

SENATE APPEALS COMMITTEE –
JURISDICTION AND APPEALS PROCEDURES

Jurisdiction of the Senate Appeals Committee

1. The Senate Appeals Committee has appellate jurisdiction.
2. The Senate Appeals Committee is not an investigative body.
3. The Senate Appeals Committee does not receive or determine:
 - a. allegations of discrimination, which are addressed under the Statement on Prohibited Discrimination, or
 - b. requests for accommodation, which are addressed under the Accommodation Policy for Students.
4. The Senate Appeals Committee shall consider the following appeals initiated by students:
 - a. Academic appeals from decisions or the refusal to make decisions at the Faculty level regarding academic standards, academic evaluation, academic progression, academic advancement, or the application of other University or Faculty academic regulations.
 - b. Discipline appeals from decisions of the Senate Discipline Committee.
5. An appeal may be initiated on the following grounds:
 - a. the decision under appeal was made without jurisdiction,
 - b. a denial of natural justice, or
 - c. unfairness in the application of the relevant regulations regarding academic standards, academic evaluation, academic progression, academic advancement, or other University or Faculty academic regulations.
6. The Senate Appeals Committee shall not consider appeals:
 - a. by students in an academic appeal who have not exhausted the approved appeal processes of the relevant Faculty,

- b. by students from the decision of a Faculty regarding professional unsuitability, said appeals falling under the jurisdiction of the Senate Planning and Governance Committee,
 - c. by a Faculty or faculty members,
 - d. by applicants for admission to University programs, or
 - e. by applicants for scholarships, awards or bursaries.
- 7. A Hearing Panel of the Senate Appeals Committee may:
 - a. dismiss the appeal,
 - b. allow the decision under appeal to stand, despite possible insubstantial procedural errors,
 - c. in an academic appeal, allow the appeal, with an appropriate remedy within the authority of Senate,
 - d. in a discipline appeal, allow the appeal and:
 - i. quash the decision of the Senate Discipline Committee in its entirety,
 - ii. re-hear the matter itself, with the consent of the Appellant and the Faculty, or
 - iii. direct a re-hearing on the merits by a newly constituted panel of the Senate Discipline Committee, no members of which were on the hearing panel whose decision was under appeal.
- 8. In an academic appeal, the Hearing Panel shall not conduct a substantive evaluation of the work of a student, but if unfairness in the evaluation procedure is established, the Panel may direct a re-evaluation of the work to be conducted by qualified persons designated by the Panel.

Appeals Procedures

- 1. An appeal shall be initiated by submitting a written Notice of Appeal to the Senate Vice-Chair (Student Affairs), or designate, containing:
 - a. the name, Banner identification number and mailing address of the Appellant,

- b. a copy of the decision giving rise to the appeal,
 - c. a description of the matter under appeal,
 - d. the grounds for the appeal, and
 - e. the remedy sought by the Appellant.
- 2. An academic appeal alleging the refusal to make a decision at the Faculty level shall be submitted with reasonable promptness. All other appeals shall be submitted within 30 calendar days of the date that the decision under appeal was sent to the student. An extension of time to submit an appeal may be permitted by the Senate Vice-Chair (Academic Administration), or designate, if the Appellant establishes reasonable grounds for granting the extension.
- 3. The parties to an appeal are the student, as Appellant, and the Faculty, as Respondent. In an academic appeal, the Dean of the applicable Faculty shall designate one or more representatives to respond to the appeal. In a discipline appeal, the Academic Integrity Officer of the applicable Faculty, or designate, shall respond to the appeal.
- 4. Upon receiving notice of an academic appeal, the Senate Vice-Chair (Student Affairs) shall require a statement from the Dean of the applicable Faculty confirming that all appeal processes of the Faculty have been exhausted.
- 5. For each appeal, the Chair of the Committee shall constitute a Hearing Panel in a timely manner. The Hearing Panel shall consist of four faculty members and one student member of the Committee, and shall choose its own Chair. None of the faculty members of a Hearing Panel shall be a member of the Faculty from which the appeal originally emanates or belong to the department or program in which the student is or was enrolled. The student member of a Hearing Panel shall not be a member of the class, department, program, School or College from which the appeal emanates. In the event neither student member of the Committee is able to participate on a Hearing Panel due to the provisions of this paragraph, the Dalhousie Student Union shall appoint an ad hoc member to the applicable Hearing Panel.
- 6. The Appellant is entitled to an oral hearing, in accordance with the principles of natural justice. The Appellant may participate at an oral hearing in person, or at their expense, by way of teleconference, or by such other means approved in advance by the Hearing Panel. The Appellant may waive the right to an oral hearing and choose to proceed solely by written submissions.

7. Each party is responsible for presenting to the Hearing Panel all relevant evidence and submissions for the Panel to consider in the determination of the appeal. Written submissions are required from each party and shall contain:
 - a. copies of all documents relevant to the appeal,
 - b. supporting arguments,
 - c. a list of all witnesses for that party and a brief description of their anticipated evidence, and
 - d. the decision and any remedy being sought.
8. Written submissions shall be made:
 - a. by the Appellant, within 15 calendar days of the Senate Vice-Chair (Student Affairs) requesting the submission, and
 - b. by the Respondent, within 15 calendar days of receiving the Appellant's submission.

but these timelines may be extended or abridged by the Senate Vice-Chair (Student Affairs), or designate, in appropriate circumstances.
9. The hearing of each appeal shall be *in camera*. The Chair of the Hearing Panel shall determine procedures for the hearing in a manner that is consistent with the principles of natural justice and these Procedures. In extenuating circumstances, the Chair of the Hearing Panel may decide to proceed with the hearing in the absence of one faculty member of the Hearing Panel.
10. The decision of the Hearing Panel shall be by majority. The Hearing Panel shall deliver written reasons for its decision to the Senate Vice-Chair (Student Affairs). The decision of the Hearing Panel shall be final and binding on the parties, with no further appeal.
11. An audio recording of each oral hearing shall be made. The recording and all correspondence and documentary evidence relating to appeal proceedings shall be kept for a period of three calendar years from the date of the decision of the Hearing Panel, in accordance with the policy of the University Secretariat.