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## 2.3.2 ADJUDICATION PROCEDURES FOR APPEALS TO THE SENATE APPEALS TRIBUNAL

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### ENABLING POLICY

2.3 Appeals to the Senate

2.1.5 Appeals Committee

The Senate Appeals Tribunal is established by the Senate Appeals Committee and has the authority to hear student appeals on Academic and Non-Academic matters.

#### 1. APPEALS ON STUDENT ACADEMIC MATTERS

The Tribunal shall hear and dispose of appeals by students from decisions on matters of Academic standing. Such matters include but are not limited to Grade appeals, Academic performance appeals and Academic eligibility appeals.

##### A. Grade Appeals (see 4.5 Student Grade Appeals)

##### B. Academic Performance + Eligibility

- The Tribunal will hear appeals from students who apply for re-admission after failing to meet the University's academic performance criteria and have been "Required to Withdraw" from the University.
- A student who is "Required to Withdraw" normally must remain out of the University for one calendar year before an appeal for re-admission will be considered by the Tribunal.
- In filing an appeal for re-admission the appellant will be required to submit a statement outlining the reason(s)/conditions that the student believes attributed to her/his poor academic performance. Further, the appellant must present evidence that the conditions that attributed to the poor performance have been resolved.
- The Tribunal will consider granting re-admission to a student only when the evidence presented satisfies the Tribunal that the appellant has a strong likelihood of success if re-admitted to the University.
- The Tribunal will have the authority to set appropriate conditions for the re-admission of a student (e.g., reduced course load, mandatory academic advising).
- Normally the Tribunal will not consider an appeal where the student has been "Required to Withdraw" more than once.
- The Registrar will be responsible for vetting appeals and determining whether there is sufficient supporting documentation to proceed with the appeal.

##### C. Academic Performance and Grade Appeal Hearings

Appeals on Student Academic Standing and Grading will normally be held in camera and based solely on a written submission. The Tribunal, at its discretion, may request the student appear before the Tribunal.

The University's academic standards are published in *Emily's A to Z*. The University reserves the right to implement new policies and to make changes of any nature to current policies, procedures and standards.

## **2. APPEALS ON STUDENT ACADEMIC + NON-ACADEMIC MISCONDUCT**

### **A. Reporting an Alleged Incident of Academic or Non-Academic Misconduct**

- The initiator (i.e., faculty, staff, student or security) must file a Statement of Allegations with the Registrar setting out the nature of the allegations, including the name of the student, any supporting documents, and a list of witnesses, along with a statement of the evidence that each witness is likely to give.
- The student shall be provided with a copy of the Statement of Allegations and has the opportunity to respond in writing, attaching any relevant documents and listing any witnesses that the student believes have relevant evidence to give.
- The Tribunal has the power to require the student and any witnesses to appear before it so that the Tribunal has the opportunity to ask questions and conclude its investigation before issuing its report to the President.

### **B. Academic or Non-Academic Misconduct Hearing**

- The rules for investigation, conduct of hearings and discipline may be set down or altered by the Senate from time to time. Subject to a change in those rules the Tribunal shall hear all allegations of academic and non-academic misconduct directed to it by the Registrar.
- The Tribunal shall conduct hearings on alleged Academic and Non-Academic Misconduct and report its findings to the President + Vice-Chancellor, who then decides what discipline, if any, should be imposed pursuant to section 61 of the *University Act*.
- The University's Academic and Non-Academic Misconduct standards are published in *Emily's A to Z*. The University reserves the right to implement new policies and make changes of any nature to current policies, procedures and standards.
- A student has the right to appeal any academic or non-academic discipline of the President + Vice-Chancellor to the Senate.

### **C. Procedures at the Hearing**

- A quorum for any hearing before the Tribunal shall consist of at least 5 voting members, or any lesser number if that is agreed to by the appellant.
- A member of the Tribunal shall not take part in a hearing where to do so would involve the member of the Tribunal in a conflict of interest.
- At the hearing, subject to the rulings of the Tribunal, the following order should be followed:
  1. The appellant may make an opening statement;
  2. The Tribunal may make such opening statement as it sees fit;
  3. The appellant may make a closing statement;
  4. The Tribunal may make a closing statement; and
  5. The appellant may respond to any matters arising out of the Tribunal's statement to which the appellant has not yet spoken.
- The Tribunal may request that it be provided with further information other than that supplied initially. Without limiting this general power if, after a hearing, the Tribunal is of the opinion that it requires further information in order to reach a decision it may either ask that that information be supplied at a further hearing or, without a hearing, it may ask that the information be supplied to it in writing. In the latter case

both the appellant and the Tribunal must be given the opportunity of commenting on the information so supplied, before the Tribunal reaches a final decision.

**D. The Decision**

- The Tribunal may arrive at a decision on the basis of a majority vote of those voting members of the Tribunal present at the hearing.
- In the event of a tie vote the Chair will have the deciding vote.
- The decision of the Tribunal will be communicated in writing to the President + Vice-Chancellor within ten (10) days of the final hearing.
- The Tribunal shall give reasons for its decision, and in the case of a minority vote, the minority may if it wishes give reasons for its dissent.

**E. Ethical Principles**

Members of the Appeals Tribunal shall be aware of, and abide by, Emily Carr University Policy 1.8.2 – *Ethical Principles of Appeal Panel*.

**F. Membership**

The Senate Appeals Tribunal membership includes:

- The Vice President Academic + Provost
- The Registrar who shall be the Chair
- At least 2 students who are members of the Senate Appeals Committee
- At least 2 faculty members who are members of the Senate Appeals Committee

Note: Should a member declare a conflict of interest that member shall be replaced by a designate in the case of the Vice President and the Registrar and a member of the Senate Appeals Committee in the case of a faculty member or student.