



3 May 2013

To: Vancouver Senate

From: Committee on Appeals on Academic Standing

Re: Annual Report (1 May 2012 – 30 April 2013) (information)

Senate has delegated to the *Senate Committee on Appeals on Academic Standing* the authority to hear and dispose of student appeals from decisions of Faculties in matters of academic standing. The Committee shall allow an appeal where it is found that the decision of the Faculty was arrived at through improper or unfair procedures, and that as a result, a wrong decision on the merits has or may have been arrived at. However, the Committee has no jurisdiction where the sole question raised in an appeal turns on the exercise of academic judgment by a Faculty. The decision of the Committee on an appeal is a final disposition of that appeal. The Vancouver Senate has conferred on the Committee the power of making final decisions pursuant to section 37(1)(b) of the *University Act* (reference: *UBC Calendar, Academic Regulations, Senate Appeals on Academic Standing, sub-section 2.2*).

Students may also appeal to the Committee the refusal of the Registrar to extend the timeline for accepting an appeal, namely within 10 business days of being informed in writing of the Faculty's final decision.

As per section 40(a) of the Rules and Procedures of the Vancouver Senate, the Committee is required to make an annual report to Senate, including the number of appeals heard, their disposition, and the general nature of the appeals.

Since last reporting to Senate in May 2012, nine (9) appeals proceeded to Committee hearings (as compared with 8 in the prior reporting period), of which three (3) were allowed and six (6) were dismissed.

In addition to the nine (9) appeals concluded, which are summarized below, the Committee has been advised that in the past year an additional eight (8) appeals were presented to the Registrar, of which one (1) was resolved prior to a Committee hearing; one (1) was withdrawn by the appellant prior to a Committee hearing; two (2) were dismissed by the Registrar due to lack of timely prosecution and four (4) are in progress and are expected to be heard by the Committee in the upcoming weeks.



Appeals Allowed

- The student appealed a decision of the Faculty concerning failed standing in a course. The Committee overturned the Faculty's decision, finding that the course evaluation was based on unfair procedures applied in a key course component. The Faculty is required to re-calculate the student's final course grade, using a minimal passing grade in the contended component of the course.
- The student appealed a decision of the Faculty concerning the grade assigned in a course. The Committee allowed the appeal on the basis that the Faculty failed to follow published procedures and to provide appropriate accommodation to the student. The Committee substituted a new mark for the mark awarded by the Faculty.
- The student appealed a Faculty decision regarding failed standing in a course and withdrawal from the program. The Committee overturned the Faculty's decision requiring the student's withdrawal, finding that it was based on unfair procedures. The Committee found no procedural unfairness in the Faculty's decision regarding the student's failed standing in the course and denied this part of the appeal.

Appeals Dismissed

- The student appealed a decision of the Faculty concerning failed standing in two courses. The Committee held that the Faculty's decision was not based on unfair or improper procedures but felt that some remedy was warranted given the circumstances. The Committee directed the Faculty to re-evaluate the student's academic standing via an independent evaluator.
- The student appealed a Faculty concerning failed standing in a course. The Committee held that the Faculty's decision was not based on improper or unfair procedures, nor was there consideration of any information that ought not to have been considered, nor was there a failure to consider information that ought properly to have been considered.
- The student appealed a decision of the Faculty requiring the student's withdrawal due to the student's failure to meet program requirements. The Committee held that the Faculty's decision was not based on improper or unfair procedures, nor was there consideration of any information that ought not to have been considered, nor was there a failure to consider information that ought properly to have been considered.
- The student appealed a Faculty concerning failed standing in a course. The Committee held that the Faculty's decision was not based on improper or unfair procedures, nor was there consideration of any information that ought not to have



been considered, nor was there a failure to consider information that ought properly to have been considered.

- The student appealed a decision of the Faculty to deny a request for an extension to complete a program of study. The Committee held that the Faculty's decision was not based on improper or unfair procedures, nor was there consideration of any information that ought not to have been considered, nor was there a failure to consider information that ought properly to have been considered.
- The student appealed a decision of the Faculty requiring the student's withdrawal due to the student's failure to meet program requirements. The Committee held that the Faculty's decision was not based on improper or unfair procedures, nor was there consideration of any information that ought not to have been considered, nor was there a failure to consider information that ought properly to have been considered.

General observations of special interest to UBC Vancouver faculty

1. The Committee continues to draw to the attention of Faculties and Departments the importance of following due process in all matters relating to student assessment, promotion and appeals. In particular, the Committee notes the importance of Faculties and Departments responding to requests for information within the required timeframes, in order to ensure that appeals proceed in a timely and efficient manner.

In order to address this issue, the Committee is in the process of considering specific concerns relating to the current Review of Assigned Standing policy, and may refer the matter to Senate with a recommendation for further action to the Academic Policy Committee, as appropriate.

2. Another issue of concern was brought to the attention of the Committee in the past months during deliberations related to appeals, relating to the University requirement for preservation of final examinations. **A final examination becomes the property of the University and must remain in the possession of the University for one year from the date of the examination, after which it should be destroyed or otherwise disposed of in accordance with [UBC Policy 117](#).** Members of the Committee have discovered that archived examinations for certain courses have been destroyed prior to the one year prescribed term.
3. The Committee is in the process of amending its procedures to be followed prior to the hearing, and at the hearing. For procedures prior to the hearing, the Committee is considering shortening the time for an appellant to submit the initial statement of appeal by five days (from 15 days to 10 days) and allowing the appellant five days **after** the Faculty response has been filed and forwarded to them to file a rebuttal. There is currently no provision for a written rebuttal and the Committee is of the opinion that the opportunity for the appellant to file a rebuttal will minimize the Chair and Committee having to consider additional new material on the day of the hearing.



Amendments to procedures at the hearing which are being considered by the Committee relate to attendance at the hearing. Over the past year, the Committee has dealt with several instances of a party (normally the appellant) either arriving late or failing to show up at the hearing without providing prior notice. The revisions under consideration will maximize fairness to the parties and ensure the efficient work of the Committee while preventing undue delay in the appeal process.

Also, the Committee's procedures at the hearing currently do not specify that it has the opportunity to question parties and witnesses during the hearing, despite the Committee's standard practice of doing so and its general mandate to seek full information at the hearing as required. Revised procedures at the hearing will alert parties to the fact that the Committee has specific opportunity to question them during the hearing and will indicate when the parties may expect this to happen. Currently, the Chair continues to so advise participants at each hearing as part of the opening remarks.

To ensure fairness and consistency in the appeal process for all students of the University, the Okanagan Senate Committee on Appeals of Standing and Discipline is currently considering similar revisions to its processes. It is expected that the changes will be presented to both Senates for approval in the fall.

Special thanks are due the well-organized, expeditious, and generally unheralded staff at Enrolment Services and Senate and Curriculum Services, who continue to assist the Committee in its valuable and confidential work.

Respectfully submitted,

Dr. Lance Rucker, Chair and
Dr. William Dunford, Vice-Chair
Senate Committee on Appeals on Academic Standing

Members of the Committee, 2012-2013:

Dr. Lance Rucker (Chair)
Dr. William Dunford (Vice-Chair)
Dr. Joe Belanger
Dr. Gwen Chapman
Mr. Brendan Craig
Ms. Veni Goyal
Dr. Bikkar S. Lalli
Dr. Peter Leung
Ms. Natalie Liu
Dr. Dan Simunic
Dr. Lawrence Walker