



Windsor Law
University of Windsor

Policy Title: Windsor Law Appeal Regulations

Policy Number: Law_3

Established: June 2015

Reviewed by: Faculty Council June 10, 2015.

Revision Date: February 2016

Position Responsible for Maintaining and Administering the Policy: Associate Dean

Preamble

i) General Principles

- a) This policy will be interpreted in a manner that protects and advances the integrity of the Faculty of Law marking and appeal processes, and promotes the goals of consistency, predictability, efficiency, and fairness to all students.
- b) The appeal process shall not be used by any student or instructor in a manner that is contrary to the principles expressed in this preamble.

ii) Paramountcy of By-Laws

- a) Where there is an inconsistency between these regulations and the University of Windsor Senate by-laws, the latter shall prevail.
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General

1. Fall and winter semester grades will be posted on the student's myUWindsor portal.
2. The Marks Profile shall be posted for Law I, Law II and Law III, showing the percentage of students in each of the grade categories.
3. Formal appeals are processed by the University Office of the Registrar.

Timing

4. The appeal period lasts for 21 days following the date of the posting of grades on the student's myUWindsor portal. Appeals shall not normally be made later than 21 days following the date of posting of grades for the fall and winter semesters respectively. The Dean or the Associate Dean may, owing to extenuating circumstances, grant the right of appeal after the 21-day deadline.
5. Before the appeal period has ended, examiners shall provide their students with an opportunity to compare their examination, not including term papers, with the examiner's marking scheme.

Grounds

6. An issue resulting from a computational error in the grading of an exam or assignment that is obvious on the face of the paper should be taken to the Academic Coordinator, and does not constitute a ground of appeal. (For example: a question or part of a question that was not marked, or numbers that were wrongly tallied.)
7. Students may appeal a final grade on the grounds of incorrect evaluation or procedural irregularity.
 - (a). Incorrect evaluation concerns the marks given. The student should be able to clearly indicate a significant error or unfairness, or a defect in the evaluation of their work. Claims that the grade assigned does not demonstrate the student's knowledge of the subject matter or does not adequately reflect the student's efforts to learn the material do not constitute a ground of appeal. An appeal that is essentially an invitation to "second guess" the original evaluation will be dismissed.
 - (b). Procedural irregularity concerns the administration of an exam (for example: contradictory instructions, or an invigilator error.)
 - (c). Proposed appeals which fail to satisfy the grounds outlined above will be dismissed by the Dean or the Associate Dean as the Dean's designate and will not be formally considered by the course instructor.

Fee

8. All appeals must be accompanied by a fee set by the University, paid to the Office of the Registrar.

Procedure

9. For the purpose of receiving further feedback on their work, students may make reasonable efforts to meet with the course instructor before initiating a formal appeal. Students are encouraged to speak with the instructor about the evaluation to obtain an explanation of the reasons for the grade assigned and to better understand the reasoning the instructor used in arriving at the grade. The purpose of this meeting is not to advocate for a change in the grade, but to receive clarification on the instructor's rationale, and feedback on the student's work. Instructors are encouraged to clarify to the student their rationale behind the assessment and may use other students' work (with all identifying information removed) to illustrate the type of work that received a higher grade. This informal review does not preclude the student from initiating a formal appeal. The course instructor has the discretion to decline an invitation for such a meeting.
10. Students who wish to initiate a formal appeal must do so through the University Office of the Registrar. All appeals must be accompanied by written reasons identifying the ground(s) of appeal and providing specific supporting arguments.
11. In the case of an appeal based on incorrect evaluation, the Associate Dean as the Dean's designate will direct the instructor responsible for assigning the final grade in dispute where possible, or an alternate where not possible, to review all assigned work that is

the subject of the appeal for the purposes of re-evaluation. The Dean or the Associate Dean shall confer with a second faculty member with the appropriate expertise who was not involved in the instruction or evaluation of the course. The identity of the second faculty member shall not be divulged to either the student or to the original instructor. Both the original instructor and the second faculty member shall evaluate the appeal and give a recommendation.

12. If both reviewers agree that an incorrect evaluation has occurred and both reviewers recommend a raised grade, but there is a difference between the grades recommended, the higher grade will normally be awarded save in exceptional circumstances.
13. If the two reviewers make contrary recommendations (i.e. one reviewer suggests a raised grade and one reviewer suggests a lowered grade, or one reviewer suggests no change and one reviewer suggests a raised or lowered grade) the final decision about which recommendation to implement will be made by the Dean or Associate Dean as appropriate in the circumstance. In exercising their discretion, the Dean or Associate Dean shall make their decision in a manner which advances the principles in Paragraph i) a) of the preamble, and considers the written reasons provided by the reviewers.
14. In the case of an appeal based on procedural irregularity, the Dean will investigate the appeal and have discretion over altering the given grade or making alternate arrangements.
15. If the Dean was involved in the instruction of the course or the assessment of the grade being appealed, the Associate Dean shall assume the duties of the Dean in administering the appeal. If the Associate Dean was involved in the instruction of the course or the assessment of the grade being appealed, the Dean shall assume the duties of the Associate Dean in administering the appeal.

Standard of Review

16. In the case of an appeal based on procedural irregularity, the standard of review is whether or not there is a clear irregularity in the administration of the exam which affected the grade of the student.
17. In the case of an appeal based on incorrect evaluation, the standard of review is whether or not there is a significant error or defect in the evaluation of the work of the student.
18. The instructors or administration members conducting the appeal assessment shall provide written reasons for their recommendation(s).

Outcomes

19. In the case of an appeal based on procedural irregularity, the Dean may adjust the grade or make alternative appropriate arrangements. The final mark on appeal may be raised or confirmed. If the grade is raised the appeal fee will be refunded to the student.

20. In the case of an appeal based on incorrect evaluation, the final mark on appeal may be raised, confirmed, or lowered. If the grade is raised the appeal fee will be refunded to the student.
21. The instructors tasked with reviewing the appeal will make decisions on appeals in an expeditious manner to enable the student to be promptly informed of the outcome. The Dean or Associate Dean will make reasonable efforts to inform the student of the outcome of the appeal assessment within 30 days of receiving the appeal from the University Office of the Registrar.

Relief Against Literal Interpretation

22. Notwithstanding the provisions of these regulations, the administration shall have the power to relieve against the literal application of these rules in order to ensure that students are dealt with fairly and in keeping with the principles expressed in the preamble. However, this power will only be exercised in exceptional cases.

Exceptions to Policy: none

Cross-References: Law-1. Regulations on Academic Status.

Review Process for Policy:

Process for Communicating Policy: Windsor Law policies website.

Definitions: none

Appendices: none