - 6.12.1 For in-person hearings, if after a student has submitted an appeal, new evidence becomes available that the student wishes to include, the student must contact the Senate office no later than 24 hours prior to the date of the SAC appeal hearing to provide such evidence.
  - 6.12.2. If the student does not have a reasonable opportunity to submit this evidence in advance of the hearing (e.g. this evidence only came to light less than 24 hours before the hearing was scheduled), they may bring it to the hearing, along with seven (7) copies to be distributed as appropriate.
  - 6.12.3. The student should provide an explanation as to why this information was not available with the appeal package and in advance of the hearing.
  - 6.12.4. The SAC Panel, in consultation with the Chair, will decide whether the evidence will be accepted. The criteria for accepting the admission of new evidence will be its relevance to the appeal, and if there is a reasonable chance that it will affect the decision and its outcome.
  - 6.12.5. New evidence may require verification.
  - 6.12.6. For virtual hearings, (i.e., via phone or Internet), students must submit all new evidence to the Senate office by 12:00 pm on the business day preceding the hearing in order ensure enough time for fair and adequate consideration.
  - 6.12.7. New evidence received after this deadline will not be considered.
  - 6.12.8. New evidence will be shared with all parties in advance of the SAC hearing. The Panel will decide, upon unilateral agreement, whether the evidence will be accepted at the hearing and will advise the hearing participants accordingly.
- 6.13 The Hearing Panel may adjourn the hearing when it is required for a fair process.
- 6.14 Decisions of the SAC Hearing Panel are final and may not be appealed.
- 6.15 Based upon matters arising at the hearing, the Hearing Panel may make recommendations on the procedural or policy matters to the Senate Appeals Committee, the Secretary of Senate, a Department/School/Program or a Dean, or

representative of the Registrar's Office. These recommendations should be in a separate memo addressed to the Secretary, who shall distribute appropriately.

- 6.16 The complete original submission of all appeal documents shall be retained in confidence by the Senate Office and the Office of the Registrar. All other copies of the appeal documents are to be shredded once the decision letter is issued.

## **7 ADJOURNMENT**

- 7.1 Once a Senate Level appeal has been scheduled, a student may seek an adjournment. The onus is on the student to justify that an adjournment ought to be granted.
- 7.2 In determining whether to grant the adjournment, the Senate Appeal Committee will consider the following factors:
- 7.2.1 Whether this is the first adjournment request or whether there has been a history of repeated adjournment requests;
  - 7.2.2 The time period between the initial matter under appeal and the hearing date;
  - 7.2.3 Whether the student raised the issue of an adjournment at the earliest possible opportunity;
  - 7.2.4 Whether the student has provided alternative dates of availability;
  - 7.2.5 Whether the student has medical evidence and/or any other evidence to support their request, which is detailed, specific, and clearly links the circumstances to a need for an adjournment;
  - 7.2.6 Whether any other form of accommodation can be offered to the student so that the hearing may proceed on the scheduled day; and,
  - 7.2.7 Any other factor the Panel deems necessary.

## **8 TIMELINES**

- 8.1 Decisions at all levels must be communicated to students via University email addresses within ten (10) business days of the submission of the appeal or where a SAC Hearing has been held, within ten (10) business days of the hearing.
- 8.2 If there is a delay, the decision maker will communicate with the student that more time is required and indicate, within a reasonable period, when a decision will be forthcoming.
- 8.3 Students are responsible for contacting the office they submitted their appeal to if they have not received a response in the specified time period.
- 8.4 The decision will be deemed received on the date sent.

- 8.5 Students who have attempted to have work reassessed or grades recalculated (see Policy 162: Grade Reassessment and Grade Recalculation) and have not had the matter resolved prior to the appeal deadline, or who have not yet received a response from an instructor or Chair/Director, and who wish to appeal, may submit a formal appeal on the ground of Procedural Error by the deadline.
- 8.6 If a student does not proceed within the timeline stipulated, the right to appeal will be considered closed.
- 8.7 Required to Withdraw/Permanent Program Withdrawal or Withdrawn students will be removed from their course(s) once the time for the appeal has expired without an appeal being launched.

## **9 CONSULTATION, REPRESENTATION, AND SUPPORT**

### **9.1 Students**

- 9.1.1 Students are encouraged to seek appropriate guidance from their program representative or other support services at the University if they are considering filing an appeal or at any point during their appeal process.
- 9.1.2 A University approved advocate may be contacted for advice on the appeal process. Current University approved advocates for students are designated from TMSU and TMAPS.
- 9.1.3 A University approved advocate may represent or support a student at any meeting that may occur at the Department/School/Program or Faculty or a hearing at the Senate Level. Students are expected to be present and speak for themselves, especially with respect to matters of fact.
- 9.1.4 Legal representation is permitted at a Senate Level appeal hearing. Students should ensure their legal representative is available for any scheduled appeal hearing.
- 9.1.5 Students may be accompanied by a support person at a Senate Level hearing. A support person may not participate or be involved in the process in any way nor may they sit at the hearing table but the student may request to speak in private with their support person during the Senate Level hearing process.
- 9.1.6 Students may consult with the Ombudsperson at any time regarding issues of fairness.
- 9.1.7 Students may consult with the Senate Office regarding issues related to timeliness or delays in receiving decisions and for clarity on policy and procedures.

## 9.2 Instructors and Chairs/Directors

- 9.2.1 Instructors and Chairs/Directors may consult with Departments/Schools/Programs for support in resolving grade related issues.
- 9.2.2 The Senate Office may also be contacted for clarity on policy and procedures.
- 9.2.3 Faculty members may be accompanied by a support person at Senate Level hearings. A support person may not participate or be involved in the process in any way nor may they sit at the hearing table but the responding faculty member(s) may request to speak in private with their support person during the Senate Level hearing process.
- 9.2.4 Legal representation is permitted for University respondent(s) at any Senate Level appeal hearing. The Senate Office should be contacted for more information on this option.

## 9.3 Decision Makers

Decision makers may consult with Departments/Schools/Programs, Faculties/Deans, Registrars and/or the Senate Office for support in handling appeals and interpreting policy.

## 10 SEQUENCE OF APPEALS

- 10.1 If a student is submitting both a grade appeal and a standing appeal, the standing appeal will only be considered once a final decision at that level is made on the grade appeal.
- 10.2 If a student is submitting multiple grade appeals and a standing appeal, the grade appeals may be considered concurrently or sequentially at the discretion of the decision maker(s) as successful grade appeal(s) may resolve the student's standing resulting in the standing appeal not having to be considered.
- 10.3 If there is a grade appeal for a course outside of the student's Department/School/Program, the Department/School/Program must receive the decision of the grade appeal before a standing appeal can be considered. If both appeals are to the same Department/School/Program, the appeals may be considered concurrently.
- 10.4 If a grade appeal is delayed due to an unresolved reassessment or recalculation, the related standing appeal may also be delayed.
- 10.5 If an appeal of a finding of academic misconduct is related to a concurrent grade or academic standing appeal, the misconduct appeal will be heard first and the decision will be forwarded to the appropriate Department/School/Program. All academic misconduct levels of appeal must be exhausted before the grade or standing appeal can be considered.

- 10.6 If a student has submitted a grade appeal and standing appeal within the same semester to the Senate Level, and it is determined that both appeals are going to be heard, then typically, they will occur together on the same date and be heard by the same SAC Hearing Panel.

## **11 ROLES AND RESPONSIBILITIES**

### **11.1 Student**

#### **11.1.1 Maintain accurate contact information**

It is the student's responsibility to maintain updated contact information with the University to ensure that all information related to grades, standings, and appeals are properly received. Toronto Metropolitan University program students are required to maintain a University email address (see [Policy 157: Establishment of Student Email Accounts for Official University Communication](#)). All communication will occur via University email.

#### **11.1.2 Prior to submission of a grade appeal**

Before submitting a grade appeal, it is expected that the student will have consulted with their instructor about their concern. Where appropriate, an informal resolution of grade-related disputes at the instructor level is preferable to an appeal (see Policy – Sections 5.2 and 5.3). Failure to follow this expectation may result in an appeal not being considered.

#### **11.1.3 Prior to submission of a standing appeal**

Academic standing issues may only be resolved through a standing appeal. Students may wish to consult with their Chair/Director in advance of submitting a standing appeal.

#### **11.1.4 Submission of appeal(s)**

Students are responsible for the submission of complete appeal packages including all evidence for consideration.

#### **11.1.5 Timeliness**

To ensure consideration of an academic appeal, students must adhere to the deadlines (see Policy – Section 5.11). Where special circumstances prevent meeting a specified deadline, students may request an extension to file an appeal from the decision maker. Extensions or the acceptance of an appeal late is at the discretion of the decision maker. If the decision maker grants an extension, they must communicate this extension to the Office of the Registrar.

### **11.2 Instructor/faculty**

#### **11.2.1 Attempt to reach resolution prior to submission of a grade appeal**

Instructors must attempt to resolve grade-related issues in a timely manner when a student disagrees with the final grade assigned. Where appropriate, an informal resolution of grade-related disputes is preferable to an appeal.

Any informal resolution must satisfy Senate academic policy and procedure requirements.

Instructors should maintain all documentation indicating where attempts were made with students to resolve grade issues informally.

#### 11.2.2 **Timelines**

To ensure timely consideration of an academic appeal, instructors should respond to student issues related to grading as soon as the issue is brought forward by the student.

In special circumstances, the instructor and the student may mutually agree to an extension of time to resolve the issue informally.

#### 11.2.3 **Inform the student of their right to appeal**

When instructor level resolution is not possible, the instructor should inform the student of their right to formally appeal, the 1st Level of appeal being to the Chair/Director.

#### 11.2.4 **Provide any relevant documentation/evidence**

Instructors must provide necessary documentation for the processing of appeals when requested by decision makers.

#### 11.2.5 **Attendance at appeal meetings**

Instructors may be asked to attend meetings and hearings regarding appeals.

#### 11.2.6 **Follow through on the outcome of an appeal decision**

The instructor is responsible for carrying out the grade appeal outcome as soon as possible as outlined in the decision letter at any level.

### 11.3 **Department/School/Program**

11.3.1 **Awareness of expectations concerning informal resolution** Because formal appeals are seen as a student's last resort, each Department/School/Program should take reasonable steps to raise general awareness of the expectation that instructors and students share a responsibility to try to reach resolution of disputes (see Policy – Section 2.2).

#### 11.3.2 **Appointment and training of decision makers**

Each Department/School/Program shall appoint at least one decision maker for appeals at the 1st Level, communicate the details of the appointment to the Dean and to the Secretary of Senate, and ensure that the appointee has completed the mandatory online training made available by the Senate Office for decision makers.

#### 11.3.3 **Resources and advice for students, instructors, and decisionmakers**

When made aware that a student has a grade-related concern, the Department/School/Program should take reasonable steps to encourage both the student and the instructor to explore the possibility of an informal resolution.

In case such attempts at informal resolution fail, the Department/School/Program should ensure that the student is aware of their right to seek and receive advice about the appeal process.

The Department/School/Program should also provide instructors with access to advice and resources to help facilitate the fair resolution of a student's grade-related concerns.

**11.3.4 Follow through on the outcome of a standing appeal and (if necessary) a grade appeal**

The Chair/Director is responsible for carrying out the standing appeal outcome as outlined in the decision, and carrying out the grade appeal outcome as outlined in the decision when the instructor/faculty does not, or is unable to, do so.

**11.4 Appeal Decision Makers (prior to Senate Level)**

**11.4.1 Collection of evidence**

Decision makers should ensure that they are fully informed of all evidence related to an appeal before reaching a decision. They may, at their discretion, request documents from the instructor, the student or others, or request meetings with the instructor or student, or any combination of the above steps in order to arrive at a fully informed, independent decision.

**11.4.2 Determining consideration of multiple appeals**

If a student initiates more than one appeal, the decision maker at any level, may determine if the appeals should be heard concurrently or sequentially (see Procedures – Section 10 regarding Sequence of Appeals).

**11.4.3 Timeliness**

To ensure timely consideration of an academic appeal, decision makers must adhere to the deadlines indicated by the appeal procedures at each level of the process. In special circumstances, decision makers may require more time to review evidence and make a decision. In these circumstances, the decision maker will communicate with the student that more time is required and indicate, within a reasonable period, when a decision will be forthcoming.

**11.5 Dean/Associate Dean**

**11.5.1 Awareness of expectations concerning informal resolution and the appeals process**

The Dean or designate shall ensure that Faculty/Departments/Schools/Programs are aware of the expectations of Policy 168: Grade and Standing Appeals and the procedures, including the expectation that instructors and students share a responsibility to try to reach resolution of disputes.

**11.5.2 Appointment and training of decision makers**

The Dean or designate shall appoint at least one decision maker for Faculty Level appeals, normally an Associate Dean, and ensure that the appointee

has completed the mandatory online training made available by the Senate Office for decision makers.

#### 11.5.3 **Follow through on outcome of appeal decisions**

The Associate Dean or designate is responsible for carrying out the grade or standing appeal outcomes outlined in the decision when the Chair/Director does not, or is unable to, do so.

### 11.6 **Senate Appeals Committee (SAC) Hearing Panel**

11.6.1 The Senate Appeals Committee is established by the Senate Office. The Secretary of the Senate or designate shall establish Hearing Panels consisting of three (3) members of the Senate Appeals Committee (SAC), including two (2) faculty and one (1) student. One faculty will be designated as the chair of the hearing and is responsible for leading the hearing, procedures, and for writing the decision letter.

#### 11.6.2 **Conflict of Interest**

11.6.2.1. Any member of the Hearing Panel, the student, or the responding faculty member must disclose any conflict of interest, if known, as soon as possible before the hearing.

11.6.2.2. No member of a SAC Hearing Panel should have had any prior involvement with the decision making at the Department or Faculty levels.

11.6.2.3. If either party raises a conflict of interest regarding any panel member(s) once the hearing has begun, the remaining Hearing Panel members will judge the validity of the conflict and will decide on whether the panel member may sit on the appeal.

11.6.2.4. If the panel member with the potential conflict is excused and there is no quorum, the hearing may continue if agreed upon by all parties or will be adjourned and a new hearing scheduled with a new panel member.

11.6.3 Decisions of the SAC **are final and may not be appealed.**

### 11.7 **Senate Office**

The Senate Office is responsible for:

11.7.1 Providing education and training for the appeals policy and procedures

11.7.2 Communicating deadlines regarding appeals

11.7.3 Administering the policy

- 11.7.4 Raising awareness of the appeals process within the University community
- 11.7.5 Providing education and support to decision makers
- 11.7.6 Reviewing all issued decision letters from previous levels to ensure University policies are being followed and adhered to (this step is done in collaboration with the Registrar's Office)
- 11.7.7 Reviewing appeals to SAC to ensure that grounds for appeal exist and, where they do not, recommending to SAC the dismissal of the appeal.
- 11.7.8 Scheduling and distributing all appeal material for all Senate Level appeals of grade and standing along with issuing all final decision letters resulting from SAC Reviews/Hearings to all relevant parties
- 11.7.9 Record keeping: permanent retention of all appeal packages and appeal decisions at all levels

## **11.8 Office of the Registrar**

### **11.8.1 Execution of Appeal Outcomes**

The Office of the Registrar is responsible for updating academic standings to reflect appeal decisions.

### **11.8.2 Final Approval**

The Registrar must approve any recommendation by the Chair/Director, Dean or SAC to either allow a student to take a course that has been failed more than three times (or fewer per a Department/School/Program standing variation requirement) or to grant a student a retroactive course withdrawal without academic penalty (see Procedures – Section 4 for more details).

## **RELATED DOCUMENTS**

Senate Policy 157: Establishment of Student Email Account for Official University Communication

Senate Policy 159: Academic Accommodation of Students with Disabilities

Senate Policy 162: Grade Reassessment and Grade Recalculation

Senate Policy 166: Course Management

Senate Policy 167: Academic Consideration