

## Fairness Toolkit: Preparing for a Senate Appeal

If you are considering or have decided to pursue an appeal of a university decision to a Senate Committee, you need to be properly prepared and aware of *what* you need to do and *how* you may wish to proceed.

**Important:** *You are responsible for informing yourself of the rules and regulations that apply to you as a student. Each appeal procedure has different deadlines, requirements and processes. Make sure you understand what is required of you depending on the type of appeal you want to file:*

*Appeals for Misconduct – [Disciplinary Appeal Procedures](#)*

*Appeals for Admissions – [Admission Decision Appeal Procedures](#)*

*Appeals for Academic Standing – [Academic Standing Appeal Procedures](#)*

### Before Making the Decision to Appeal

#### Reflect carefully on *why* you want to pursue an appeal

Are there certain procedural steps you believe were missed and therefore you feel the process was unfair? Is the result disproportionate to the facts? Or, do you feel that it isn't right that you received a penalty when it was simply an honest mistake?

Avoid appealing a decision just because you don't like it. Depending on the type of decision you have received, there may be broader or more limited reasons for appeal. Make sure you have valid reasons for appealing; not only an emotional reaction to the impact that the decision will have on you. Look at the decision as objectively as you can – get someone else to look at it too – and analyze what you see as accurate and what you see as inaccurate. Honesty and forthrightness is the best way to go.

#### Consider and weigh the pros and cons of proceeding with an appeal

Remember to consider the possible impact of proceeding with a Senate appeal. The time and energy required to make a proper appeal may take you away from your other responsibilities and activities. Think realistically, based on the facts, about the likelihood of achieving a positive result at the end of the process, versus having the original decision affirmed. Some Senate Appeal Committees publish summaries of their decisions – check them to see if there are any cases similar to yours and the outcome. Consider the pros and cons of accepting the decision and moving forward with your life, versus the possible consequences of the decision and the impact that pursuing an appeal will have on you.

#### Get some advice/support

It is difficult to stay objective and clear-minded when you have been dealing with the issues for a long time and when they are important to you and your future. It is a good idea to get someone else – a friend whom you trust, a mentor or an advocate/lawyer – to review your case and give you some advice and suggestions. There are different resources on campus that can provide advocacy support, confidential advice and personal counselling (see list at end of this toolkit).

### **Be aware of timelines and your responsibilities**

While you are deciding whether to pursue an appeal, it is very important that you are mindful of any deadlines for submitting notices or documentation to the appropriate unit. Check those out first, and make sure you don't lose the opportunity to appeal because of a missed deadline. (In certain circumstances, deadlines can be extended, but that decision is at the discretion of the Registrar.)

## Preparing for the Appeal

### **Identify the reasons why you are appealing**

One way of identifying your reasons for appealing is to write out every reason you can think of why the decision you have received should be changed in any way. Leave it for a day or so and then go back and review your list and cross out any of them that you can't connect to evidence that was referred to in the decision. You should be left with a relatively short list of reasons for appeal that you can link to some documents or other kind of evidence that was presented. Make sure that the reasons you have identified are reasons on which you can appeal by checking the appeal rules and procedures. If there is new evidence to support your argument, you have to be able to show that the evidence was not reasonably available for you to present for the original decision. Remember, an appeal is not another chance to present the same arguments and evidence over again.

## Drafting your Argument

You can use your reasons and start to build your argument around them. Start with a short introduction about why you are appealing (list the reasons in general categories – e.g. the process was unfair, the penalty was disproportionate to the facts) and then state what kind of outcome you are seeking. Check the appeal rules to make sure those outcomes are ones which the Senate Committee can actually grant. Like any good paper you would submit for a grade, expect that your argument will go through many drafts and revisions.

Keep out editorial, personal or blaming comments or language. Include the information you feel the Senate Committee would be able to quote or include in a decision favourable to you – make it easy for them to understand your case. Emphasize the strengths in your arguments; address the weaknesses. Again, be honest and forthright and take responsibility for your actions.

Have clear references to the documents or evidence you will be using to support your argument. Point the Senate Committee to the passages or places that are most important to your argument – don't include general information or information that has no relevance to your issues. Review the appeal procedures to make sure you have included what you need to.

## Preparing for the Hearing

If the process includes appearing before the Senate Committee, make sure that you dress appropriately, have all your materials ready and get there at least 10-15 minutes in advance of the scheduled start time.

Remember that you are entitled to bring a support person or advocate with you. There is no need for you to feel alone and unsupported through this process. It is entirely natural to feel nervous and scared. It is important to seek help and support early in the process, especially if you want to arrange for someone to be with you at the appeal. If you wish to invite one or more witnesses to the hearing who can provide information to support your appeal, it is your responsibility to make sure that those witnesses are available to appear at the hearing.

## Ask for Help, Ask Questions, Do your Homework

### If you are unclear, confused or need help, ask:

- [Amandeep Breen in Senate & Curriculum Services](#) – can provide you with information about the appeal process but cannot give you advice on the merits of your case.
- The [AMS Advocacy Office](#) and the [GSS Advocacy Office](#) – pro-student services that can provide advocacy services and advise you on your case.
- The [AMS Ombuds Office](#) and the [UBC Office of the Ombudsperson for Students](#) – ombuds services that can provide independent, impartial and confidential support to you but cannot act as your advocate.
- [LSLAP](#) (Law Students' Legal Advice Program) – legal advice provided by UBC law students under the supervision of a lawyer.
- [Counselling Services](#) – for personal counselling and support in dealing with any stress or anxiety you are experiencing. They cannot provide you with information about the procedure or advice on the merits of the case.