



UNIVERSITY OF MANITOBA POLICY

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| 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 of academic, admission and academic accommodation decisions.
- a) **Academic Decisions:** 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.
 - b) **Admission Decisions:** Decisions of Faculty/School/College admission selection committees, and these only when the Appellant has sought reconsideration by the admission selection committee as set out below:
 - i) Administrative decisions which affect the admission process
 - ii) Decisions of Faculties/Schools/Colleges or Admissions Office personnel regarding eligibility requirements

- iii) Decisions of Faculties/Schools/Colleges regarding granting transfer of credit at the point of admission and possible granting of advanced standing
 - c) **Academic Accommodation Decisions:** Decisions of the Director of Student Accessibility Services (SAS) regarding a request for reconsideration of a proposed accommodation.
- 1.2 Tuition, disciplinary matters, and human rights issues cannot be considered by the Senate Committee on Appeals, but would be considered by the following processes:
- a) Students wishing to appeal tuition decisions would apply for a tuition appeal through the Office of the Registrar and Enrolment Services.
 - b) Students wishing to appeal a disciplinary decision should refer to the Student Discipline Bylaw and related procedures.
 - c) Human rights issues are dealt with under the Respectful Work and Learning Environment Policy and Disclosure and Complaints Procedure.
- 1.3 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

- 2.1 The terms below have the following defined meanings for the purpose of this Policy and its Procedures:
- (a) **Appellant** - the student appealing an Academic Decision, an Admission Decision or an Academic Accommodation Decision.
 - (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) **Natural Justice** - fair play in action. The principles of Natural Justice include:
 - (i) the right to know the case being made and an opportunity to answer it;
 - (ii) a decision-maker free from bias or reasonable apprehension of bias;
 - (iii) the decision must be made based on evidence, not speculation; and

- (iv) the decision must be communicated in a way that makes clear what evidence was used to make the decision.

Reasonableness, equity, and equality are also aspects of Natural Justice.

- (e) **Panel** – members of the Committee 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.

- (f) **Respondent** – one or more representatives of the Faculty/School designated by the Dean or Director to represent the Faculty/School in relation to an appeal. If the appeal is in relation to an academic accommodation, the representative may be from SAS or other units as applicable.

- (g) **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 an Academic Decision, an Admission Decision or an Academic Accommodation Decision only after all reasonable avenues of appeal have been exhausted.

- a) For appeals of Academic Decisions, an appeal would be considered only after the appellant has sought to appeal to the Faculty/School appeal committee.
- b) For appeals of Admission Decisions, an appeal would be considered only after the Appellant has sought reconsideration by the admission committee.

- c) For appeals of Academic Accommodation decisions, an appeal would be considered only after the Appellant has sought reconsideration by the Director of SAS.
- 2.4 To ensure that decisions are made by those within the University who have the academic or professional expertise in the discipline concerned, the Committee 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 of an Academic Decision to be heard by the Committee shall include:
 - (a) failure to follow procedures or the rules of Natural Justice;
 - (b) failure to reasonably consider all factors relevant to the decision being appealed;
 - (c) that a Faculty/School/Senate governing document has become inapplicable through lapse of time or was unfairly applied.
- 2.6 The grounds for an appeal of an Admission Decision to be heard by the committee shall include a failure to follow procedures or the rules of Natural Justice.
- 2.7 The grounds for an appeal of an Academic Accommodation Decision to be heard by the Committee shall include:
 - a) failure of judgement: that a decision made by the Director of SAS was incorrect in the Director's judgement regarding the need for, application of, or implementation of an Academic Accommodation.
 - b) failure of process: that a decision made by the Director of SAS was incorrect due to a failure to fully perform the process of determining eligibility or determining a reasonable Accommodation.
- 2.8 The Committee shall hear an appeal from the same Appellant against the same decision only once.
- 2.9 In cases where jurisdiction to hear a particular Appellant's appeal cannot be determined, 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.

2.10 The composition of the Committee shall be:

(a) *Ex Officio* voting members

- i) The President of the University of Manitoba Students' Union or designate
- ii) The President of the University of Manitoba's Graduate Student Association or designate

(b) Voting members appointed by the Senate

- i) Five academic members of the Senate
- iii) Six academic members
- iv) Six students (four undergraduate students from different Faculties or Schools and two graduate students)
- v) One academic member of Université de Saint Boniface
- vi) One student of Université de Saint Boniface

(c) Voting members appointed by the President

- i) Three members from among Deans of Faculties or Colleges and Directors of Schools

(d) Chair and Vice-Chair

- i) One (1) member holding academic appointment in the University appointed Chair for a three (3) year term by the Senate Executive Committee
- ii) Two (2) members of the Committee, from those academic members appointed by Senate, 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

(e) Resource Persons

- i) The University Secretary (and/or designate) shall serve as the administrative resource and recorder to the Committee.

2.11 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.

2.12 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.

2.13 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](#)
 - (b) Student Accessibility Procedure
 - (c) Accessibility Policy