

Procedure for Senate Review Board Academic Appeals

Governing Policy: Senate Review Board Academic Appeals

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Officer(s) Responsible for Procedures: Provost & Vice-President (Academic)

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1.00 INTRODUCTION

Students may appeal some academic decisions or rulings issued by a Dean to the Senate Review Board Academic (SRBA) in accordance with the appeal procedures set out below. Previously decided rulings by Deans or the Vice-Provost (Graduate & Postdoctoral Studies) in academic and scholastic disciplinary matters are final unless overturned or modified on appeal to SRBA.

These procedures are to be read in conjunction with the *Senate Review Board Academic Appeals* policy.

This process applies to appeals of Graduate and Undergraduate Academic matters and Scholastic Offence decisions.

To learn more about the request for relief and appeals process, you may contact the Office of the Ombudsperson.

2.00 APPEAL APPLICATION

2.1 The Application

Appeals to SRBA must be made on an Appeal Application (Application) and must be filed with the University Secretariat ***within six (6) weeks of the date of the Dean's decision***. SRBA Application forms are available on the University Secretariat's website.

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An application will not be accepted by the University Secretariat unless the application is complete and submitted by the deadline. A complete application will include the following:

- 1) details of the appeal, including a description of the matter under appeal and the reasons for challenging the Dean's decision;
- 2) the relief requested;
- 3) a copy of the Dean's decision;
- 4) a copy of the Appellant's letter to the Dean requesting relief, if applicable; and
- 5) all relevant supporting documentation.

The University Secretariat strongly encourages all parties to electronically file their submissions.

2.2 Details of the Appeal

The Details of the Appeal shall be concise and comply with the following requirements:

- 1) the length shall be no more than ten pages (letter size);
- 2) the spacing shall be at least 1.5 lines apart;
- 3) the font shall be 12-point size; and
- 4) the margins shall not be less than 2.5 cm/1 inch.

The Details of the Appeal shall be organized as follows for each ground for appeal:

- 1) identify the ground for appeal;
- 2) state the argument(s) for each ground;
- 3) describe the relevant evidence to support each argument, including references to consecutively numbered exhibits, if any, that are attached to the Details of the Appeal (e.g., Exhibits 1-5).

An Application shall not include any duplicative materials.

All allegations must be supported by evidence in the initial Application. A detailed description of the evidence supporting the allegation (including any supporting documentation) must be presented, in writing, as part of the Application.

3.0 RECONSIDERATION BY THE DEAN

After an Appellant has submitted a complete Application, including all supporting documentation, the University Secretariat shall notify the Dean of the appeal. The Dean shall be provided an opportunity to reconsider their decision, typically within seven (7) business days of the notification.

4.0 SPECIFIC APPLICATION REQUESTS

4.1 Request to Exceed Page Limit for the Details of Appeal

An Appellant may submit a written request to extend the ten-page limit for the Details of the Appeal to a maximum of 15 pages prior to the expiration of the six-week timeline to file a complete Application.

The request must be submitted to the University Secretariat in the form of a letter addressed to the Chair of SRBA (the “Chair”), setting out the reasons for the request. The request will be submitted to the Respondent for a written response.

The request and response will then be submitted to the Chair for a ruling. If the request is granted, an Appellant may timely submit a complete Application, including no more than 15 pages for the Details of Appeal. If the request is denied, an Appellant may timely submit a complete Application, including no more than 10 pages for the Details of Appeal.

A request from a party to extend the page limit will be granted or denied at the discretion of the Chair. This decision is not subject to appeal.

4.2 Request for a Timeline Extension to File an Application

Before the application deadline, an Appellant may submit a written request to extend the six-week timeline to file an Application. The request must be submitted to the University Secretariat in the form of a letter addressed to the Chair, setting out the reasons for the request and a requested new deadline. A request submitted after the application deadline will not be considered except for medical or compassionate circumstances. The request will be submitted to the Respondent for a written response.

The Appellant’s request and the Respondent’s response will then be submitted to the Chair for a ruling. A request from a party to extend the application deadline will be granted or denied at the discretion of the Chair. This decision is not subject to appeal.

Filing a request for extension does not pause the filing deadline.

If the request is granted, the Application will be accepted no later than a date set out by the Chair. If the request is denied, the Application will not be accepted after the original filing deadline has passed.

5.0 JURISDICTION

5.1 Preliminary Review

For all appeals, the Chair will conduct a preliminary review of the submitted information to determine if SRBA has jurisdiction to hear the matter.

If the Chair determines SRBA does not have jurisdiction, the University Secretariat will provide the Appellant notice of the intent to dismiss for lack of jurisdiction.

If the Chair determines SRBA does have jurisdiction, a panel meeting will be held as set out below.

5.2 Appellant Jurisdictional Submissions

If the Appellant wishes to challenge a notice of intent to dismiss for lack of jurisdiction, the Appellant may make written submissions with reasons detailing why they believe SRBA has jurisdiction within 10 days of receiving the notice of intention to dismiss.

5.3 Dean's Jurisdictional Challenge

If a Dean wishes to challenge the jurisdiction of SRBA to hear a particular matter, the Dean must give written notice with reasons to the Chair prior to the date of the panel meeting.

5.4 Chair Response

The Chair, upon receipt of a notice challenging either the determination of jurisdiction or notice of intent to dismiss, or in any other circumstances where it appears there is a question as to whether SRBA has jurisdiction to hear a matter, shall convene a panel to consider such written arguments and decide the issue of jurisdiction.

The decision of any such panel shall be binding on any subsequent panel hearing the merits of the appeal. If submissions are not received from the Appellant, the Chair will issue the dismissal of the appeal.

6.0 **INITIAL SRBA PANEL REVIEW PROCESS**

- 1) An Appellant has an automatic right to an oral hearing before SRBA if the appeal is against a finding by the Dean that the Appellant's conduct amounted to a "scholastic offence."
- 2) If the Chair determines SRBA has jurisdiction, a panel will convene to consider the written application and supporting documents submitted by the Appellant and the Dean's response.
- 3) Upon receipt of a complete Application, the University Secretariat will provide the Dean with a copy of the Application to review. The Dean may provide a written response to the appeal. If the Dean wishes to provide a written response, they must submit the response to the University Secretariat within seven (7) business days of receiving notice of the appeal. The Appellant will be provided with a copy of the Dean's response and will be given the opportunity to reply to it in writing within seven (7) business days. The length of the Dean's response and the Appellant's reply shall be no more than four (4) pages each (letter size), spacing shall be at least one and one-half lines apart, the font shall be 12-point size, and the margins shall not be less than 2.5 cm.
- 4) The panel, upon considering only the written application of the Appellant and Dean's response, may in its discretion, order that an oral hearing be scheduled or deny the appeal based on the grounds and evidence provided in the Application and the Dean's response. In making its decision, SRBA will consider the grounds and evidence provided in the Application. If the initial SRBA panel is satisfied that there was a failure to observe a procedural requirement at the decanal level, it shall instruct the Dean to reconsider the matter.
- 5) The onus requirements set out in the *Senate Review Board Academic Appeals* policy apply to both the panel meeting and any oral hearings that follow the panel meeting.

7.0 **EVIDENCE**

7.1 Evidence for Initial Panel Meeting

SRBA will consider only that evidence that was before the Dean whose decision is being appealed.

If additional documentary evidence is submitted with the completed Application, or at any point before the initial panel meeting, it must be accompanied by a written explanation as to why the evidence is relevant, significant, and credible, and why it was not previously available.

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If new evidence is submitted, the University Secretariat shall notify and provide the new evidence to the other party, who will have the opportunity to object to the new evidence, with brief reasons, typically within seven (7) business days. If the Appellant provides new evidence, the Dean may also reconsider their decision, typically within seven (7) business days of the notification.

Evidence that was not before the Dean at the time of their decision will not be considered unless SRBA determines, that it is relevant, significant, credible, and could not have been available at an earlier stage through reasonable efforts. SRBA will consider both parties' submissions and responses in making this determination.

7.2 Evidence for Oral Hearing

SRBA will consider only that evidence that was before the Dean whose decision is being appealed

Once an oral hearing date is set, the parties may submit documents or evidence that they intend to use during the hearing and a witness list to the University Secretariat by the date set out in the Notice of Hearing.

The evidence submitted by the Appellant under this subsection must have been provided to the Dean prior to the issuance of the Dean's decision. Any submitted documents or evidence that were not provided to the Dean prior to the issuance of their decision shall be considered "new evidence."

If new documentary evidence is submitted by the date set out in the Notice of Hearing, it must be relevant to the grounds for appeal being made and accompanied by a written explanation as to why the evidence is relevant, significant, credible and why it was not previously available.

Similarly, if either party intends to call a witness whose testimonial evidence was not before the Dean, the party must file with the University Secretariat, by the date set out in the Notice of Hearing, a written explanation as to what evidence will be provided in testimony, why such evidence is relevant, significant, credible, and why it was not previously available.

If either party submits new evidence, the University Secretariat shall notify and provide the new evidence to the other party, who will have the opportunity to object to the new evidence, with brief reasons, typically within three (3) business days. If the Appellant provides new evidence, the Dean may also reconsider their decision, typically within three (3) business days of the notification.

Evidence that was not before the Dean or given as testimony will not be considered unless SRBA determines that it is relevant, significant, credible, and could not have been available at an earlier stage through reasonable efforts. SRBA will consider both parties' submissions and responses in making this determination.

Any documentation, or evidence provided after the deadline in the Notice of Hearing will not be permitted to be used or referenced during the hearing.

Any witnesses added after the deadline in the Notice of Hearing will not be permitted to testify.

7.3 Testimony During Oral Hearing

The purpose of oral hearings is for SRBA to obtain information from the parties to help them determine whether to grant or deny the appeal.

During cross-examination, the parties may ask each other questions that are relevant to the matter and relate to evidence submitted before the Dean made their decision or prior to the oral hearing and approved by SRBA as admissible new evidence. Repetitive or abusive questions will not be permitted.

During the hearing, SRBA may ask questions relevant to the issues properly under the appeal.

7.4 Distribution to the Parties

Copies of all documentation submitted to the University Secretariat by the parties, together with a copy of the Appellant's official transcript of academic record (obtained by the University Secretariat from the Office of the Registrar), will be distributed to both parties (Appellant and Dean) and to the members of SRBA serving on the hearing panel by the University Secretariat prior to SRBA's review of the appeal.

7.5 Chair's Discretion

The Chair of the SRBA and University Secretariat may waive or vary these requirements under section 7.0 related to the submission of Evidence where reasonable and appropriate to do so.

8.0 SCHEDULING AN ORAL HEARING

If an oral hearing is granted following a panel meeting or as required by policy, the parties will be contacted to arrange a hearing date. If, following receipt of an Application, the University Secretariat is unable to contact the Appellant within a reasonable time to schedule a hearing, the Appellant will be notified by electronic mail, to the Appellant's Western email address, of the deadline by which they must contact the University Secretariat (within, at most, six months from the date the Application was filed) to arrange a hearing.

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If the Appellant has failed to respond to the University Secretariat for six (6) months from the date the Application was filed to arrange a hearing, the Application will be deemed abandoned and the file closed.

If a hearing is scheduled and the Appellant fails to appear at the hearing, the Appeal will be deemed abandoned by the Appellant and the file closed.

8.1 Request to Postpone a Scheduled Hearing or Delay the Scheduling of a Hearing

A request from a party to postpone a scheduled hearing, or to delay scheduling a hearing after an Application has been filed, will be granted only in exceptional circumstances at the discretion of the Chair. Such postponement or delay shall not exceed six months.

8.2 Request for Accommodations

If an Appellant with a disability requires reasonable accommodations to participate in any aspect of the appeal procedures, the Appellant shall timely submit written notice to the University Secretariat in the form of a letter addressed to the Chair. The University Secretariat shall notify Accessible Education and the Appellant of its receipt of the request and offer to share information on hearing procedures, if needed, to assist in Accessible Education's determination of reasonable accommodations for the Appellant. Accessible Education shall provide written notice to the Chair and the Appellant regarding its determination. If an Appellant disagrees with the decision of Accessible Education, they shall follow the appeal procedures set out in the *Western University Policy on Academic Accommodation for Students with Disabilities* and provide written notice to the Chair that they have initiated the appeal procedures.

9.0 PROCEDURE AT HEARINGS

9.1 Order of Proceedings

- 1) Introduction of SRBA panel members and review of documentation.
- 2) Opening statement by Appellant (brief description of the grounds for the appeal and the relief requested).
- 3) Presentation of evidence by Appellant.
- 4) Cross-examination of the Appellant by the Respondent, followed by questions from SRBA members.

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- 5) Re-examination of the Appellant, if desired, on any new matters brought out in cross-examination. (The procedure in 3, 4 and 5 is followed for the Appellant and witnesses. The order of presentation is at the Appellant's discretion.)
- 6) Opening statement by the Respondent.
- 7) Presentation of evidence by the Respondent.
- 8) Cross-examination of the Respondent by the Appellant, followed by questions from SRBA panel members.
- 9) Re-examination of the Respondent, if desired, on any new matters brought out in cross-examination. (The procedure in 7, 8 and 9 is followed for the Respondent and witnesses. The order of presentation is at the Respondent's discretion.)
- 10) Reply evidence by the Appellant, if desired, on any new matters raised by the Respondent.
- 11) Cross-examination of reply witness, followed by questions from SRBA panel members.
- 12) Summary remarks by the Respondent.
- 13) Summary remarks by the Appellant.

9.2 Order of Proceedings – Scholastic Offence Appeals*

Where the appeal concerns allegations of a scholastic offence that are contested by the Appellant, the order of proceedings shall be:

- 1) Introduction of SRBA panel members and review of documentation.
- 2) Opening statement by the Respondent.
- 3) Presentation of evidence by the Respondent.
- 4) Cross-examination of the Respondent by the Appellant, followed by questions from SRBA panel members.
- 5) Re-examination of the Respondent, if desired, on any new matters brought out in cross-examination. (The procedure in 3, 4 and 5 is followed for the Respondent and witnesses. The order of presentation is at the Respondent's discretion.)
- 6) Opening statement by Appellant.

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- 7) Presentation of evidence by Appellant.
- 8) Cross-examination of the appellant by the Respondent, followed by questions from SRBA panel members.
- 9) Re-examination of the Appellant, if desired, on any new matters brought out in cross-examination. (The procedure in 7, 8 and 9 is followed for the appellant and witnesses. The order of presentation is at the Appellant's discretion.)
- 10) Reply evidence by the Respondent, if desired, on any new matters raised by the Appellant.
- 11) Cross-examination of reply witness, followed by questions from SRBA panel members.
- 12) Summary remarks by the Appellant.
- 13) Summary remarks by the Respondent.

* Where the Appellant does not contest the allegations of a scholastic offence, but appeals against the sanction(s) imposed, the order of proceedings will be those set out in section 9.1 above.

In cases where the Appellant is challenging the finding of a scholastic offence, the Respondent is required to present its case first to ensure that SRBA has a full understanding of the nature and extent of the allegations against the Appellant prior to the Appellant presenting their case.

9.3 Adjournments

An adjournment of the hearing may be ordered by the Chair when necessary. Convenience to the parties and to the panel members of SRBA will be considered by the Chair when ordering an adjournment or setting a date for resumption of the hearing but the paramount consideration will be the provision of a fair hearing. In successive sessions, the original SRBA panel members must constitute a quorum.

9.4 Expedience

An effort should be made to limit the presentation of non-contentious facts and arguments to SRBA. Time will be saved if the parties are able to agree in advance on as many as possible of the facts relevant to the case. The Appellant is encouraged to contact the Dean in this regard prior to the hearing to determine what facts can be agreed upon.

9.5 Witnesses

The parties may call witnesses to support their case. Witnesses will be invited into the hearing room when called upon to give evidence (see also the section on **Evidence** above).

9.6 Notice of Decision

At the conclusion of the hearing, SRBA will deliberate in closed session for the purpose of arriving at a decision. The Notice of Decision will be sent to the parties as soon as possible after a decision is made. A brief written statement of reasons will follow within a reasonable time.

10.0 SRBA'S DECISION FOLLOWING ORAL HEARING

If the SRBA grants an appeal following an oral hearing, it may grant the following relief:

- 1) SRBA shall void the Dean's decision if the Dean did not satisfy SRBA that the Appellant committed the alleged scholastic offence or that the act amounted to a scholastic offence.
- 2) SRBA shall instruct the Dean to reconsider the matter if it decides to grant the appeal under the following grounds:
 - a) Failure to follow or properly apply a Senate policy; or
 - b) Failure to observe a procedural requirement at the decanal level.
- 3) SRBA shall instruct the Dean to reconsider the matter, and may provide recommendations, if it decides to grant the appeal on the following grounds:
 - a) The penalty issued by the Dean for the finding of a scholastic offence is unreasonable; or
 - b) Unreasonable general marking or grading practices.
- 4) SRBA shall request that a different, unbiased decisionmaker reconsider the matter, and may provide recommendations if it finds that there was a Reasonable Apprehension of Bias in the Dean's decision.

11.0 **FURTHER APPEAL**

The Chair of Senate (i.e., the President & Vice-Chancellor) will entertain appeals against decisions of SRBA following a hearing only when a party alleges a serious procedural error by SRBA. An appeal to the Chair of Senate must be filed in writing **within two (2) weeks of the date of the Reasons for Decision of SRBA.**

After inviting written arguments from the parties, the Chair of Senate may order that the matter be re-heard by SRBA if the Chair of Senate is satisfied that, as a result of a serious procedural error by SRBA, the parties did not have an opportunity to present their case in accordance with the **Procedure at Hearings** and it could not be said that the parties had been accorded a fair hearing.

Last Reviewed: May 15, 2026