

Recommendations on Faculty Jurisdiction With Respect To Student Appeals of Academic Decisions

BACKGROUND

The guidelines and precedents for treating academic appeals by students taking courses outside their home Faculty do not currently exist in written form, with the exception of a brief discussion of the matter of jurisdiction in such cases as they relate to the rereading of exams.¹ The SCAP exams subcommittee stated in an email “that all rereads should be handled completely in the Faculty Offices where the service to the students can be made more personal and the availability of instructors and department heads is better known” and that “In cases where the re-read is for a course offered by a unit other than the student’s home unit ... it is the Faculty of the student who should handle the re-read application” The rationale for this decision remains unstated, and the question of whether or not this jurisdiction applies in all academic matters is not apparent from the available, brief written statement.

A review and explicit written record of policy related to Faculty jurisdiction with respect to appeals and review of academic matters is timely in light of a number of factors:

1. The Senate Policy on Student Appeals, Rights and Discipline (SARD), recently passed at Senate, gives an overarching set of guidelines for student rights and appeals across the University;
(Clarification of local jurisdictional matters is necessary at this time in light of the SARD policy’s statement that “Faculties [and] schools ... shall have explicit statements of the rights and responsibilities of students and shall clearly describe formal procedures with channels of appeal” (6[c]).
2. Recent cases have demonstrated some lack of clarity in the understanding of current practice;
(As with any unwritten policy, misunderstandings may easily emerge and multiply, especially with changes in decision makers).
3. A select number of recent cases have highlighted some challenges in current policy.
(For instance, cases of Academic Dishonesty and appeals by Commerce students to drop Arts and Science courses are not explicitly covered in the SCAP Exams committee email).
4. When taking courses outside of their home Faculty, students need to be clearly informed of their responsibilities and the academic policies governing the administration of these courses, before or at the beginning of such courses.

The recommendations in this report have been developed in consultation with the relevant decision makers in each of the Faculties and presented to SCAP for discussion.

¹ Email from Pam Marriot, “Examination Re-Reads,” November 18, 2002.

Included in these discussions have been Tom Moore (Applied Science), Bill Racz (Health Science), Marjorie Peart (School of Business), Cheryl Pulling (Nursing), John Pierce (Arts and Science), Bettyanne Gargaro (Office of the University Registrar, and Secretary, SCAP) and Jim Lee (Chair, SCAP). Diane Kelly (University Solicitor) and Doug Morrow (Coordinator of Dispute Resolution Mechanisms) have also been consulted.

In the discussion of this matter, the alternative model of locating jurisdiction over academic matters with the Faculty which owns the course was extensively discussed. Such a model proved highly problematic since a number of courses are "owned" by more than one Faculty, and it would not be possible to articulate a clear and easily communicable policy. Indeed, students may often simultaneously take courses owned by different Faculties and could find themselves attempting to understand and navigate several different appeal processes in these different Faculties. Ultimately, the participants in this discussion agreed that the Faculty within which the student is registered best understands the academic needs of their own students and can best serve student interests. The recommendation here is one that makes jurisdiction clearest from the perspective of the student and facilitates implementation by the administering Faculties.

ANALYSIS AND DISCUSSION

A range of considerations were taken into account in developing the following recommendations.² A policy on Faculty jurisdiction over academic appeals of students must –

- Be clear and easily communicable;

Directing all academic appeals through the procedures of the student's home Faculty offers the simplest avenue for the resolution of student concerns. Under this proposal—that students appeal through the Faculty in which they are registered—students would be responsible for mastering only one set of regulations, one set of procedures and the bureaucracy of only one Faculty Office. Requiring students to move through different Faculty appeal procedures for different courses could lead to misunderstanding on the part of students and possibly mishandling of the appeal itself within the Faculty Office.

- Allow for timely resolution of any academic concern;

In addition to the idea that appeal rights and processes should be clear and easily communicable, the responsibility of the University to ensure that students receive a timely resolution of academic concerns is best facilitated by locating appeal

² These considerations are in keeping with those summarized in the SARD document which states that all appeal procedures must be designed “to ensure that students receive fair treatment, and are aware of their rights and responsibilities, and to establish a fair, efficient method of resolving academic ... discipline matters” (Introduction).

procedures with the student's home Faculty. By directing all student needs to one centre, the Faculty Offices will be able to act quickly and will more easily be able to find a resolution consonant with the overall academic requirements necessary for completion of the degree.

- Be fair and consistent in its treatment of student concerns; and

Since the admission criteria, the nature of programs and courses, the methods of evaluation and the expectations for achievement are unique to each Faculty, it is appropriate that students are treated equitably in relation to others in their own Faculty. Each Faculty is responsible for developing, nurturing and overseeing the academic context in which students pursue a university degree and the Faculties must ensure that all students are treated fairly in the pursuit of a particular degree program. Requiring students to appeal all academic matters under the academic regulations of the home Faculty in which they are registered recognizes a principle of equity grounded in the academic program. The Faculty within which the student is registered is most familiar with the academic aims purposes, expectations and intellectual skills

- Recognize the academic standards and requirements of each Faculty.

It is understood that each Faculty may offer different remedies for academic appeals and that these remedies are, at least in part, conditioned by the standards, practices and requirements of the particular academic program in which the student is engaged. For instance, students in Arts and Science who find their academic performance affected by extenuating circumstances during the academic year may seek recourse through a request for the aegrotat (AG) and credit (CR) standing. In contrast, Applied Science students would request an incomplete (IN) standing which then permits a final grade submission on or before an approved extended course completion date.

Moreover, it is also understood that the type of sanctions delivered in one Faculty may have a different and sometimes more severe impact on a student's standing in another Faculty. For instance, one failure in the Commerce program may result in requiring the student to withdraw while Arts and Science may allow as many as 6.0 failures before imposing such an extreme penalty.

In both instances cited above, the home Faculty is best equipped to deal with the processes surrounding academic discipline and academic appeals.

RECOMMENDATIONS

Recommendation 1:

The jurisdiction for matters of academic appeal shall, in all instances, reside in the Faculty in which the student is registered.

Rationale:

1. The jurisdiction for matters of academic appeal should, in all instances, reside in the student's home Faculty to minimize the possibility of confusion for students. Each student is expected to gain a working knowledge of the regulations governing the Faculty in which he or she is registered; to require students to master the alternative workings of another Faculty may place undue burden on the student.
2. The Faculty in which the student is registered has the greatest familiarity with the standards of academic performance required in the program, and how best to maintain these standards in cases where accommodation is necessary.
3. The home Faculty is likely to have the greatest familiarity with the policies, practices and precedents designed to facilitate a student's successful completion of his or her overall academic program.

Comment:

In cases of academic dishonesty, instructors should make every attempt to pursue academic discipline in terms of the processes of the student's home Faculty. However, given the fact that there are varying procedures for dealing with academic dishonesty among Faculties and Schools, students should always have recourse for appeal to their home Faculty or School, consistent with the above recommendation.

Recommendation 2:

While the jurisdiction for matters of academic appeal shall reside in the Faculty in which the student is registered, the Faculty in which the course(s) in question resides shall be consulted as a normal part of the appeals process to ensure that the interest of the Faculty in which the course(s) resides is taken into consideration.

Rationale:

Consultation is important in the case of appeals involving cross-Faculty matters. Any remedy to a student appeal must take into account a solution that is

appropriate, one that recognizes the requirements and aims of the student's home Faculty and also respects the principles and realities of the host Faculty. The precise method of consultation will be left to the Faculties to develop along with a list of those responsible for maintaining contact between and among the Faculties. SCAP will ensure that the list is kept current by approving updates to the list as necessary.

Recommendation 3:

All Faculties and Schools should incorporate the above policy recommendations into their current administrative procedures.

General Comment:

The above recommendations do not alter or eliminate any existing academic procedures of first instance or internal appeal that are now in place.

Approved by the Senate Committee on Academic Procedures on 04 October 2004 and sent to Faculty Boards for consideration on 06 October 2004. By 14 February 2005, all Faculties and Schools had responded favourably. Therefore, the Senate Committee on Academic Procedures respectfully submits this policy document and the recommendations herein to Senate for consideration and approval.

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