

*REVISIONS to the Existing Academic Appeals Policy (2017-18): Approved by GSC (Oct. 3, 2017)*

Approved by Academic Council: October 30, 2017 for ALL graduate students

Effective Date: October 30, 2017

## **A11. ACADEMIC APPEALS**

### **A11.1 General considerations**

A conjoint graduate (AD) student of a member college of the TST may appeal a grade or an academic decision which affects him or her adversely and which he or she considers to be unfair or unreasonable. Appeals may be made concerning grades for courses or papers; decisions of an advisory or supervisory committee; results of a language examination; evaluation of general or comprehensive examinations; evaluation of theses; decisions about a student's continuation in a program; or any other decision involving academic requirements and regulations as they pertain to a student. Decisions made by the GCTS Admissions Committee concerning admission and related matters are not subject to appeal. Issues relating to non-academic matters are not to be considered by the GSC Academic Appeals Committee.

An appeal may also be made by a person not currently registered who was registered at the time the adverse grade was submitted or the adverse decision was taken, unless the student has since graduated from the degree program (and subject to the timelines noted in the sections below). The standard of review is reasonableness and fairness.

### **A11.2 Guiding Principles**

The implementation of all appeals shall be informed by the principles identified in the policy document of the Governing Council of the University of Toronto entitled [Policy on Academic Appeals within Divisions](#), which is available from the website of Governing Council.

These principles may be summarized as (a) diversity, equity, and accommodation; (b) consistency; (c) flexibility; (d) transparency and timeliness; (e) fairness and confidentiality; (f) the goal of academic excellence. Deadlines defined in this section may be adjusted to accommodate the particular circumstances of the appeal and to avoid inappropriate prejudice to the student, the college or colleges involved, and the TST. The student may raise matters of concern at any time during the process of appeal without fear of disadvantage. TST's standard of review is fairness and reasonableness.

#### **A11.2.1 Timely resolution**

All parties involved in an appeal have the right to expect timely progress of an appeal through its several stages and a timely resolution. Accordingly, students, faculty members, administrative bodies and any others involved in an appeal have a responsibility to be aware of the pertinent timelines and to respond appropriately. Where warranted by particular circumstances, the Director, GCTS, has the authority to waive or extend deadlines. In cases of appeals to the GSC Academic Appeals Committee, the TST Registrar has the authority to waive or extend deadlines. The TST Registrar may consult with the TST Director regarding issues related to timeliness.

#### **A11.2.2 Confidentiality**

Students are assured that throughout the process they can raise matters of proper concern to them without fear of disadvantage and in the knowledge that privacy and confidentiality will be appropriately respected. Documentation and other evidence related to the appeal are confidential, meaning that only those persons have access who require it for the performance of their duties in respect of the appeal.

### A11.3 Channels of recourse

Dispute Concerning:	Step 1: Informal Resolution	Step 2: Initial Appeal	Step 3: TST Appeal	Step 4: UofT Appeal*
Grades (courses, language exams)	Instructor of course	Director, GCTS	GSC Academic Appeals Committee	Governing Council
Advisory or Supervisory Committee	GCTS Coordinator	Director, GCTS	GSC Academic Appeals Committee	Governing Council
General Exams	GCTS Coordinator	Director, GCTS	GSC Academic Appeals Committee	Governing Council
Doctoral Examination	Not applicable	Not applicable	GSC Academic Appeals Committee	Governing Council
Termination of Candidacy	Not applicable	Not applicable	GSC Academic Appeals Committee	Governing Council
1 <sup>st</sup> Extension (courses, program)	College Graduate Director	GCTS Coordinator	GSC Academic Appeals Committee	Governing Council
2 <sup>nd</sup> or additional extensions (courses, program)	GCTS Coordinator	Director, GCTS	GSC Academic Appeals Committee	Governing Council
Other	Director, GCTS	GCTS Executive	GSC Academic Appeals Committee	Governing Council

#### A11.3.1 Informal and Formal resolution

Every attempt should be made to resolve the matter informally (Step 1 in the table above). Students are encouraged to meet with an appropriate adviser, in the following order: the college Graduate Director, GCTS Coordinator, Director, GCTS, TST Director, in order to acquire information and to receive advice about the process. If that attempt is unsuccessful, then the matter may proceed to a formal appeal at Step 2.

#### A11.3.2 Disputed grade

##### Instructor Reread or Reassessment

1. With respect to written work (including exams and essays), the student must first request a rereading of the written work by the instructor who assigned the grade. With respect to non-written work, the student must first request a reassessment of the work by the instructor who assigned the grade. The request for a rereading or reassessment must be made in writing *within 30 days of the grade being released on ROSI*. The instructor shall reread the written work or reassess the non-written work, and discuss it with the student, explaining the reasons for the grade in writing, *within 30 days of receiving the request for rereading or reassessment*.
2. The instructor should apply, as nearly as possible, the same standard on the reread or reassessment as he/she applied originally. The purpose of the reread or reassessment is to provide clarification and context to the grade assigned. The instructor should change a grade only if he or she is convinced that it is wrong. An instructor may change a grade only by increasing it. Where an instructor decides to change a grade, the instructor shall submit the new

grade to the college dean or principal for approval prior to communicating the new grade to the student.

3. If a student has made reasonable efforts to request a rereading or reassessment of his/her work and has been unable to make contact with the instructor or if the instructor has not provided timely and relevant comments, then the student may contact the Director, GCTS either to facilitate obtaining the instructor's comments within the prescribed timeframe, to extend the deadline or, failing that, the Director, GCTS may decide that the appeal proceed directly to the second reader.
4. If the student does not feel that sufficient explanation has been given for the grade, or if the student is not satisfied with the new grade given by the instructor, the student may submit an appeal to the TST Registrar's Office. The appeal must be accompanied by written grounds and must be submitted in writing *within 30 days of the date on which the instructor communicated to the student the outcome of his/her reread or reassessment.*

#### **Appeals relating to non-written work**

1. Where the appeal is taken from a grade based on non-written work, the appeal shall go directly to the GSC Academic Appeals Committee. The GSC Academic Appeals Committee shall have before it any submissions from the student and instructor relating to the appeal of the assessment (the "assessment record").

#### **Second Reader Assessment for Grade Appeals Based on Written Work**

1. Where the appeal is of a grade based on written work, the Director, GCTS shall arrange for an assessment of the written work by a second reader, chosen by Director, GCTS after consultation with both the instructor and the student. The second reader shall have appropriate expertise in the subject matter of the written work. The Director, GCTS shall give the student's written reasons for the appeal to the second reader and a copy shall be provided to the Instructor. The Director, GCTS shall also give the instructor's written explanation of the grade to the second reader and a copy shall be provided to the student.
2. When reviewing the written work, the student's written reasons for the appeal and the instructor's explanation of the appeal (the "grade appeal record"), the second reader shall apply the standard of whether a reasonable marker could have reached the same conclusion as the instructor did in the same circumstances. In applying the standard, the second reader may consider other materials relating to the course, such as the written work of other students, and the course outline in the syllabus. The second reader shall render a recommendation on the written work within 30 days of receiving the grade appeal record.
3. If, after reviewing the grade appeal record, the second reader decides that a reasonable marker could not have reached the same conclusion, the second reader shall recommend a grade for the written work that he or she believes a reasonable marker would have assigned. A second reader may recommend a change of grade by either increasing or decreasing it. The second reader shall give reasons for his/her decision, either to affirm or change the grade, for approval to the Director, GCTS. The Director, GCTS shall assign the final grade.

#### **A11.3.3 Disputed decision of the supervisory committee, general examinations committee, or thesis supervisory committee (except for decisions made by the Admissions Committee)**

In respect of the matters named in this regulation, the student has recourse first to the Director, GCTS, and initiates the appeal by letter at Step 2. The Director, GCTS, at his/her discretion, may refer the matter to the GCTS Executive for review. If the student is not satisfied with the explanation given or the steps taken to remedy the situation, he or she has the right to appeal the matter to the GSC Academic

Appeals Committee (following the procedure outlined in §A11.5).

#### **A11.3.4 Appeal of Extensions (courses, program, examinations)**

The student may appeal the decision regarding extensions to courses, examination timelines, or program extensions. The appeal is directed according to the steps 1 and 2, with final recourse being an appeal to the GSC Academic Appeals Committee (following the procedure outlined in §A11.5). At Step 2, the Director, GCTS, at his/her discretion, may refer to the matter to the GCTS Executive for review.

#### **A11.3.5 Disputed evaluation of a thesis**

The student may only appeal the evaluation of a thesis or final oral examination to the GSC Academic Appeals Committee at Step 3 (following the procedure outlined in §A11.5).

#### **A11.3.6 Timelines**

The student must begin the process of appeal within thirty days of having received written notification of the ruling, evaluation, or grade in question. If the appeal is to the GSC Academic Appeals Committee, a written response should be provided within sixty calendar days.

#### **A11.3.7 Right of Appeal to the UofT Academic Appeals Committee**

All conjoint degree students have the right to appeal the final result of a TST appeals process (Step 3) to the Academic Appeals Committee of Governing Council of the University of Toronto. Further information is available on the University website at <http://www.governingcouncil.utoronto.ca>.

### **A11.4 GSC Academic Appeals Committee**

The GSC Academic Appeals Committee hears academic appeals from TST graduate (AD) students. It has power to issue the final decision. Conjoint degree students have the right to appeal to the Academic Appeals Committee of the Governing Council of the University of Toronto (§A11.3.7).

#### **A11.4.1 Membership**

The Director, GCTS shall recommend the membership of the GSC Academic Appeals Committee to the GSC for approval. The GSC Academic Appeals Committee consists of three persons: one faculty member of the GSC, a UofT faculty member, and a graduate (AD) student. One of the TST faculty members will be appointed by the GSC as Chair of the GSC Academic Appeals Committee. In addition, the GSC should identify at least one alternate member for each individual on the committee. Alternate members may be appointed by the Director, GCTS, or designate, in situations where a conflict of interest has been identified or where a regular member is unable to serve. Student members and alternates are identified in consultation with the TST Graduate Students' Association. The TST Registrar is a non-voting member who serves as Secretary. Faculty members are typically appointed for two-year terms, while students are typically appointed annually.

The GSC Academic Appeals Committee's decisions are made by a simple majority of the three voting members of the committee. In other words, the decision does not have to be unanimous. The Chair has a vote. In the event of a non-unanimous decision, the Chair will release a majority decision, accompanied by a dissenting opinion.

### **A11.5 Procedures for TST appeals**

#### **A11.5.1 Initiation of the Appeal**

The student (or former student qualified under §A11.1) initiates the appeal by filling in the form provided online at [www.tst.edu](http://www.tst.edu). The submission of an appeal should include the following: identification of the decision being appealed; name or names of the person or persons who made the decision, if

known; the resolution being sought; reasons that the original reason is thought to be incorrect and that the proposed resolution is more appropriate; a list of supporting documentation, if any; and copies of the supporting documentation in the student's possession. The appellant is advised to consult the student legal assistance centre on campus or other qualified counsel when preparing the statement of appeal (see <http://www.viceprovoststudents.utoronto.ca/publicationsandpolicies/rights-and-responsibilities.htm>).

Any party to an appeal, may at his/her expense, be represented by counsel or other agent at any stage of the appeal process.

In the case of a matter under §§A11.3.2-4, the appeal must be received by the TST Registrar within three months of the appellant's receipt of notification of the decision made at Step 2. In the case of a matter under §A11.3.5, the appeal must be received by the TST Registrar within three months of the date of the final oral examination.

The above time limits can be extended at the discretion of the TST Registrar at the request of the appellant. The TST Registrar may consult with the TST Director.

#### **A11.5.2 Right of Withdrawal**

The student may withdraw the appeal at any time.

#### **A11.5.3 Withdrawal due to Non-Response**

If the student initiates an appeal, but does not respond to a request for revision of the appeal or to attempts to schedule an appeal hearing within ten business days, the appeal will be considered withdrawn. The TST Registrar will notify the student in writing that the TST has withdrawn the appeal because of non-response.

#### **A11.5.4 Additional Documentation**

In filing an appeal, the student gives permission for all those involved in adjudicating the appeal, including administrative staff, to have access to records that are or may be relevant to the matter of the appeal, including records relating to himself or herself. The student should make disclosure at an early stage of any and all information relevant to the disposition of the appeal.

#### **A11.5.5 Acknowledgment of receipt**

Within ten business days of the receipt of the appeal by the TST Registrar's Office (or, in the period between June 1 and August 31, within sixty calendar days), the TST Registrar sends a letter to the appellant acknowledging receipt of the appeal. If the Registrar identifies any deficiencies in the appeal or its documentation, the Registrar may set a deadline by which such deficiencies must be addressed if the appeal is to go forward. The letter should also indicate that the appeal will be conducted according to the regulations set out in this Handbook.

#### **A11.5.6 Response of interested parties**

Within 10 business days of the receipt of the confirmed appeal by the TST Registrar's Office (or, in the period between June 1 and August 31, within forty-five days), the TST Registrar sends the appellant's statement to those named in the appeal or otherwise directly concerned in the appeal and/or the person having responsibility for the previous decision, and invites a response in writing.

The Respondent(s) have thirty days in which to file their response. This period of time can be extended at the discretion of the TST Registrar at the request of the responding parties. Copies of all such

responses are copied to the appellant.

Following receipt of the Respondent's response, the Appellant has a further 30 days in which to provide a reply response. If the Appellant will not be submitting a reply, the Appellant will notify the Registrar.

Once the hearing date has been scheduled [see section XX below], any other submissions are due at least 10 days prior to the date of the scheduled hearing.

#### **A11.5.7 Offering alternative resolution**

### **A11.6 Hearing**

#### **A11.6.1 Purpose**

The purpose of the hearing is to assist the GSC Academic Appeals Committee in forming an understanding of the circumstances relevant to the appeal. The hearing is intended for the resolution of a dispute and is not intended to be adversarial.

#### **A11.6.2 Arrangement of the hearing**

If the matter has not otherwise been resolved without a hearing in accordance with **section XX**, and once the TST Registrar has received responses from all interested parties under §11.5.6 (or when the deadline for responses has passed) and a reply from the Appellant (if one is forthcoming), the TST Registrar arranges a hearing of the matter before the GSC Academic Appeals Committee at a reasonable time, giving the student notice at least seven days in advance of the date, time, and place of the hearing. Normally the appeal should be heard within sixty days of the receipt of all of the appeal materials.

#### **A11.6.3 Procedures for the Hearing**

- The Chair decides all procedural matters.
- All hearings are open. Due to space constraints, the Registrar may request that interested members of the public confirm their attendance prior to the hearing.
- The Chair will explain the procedures at the hearing and the expected timeframe (appeals are usually allocated three hours).
- The student appellant presents his/her case and calls witnesses, if any, to provide information on his/her behalf.
- The Chair asks if the panel members or the respondent parties wish to ask any clarifying questions of the appellant.
- The respondent parties have the opportunity to present their case and call any witnesses.
- The panel members and the appellant are asked by the Chair if they have any clarifying questions they wish to ask the respondent parties.
- The parties present closing statements.
- The parties leave the hearing and the panel deliberates.
- The panel releases a decision with reasons within thirty days following the hearing.

#### **A11.6.4 Disposition**

The GSC Academic Appeals Committee may:

- send a decision back to the decision-making person or body for reconsideration to correct a procedural flaw or to address new information presented at the hearing that was not available to the prior decision-maker at the time the decision was made;

- take any action that was available to the person or decision-making body at the time it considered the petition; or
- deny the appeal.

**A11.6.5 Decision**

The decision of the GSC Academic Appeals Committee is final and the GSC Academic Appeals Committee has power to issue the decision. The Chair of the GSC Academic Appeals Committee will communicate the decision in writing within thirty days to the appellant and the respondent. The letter accompanying the decision from the Registrar will remind the appellant of the right of further appeal. A conjoint degree student has the right to appeal to the Academic Appeals Committee of the Governing Council of the University of Toronto. (See §A11.3.7.)

**A11.6.6 Further reporting**

The TST Registrar will communicate the decision to the Director, GCTS.