

UNIVERSITY OF MANITOBA POLICY

Policy:	SENATE COMMITTEE ON APPEALS
Effective Date:	July 1, 2012
Revised Date:	February 3, 2016
Review Date:	July 1, 2022
Approving Body:	Senate
Authority:	<i>The University of Manitoba Act, Section 34(1)(d)</i>
Responsible Executive Officer:	University Secretary
Delegate:	
Contact:	Student Appeals Officer, Office of the University Secretary
Application:	Faculty/School Councils; Students

Part I Reason for Policy

- 1.1 The Senate Committee on Appeals Policy (the “Policy”) and related Procedures (the “Procedures”) provide guidance to those individuals charged with determining appeals from decisions of Faculty/School Councils or their Appeal Bodies, of Professional Unsuitability Committees, of Faculty/School Award Selection Committees and of the Comité d’appels de l’Université de Saint-Boniface upon application by Appellants, except those pertaining to decisions on admission, tuition, disciplinary matters or human rights issues.
- 1.2 The Policy, and related Procedures, also provide guidance to Appellants and their right of appeal to the Senate Committee on Appeals (the “Committee”).

Part II Policy Content

Definitions

- 2.1 The following terms have the following defined meanings for the purpose of this Policy and its Procedures:

- (a) **Appellant** - the student appealing a decision of a Faculty/School affecting the student's own academic standing or receipt of awards at the University or another person with a viable, direct and substantial connection to the matter under appeal.
- (b) **Chair** - the Chair of the Senate Committee on Appeals or the Chair of a Panel of the Senate Committee on Appeals.
- (c) **Committee** - the Senate Committee on Appeals.
- (d) **Panel** – members of the Senate Committee on Appeals convened for the purpose of:
 - (i) determining its jurisdiction;
 - (ii) determining the Appellant's standing and whether there are grounds of appeal; or
 - (iii) hearing appeals.
- (e) **Respondent** - a representative or representatives of the Faculty/School designated by the Dean or Director to represent the Faculty/School in relation to an appeal.
- (f) **Faculty/School** - the Faculty/School Council or appeal body whose decision is being appealed. For the purpose of this Policy, and related Procedures, the Extended Education Division and University 1 shall be considered as though they were faculties, as shall College Councils where the Faculty/School Council has delegated authority for hearing and determining appeals to the College Council.

2.2 There shall be a Senate Committee on Appeals:

- (a) from which Panels shall be established to hear appeals as set out in the related Senate Committee on Appeals Procedures;
- (b) that shall make decisions on appealable matters that shall be final and binding;
- (c) that shall review the Senate Committee on Appeals Policy and related Procedures periodically and, if necessary, recommend changes.

2.3 The Committee shall hear an appeal by an Appellant against a decision by a Faculty/School affecting the academic progress, or the receipt of an award, only after all reasonable avenues of appeal within the Faculty/School concerned have been exhausted.

- 2.4 To ensure that academic decisions are made by those within the University who have the academic or professional expertise in the discipline concerned, the Committee on Appeals should be careful not to substitute its own academic judgment or standards for those in the discipline concerned.
- 2.5 The grounds for an appeal to be heard by the Committee shall include:
- (a) failure of the Faculty/School or Dean/Director to follow procedures;
 - (b) failure of the Faculty/School or Dean/Director to follow the rules of natural justice;
 - (c) failure of the Faculty/School or Dean/Director to reasonably consider all factors relevant to the decision being appealed;
 - (d) that a Faculty/School/Senate governing document has become inapplicable through lapse of time or was unfairly applied;
 - (e) that there is an apparent conflict between a Senate governing document and a Faculty/School governing document; or
 - (f) failure of Senate, the Faculty/School or Dean/Director to comply with applicable legislation.
- 2.6 The Committee shall hear an appeal from the same Appellant against the same decision only once.
- 2.7 In cases where two Faculties or Schools cannot determine jurisdiction to hear a particular Appellant's appeal, the appeal shall be directed through the Office of the University Secretary to the Committee which:
- (a) shall determine the appropriate Faculty or School to hear the appeal and shall normally refer the appeal back to that Faculty or School; or
 - (b) may hear the appeal.

In the event that a decision cannot be reached regarding the appropriate avenue of appeal, the President shall decide where jurisdiction lies.

- 2.8 The composition of the Committee shall be:
- (a) one (1) member holding academic appointment in the University appointed as Chair for a three (3) year term by the Senate Executive Committee;
 - (b) two (2) members of the Committee, from those academic members appointed by Senate (sections 2(8)(c), 2(8)(d) and 2(8)(e)), to be appointed as Vice-Chairs by the Senate Executive Committee for a three

- (3) year term. The Vice-Chairs shall not be from the same Faculty or School as either the Chair or each other;
- (c) three (3) members from amongst Deans of Faculties and Colleges and Directors of Schools appointed by the President (considered academic members for the purpose of this Policy and Procedures);
 - (d) five (5) members of Senate, holding academic appointments in the University, nominated by the Senate Committee on Nominations and appointed by Senate;
 - (e) six (6) members holding academic appointments in the University, nominated by the Senate Committee on Nominations and appointed by Senate;
 - (f) the President of UMSU (or designate);
 - (g) four (4) undergraduate students from different Faculties or Schools and two (2) graduate students nominated by the Senate Committee on Nominations and appointed by Senate;
 - (h) one (1) academic member appointed by Université de Saint-Boniface and one (1) student appointed by Université de Saint-Boniface.
- 2.9 A quorum for a meeting of the Committee shall be one-third (1/3) of its membership including the Chair. The quorum shall consist of a minimum of fifty (50%) percent academics and at least one (1) student.
- 2.10 If the Chair of the Committee is unable to sit for any reason, a Vice-Chair shall assume the Chair's duties. Should a Vice-Chair be unable to sit, another member of the Committee shall be appointed by the Chair as an Acting Chair.
- 2.11 Vacancies on the Committee shall be filled by the original bodies that made the appointment or conducted the election.

Part III Accountability

- 3.1 The Office of Legal Counsel is responsible for advising the University Secretary that a formal review of this Policy is required.
- 3.2 The University Secretary is responsible for the implementation, administration and review of this Policy.
- 3.3 Faculty/School Councils and students are responsible for complying with this Policy.

Part IV
Authority to Approve Procedures

- 4.1 Senate may approve Procedures, if applicable, which are secondary to and comply with this Policy.

Part V
Review

- 5.1 Governing Document reviews shall be conducted every ten (10) years. The next scheduled review date for this Policy is July 1, 2022.
- 5.2 In the interim, this Policy may be revised or repealed if:
- (a) the University Secretary or Approving Body deems it necessary or desirable to do so;
 - (b) the Policy is no longer legislatively or statutorily compliant; and/or
 - (c) the Policy is now in conflict with another Governing Document.
- 5.3 If this Policy is revised or repealed, all Secondary Documents will be reviewed as soon as reasonably possible in order to ensure that they:
- (a) comply with the revised Policy; or
 - (b) are in turn repealed.

Part VI
Effect on Previous Statements

- 6.1 This Policy supersedes all of the following:
- (d) all previous Faculty/School Council Procedures stemming from the Faculty/School Council Bylaw and academic and admission Regulations and any resolutions on the subject matter contained herein;
 - (e) the Academic Appeals Procedures and Guidelines Policy revised February 1, 1989 and April 5, 2000;
 - (f) all previous Board of Governors/Senate Governing Documents on the subject matter contained herein; and
 - (g) all previous Administration Governing Documents on the subject matter contained herein.

Part VII
Cross References

7.1 This Policy should be cross referenced to the following relevant Governing Documents, legislation and/or forms:

- (a) [Senate Committee on Appeals Procedure](#)