UNIVERSITY OF CALGARY

Faculty of Nursing: Academic Assessment and Graded Term Work Appeal Procedure

GRADE, CREDIT OR FAIL DESIGNATION, AND PROFESSIONAL BEHAVIOUR APPEALS

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1 Principles and Definitions

1.1 The Faculty of Nursing appeal process for Academic Assessment and graded term work appeals is:

a) confidential,
b) provides procedural fairness,
c) strives for consistency in terms of its decisions,
d) administratively efficient, and
e) contributes to a fair and just University.

1.2 A Student wanting to appeal an Academic Assessment decision made by the Faculty of Nursing or a graded term work decision made by the Faculty of Nursing must use these procedures.

1.3 The term "Academic Assessment" means the determination of a student's final level of achievement in a specific Faculty of Nursing course, and includes grades, credit or fail designations, and, if specified in a Faculty of Nursing course outline, assessments of all aspects of professional behaviour.

1.4 The term "Academic Progression Matter" means a matter regarding a Student's academic achievement in the Student's program. Academic Progression Matters include: assessments of all aspects of professional behaviour as required in University documents other than a course outline; dismissals; or the requirement to withdraw. Academic progression matters do not include: decisions regarding Academic Assessments or Student Academic Misconduct.

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1.5 The term “Appellant” means a Student who appeals an Academic Assessment or Graded Term Work decision about themselves.

1.6 The term “Business Days” means days that the University is open for business, excluding weekends and holiday closures.

1.7 The term “Dean” refers to the Dean of the Faculty of Nursing or their delegate.

1.8 The term “Graded Term Work” refers to graded term work as described in Section I.2 *Reappraisal of Graded Ten Work* of the academic regulations of the University Calendar.

1.9 The term “Reasonable Apprehension of Bias” generally means that a reasonable and informed person, viewing the matter realistically and practically, would think that it is more likely than not that a decision maker was biased in respect of the decision under appeal.

1.10 The term “Respondent” means a person who responds to the appeal. Normally, this will be the faculty member that is responsible for the Academic Assessment or Graded Term Work decision.

1.11 The term “Student” means an individual who is registered in a course in the Faculty of Nursing, at the time the decision under appeal occurred.

1.12 The term “Student Academic Misconduct” means plagiarism, cheating or other academic misconduct as defined in the academic regulations of the University Calendar or in any University policy that defines student academic misconduct;

1.13 The term “Student Non-academic Misconduct” means conduct that is prohibited as outlined in Appendix 1: Prohibited Conduct of the Student Non-Academic Misconduct Policy

1.14 The term “University” means the University of Calgary.

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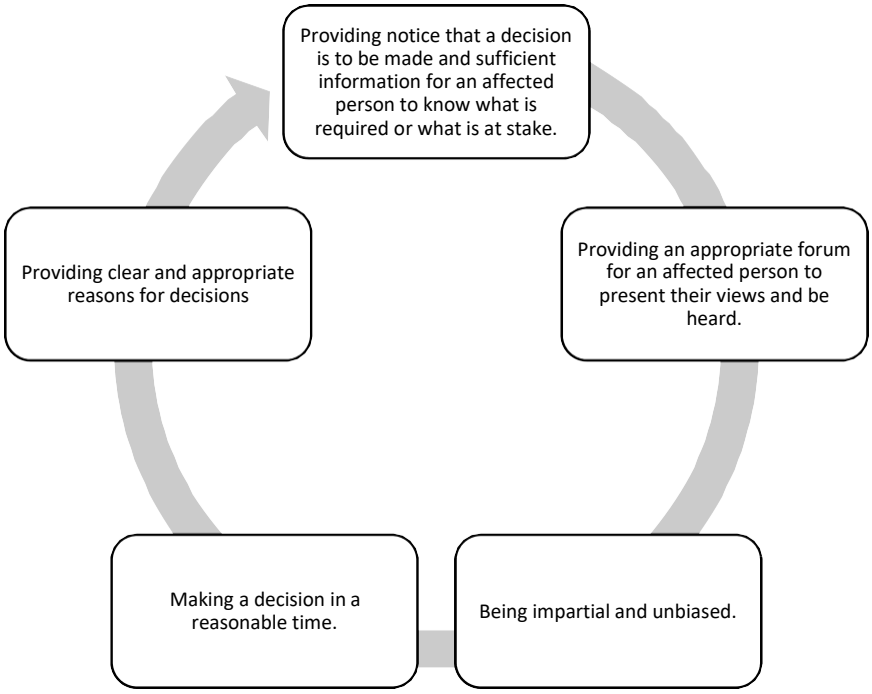
2 Procedural Fairness: Necessary for Decisions



3 Appellant Responsibilities and Grounds of Appeal

3.1 A student may appeal an Academic Assessment or Graded Term Work decision on only the following grounds:

a) that a procedural irregularity occurred in making the Academic Assessment decision or Graded Term Work decision (including a deviation from a course outline or communicated performance expectation, or where a grade was not updated), or
b) that an Academic Assessment or Graded Term Work decision was determined on some basis other than performance, which may include allegations of a reasonable apprehension of bias, or
c) that relevant new information has arisen that could not have been presented to the Faculty of Nursing earlier and that may have otherwise affected the decision being appealed.

3.2 The following are not recognized as grounds for appeal by the Faculty Appeals Committee, and will result in an appeal being rejected:

a) ignorance of University or Faculty of Nursing policies, or the contents of a course outline;
b) mere dissatisfaction or disagreement with the Academic Assessment, Graded Term Work decision, a reappraisal, the course outline, or performance expectations;

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c) achievement in other course work or programs; or
d) the numerical calculation being close to the next highest letter grade.

3.3 Appellants may ask for only one or more of the following outcomes in their appeal:

a) That Graded Term Work be discounted from the final grade achieved. This outcome may only be requested as part of an appeal specific to a nursing theory course(s);
b) That the Academic Assessment decision or Graded Term Work decision be returned to the department or decision maker, as appropriate, for another reappraisal, as directed by the Faculty Appeals Committee. This outcome may only be requested as part of an appeal specific to a nursing theory course(s);
c) That the Appellant be permitted to retake the course(s) at issue at the next available offering. This outcome may only be requested as part of an appeal specific to a nursing clinical course; or
d) that the Academic Assessment decision or Graded Term Work decision be returned to the department or decision maker, as appropriate, for resolution, which resolution must be in accordance with applicable University and Faculty policies, regulations and procedures.

3.4 An Appellant is responsible to satisfy the Dean or the Faculty Appeals Committee that the appellant's evidence or position is more likely than not to have occurred or to be accurate. This is referred to as the balance of probabilities standard of proof.

4 Submitting an Appeal

4.1 Prior to submitting an appeal under these procedures, a Student must have completed all steps required by Section I *Reappraisal of Graded Term Work and Academic Assessments (final grades)* of the academic regulations of the University Calendar, including speaking with the Student's instructor, department head or associate Dean, and seeking a reappraisal, if appropriate.

4.2 Appellants must submit an appeal to the Dean, within seven (7) business Days of the date of completing the steps referred to in Section 4.1 above.

4.3 Each appeal to the Dean must be submitted in writing to [nursdean@ucalgary.ca] and must include:

a) the Appellant's student ID number, current address and telephone contact number(s),
b) the Academic Assessment decision or Graded Term Work decision being appealed,
c) the specific ground for the appeal, (see 3.1, 3.2)
d) the outcome sought by the Appellant, (see 3.3)

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e) copies of all documentation relevant to the appeal, including any correspondence regarding the decision being appealed, and
f) copies of any additional supporting evidence.

5 Receipt of the Appeal

5.1 The Dean may refer an appeal directly to the Faculty Appeals Committee, or may seek to resolve the appeal to the Appellant's satisfaction. If the Dean is unable to resolve an appeal to the Appellant's satisfaction, the Dean will forward the appeal to a Chair of the Faculty Appeals Committee. In either case, the Dean will respond to the Appellant's appeal within two (2) Business Days of receipt of the appeal, and, if necessary, forward the appeal to a Chair of the Faculty Appeals Committee within ten (10) Business Days of receipt of the appeal.

5.2 Within five (5) Business Days of receipt of an appeal, the Chair of the Faculty Appeals Committee will issue correspondence that indicates whether:

a) the appeal is denied, or
b) the appeal is proceeding to an oral hearing before the Faculty Appeals Committee.

5.3 If the Chair determines that the appeal is proceeding to an oral hearing before the Faculty Appeals Committee, the correspondence contemplated in Section 5.2 will include: i) the timeline for the oral hearing date, location and time, and ii) the names of the Faculty Appeals Committee members that will hear and decide the appeal. The Chair will also request a response to the appeal from the Respondent. The Respondent's response must be submitted to the Chair within five (5) Business Days of the date of the correspondence contemplated in Section 5.2.

6 Prior to a Hearing

6.1 An Appellant and a Respondent will be given five (5) Business Days advance notice of the time and place of the oral hearing. In order to ensure timely resolution of appeals, Appellants and Respondents are expected to make the necessary scheduling arrangements to participate in the hearing. The Chair will grant amendments to the hearing dates only if a written request is made and only if there are exceptional circumstances that necessitate an amendment.

6.2 At the discretion of the Chair and only in rare circumstances, the Appellant or a Respondent may be offered the opportunity to attend a hearing over teleconference, videoconference, or some other electronic means.

6.3 Both the Appellant and the Respondent have the right to have a person of their choice appear with them at the hearing to support them. Unless otherwise decided by the Chair, persons attending in a support role are not allowed to present evidence, to ask questions, or to address either the Respondent or the Faculty Appeals Committee during the hearing.

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6.4 Both the Appellant and the Respondent have the right to challenge the membership of the Faculty Appeals Committee. Challenges may only be made where it is claimed that a Faculty Appeals Committee member has a conflict of interest that may prevent a fair decision being made. A challenge must be made in writing to the Chair of the Faculty Appeals Committee, and must include evidence supporting the challenge. A challenge will be decided by the Chair, unless the Chair is the subject of the challenge, in which case the remaining panel members will decide the challenge. If the challenge is successful, the Chair will provide the names of the new panel to the Appellant and the Respondent and adjust the hearing timeline as needed.

6.5 At the discretion of the Chair of the Faculty Appeals Committee, the Faculty Appeals Committee will have access to the Appellant's academic file.

6.6 Both the Appellant and Respondent will receive copies of all submissions, documents and evidence relating to the decision being appealed, including, if appropriate, the Appellant's academic file, no later than five (5) Business Days before the hearing.

7 Hearing Process

7.1 The Chair of the Faculty Appeals Committee will conduct an oral hearing in the manner that they consider fair and reasonable.

7.2 Generally, at the commencement of an oral hearing, the Chair of the Faculty Appeals Panel will:

a) introduce everyone participating in the hearing, provide an overview of the process, confirm that there are no conflict of interest matters, summarize the appeal, the issues to be decided and the outcome sought;
b) invite the Appellant to present their appeal;
c) invite the Respondent to ask questions, through the Chair, of the Appellant;
d) invite members of the Faculty Appeals Committee to ask questions of the Appellant;
e) invite the Respondent to present the response to the appeal;
f) invite the Appellant to ask questions, through the Chair, of the Respondent;
g) invite members of the Faculty Appeals Committee to ask questions of the Respondent;
h) provide the Respondent with an opportunity to make any final comments, and provide the Appellant with an opportunity to make any final comments; and
i) invite member of the Faculty Appeals Committee to ask final questions of the Appellant or the Respondent.

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7.3 At any time during the hearing, the Appellant and the Respondent will be permitted to consult with their support person during the hearing.

7.4 Following the oral hearing process, the Faculty Appeals Committee will meet *in camera* to consider the evidence and make a decision. Legal Counsel to the Faculty Appeals Committee, if any, and any support personnel for the Faculty Appeals Committee may attend deliberations.

7.5 If the Appellant or Respondent do not attend the oral hearing, the Faculty Appeals Committee may proceed with the hearing in the absence of the Appellant or Respondent accepting the written documentation submitted by the non-attending party in lieu of oral submissions made in person.

8 The Faculty Appeals Committee Decision

8.1 All members of the Faculty Appeals Committee hearing an appeal will vote. The final decision will be carried by a majority vote.

8.2 Decisions of the Faculty Appeals Committee will be based solely on information, documentation and evidence that has been submitted to the Committee from the Appellant and the Respondent or that has been provided in advance of, or at, the hearing to the Appellant and Respondent by the Faculty Appeals Committee.

8.3 The Faculty Appeals Committee decision will normally include a brief description of the history of the appeal, a summary of the evidence, the reasons for the decision and the resulting outcome. The decision letter will also inform the Appellant that they may have a further right of appeal under the Student Misconduct and Academic Appeals Policy.

8.4 The Faculty Appeals Committee decision will not record any dissenting opinions.

8.5 Decisions of the Faculty Appeals Committee regarding Graded Term Work are final and cannot be appealed further at the University.

8.6 The Chair of the Faculty Appeals Committee will distribute the decision, using UCalgary email addresses, to the following within five (5) Business Days after the end of the oral hearing to:

a) the Appellant,
b) the Respondent,
c) the Associate Dean of the appropriate program office,
d) the Dean's office, and
e) the Registrar, if appropriate.

9 Confidentiality and Recording of Information

9.1 All written and oral information regarding an appeal is confidential;

9.2 A hearing will not be open to the public;

9.3 All appeal records will be retained for twelve (12) years; and

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9.4 There will be no audio or video recording of the hearing by the Faculty Appeals Committee or any party or participant.

10 Jurisdiction of the Dean, the Chair of the Faculty Appeals Committee, and the Faculty Appeals Committee[1]

10.1 The Dean of Faculty of Nursing has the jurisdiction to resolve an appeal made under these procedures to an Appellant's satisfaction prior to going to the Faculty Appeals Committee.

10.2 In addition to participating in the decision making process for appeals under these procedures, the Chair of the Faculty Appeals Committee also has the jurisdiction, to deny an appeal or to determine that a hearing is necessary and the process for that hearing. The Chair can also make recommendations to the Dean to improve Faculty regulations or procedures.

10.3 The Chair may only deny an appeal where:

a) the appeal was not submitted before the deadline;
b) the decision being appealed is not identified;
c) the appeal does not contain the information required by these procedures;
d) the decision being appealed does not fall within the jurisdiction of the Faculty Appeals Committee;
e) the appeal is made by a person who is not a Student, or the legal counsel of a Student;
f) the Appellant has not yet completed all steps required in Section I *Reappraisal of Graded Term Work and Academic Assessments (final grades)* of the academic regulations of the University Calendar regarding reappraisal of term work or reappraisal of final grade, including speaking with the Student's instructor, or Associate Dean, and seeking a grade reappraisal, if appropriate; or
g) the Appellant does not raise any grounds or request a specific outcome, or raises grounds or outcomes other than those permitted by these procedures.

10.4 A decision made by the Chair in accordance with this procedure is final and not appealable at the University.

10.5 The Faculty Appeals Committee has the jurisdiction to hear and decide appeals of Academic Assessments and Graded Term Work.

10.6 The Faculty Appeals Committee does not have jurisdiction to hear appeals regarding decisions related to:

a) Student Academic Misconduct;

[1] **NOTE**: In the case where the Academic Assessment being appealed is a Graduate Student's thesis exam or candidacy component, the appeal must be made to either the Faculty of Graduate Studies Faculty Appeals Committee or the University Appeals Committee, as appropriate. Please see the University and Graduate Studies Calendars for more information.

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b) Student Non-academic Misconduct;
c) Academic Progression Matters;
d) The Student Accommodation Policy; or
e) Any matters regarding tuition.

10.7 After hearing an appeal, the Faculty Appeals Committee may:

a) deny the appeal;
b) where the appeal is specific to a nursing theory course, uphold the appeal and direct that Graded Term Work be discounted from the final grade achieved;
c) where the appeal is specific to a nursing theory course, uphold an appeal and determine that the Academic Assessment decision or Graded Term Work decision be returned to the department or decision maker for another reappraisal, as directed by the Faculty Appeals Committee;
d) where the appeal is specific to a nursing clinical course, uphold the appeal and determine that the appellant be permitted to retake the course(s) at issue at their next available offering; or
e) uphold the appeal and direct that the Academic Assessment decision or Graded Term Work decision be returned to the department or decision maker for other resolution in accordance with applicable University and Faculty policies, regulations and procedures.

11 Composition of the Faculty Appeals Committee

11.1 The Faculty Appeals Committee will be elected by the Faculty of Nursing and will consist of:

a) Two (2) tenured academic staff members that may serve in the role of Chair, for a two year term;
b) Four (4) full-time continuing academic staff members of the Faculty of Nursing, for a two-year term. One elected member must be involved in graduate supervision in the NP program (if necessary, a decanal appointee will be elected and added to the committee in order to constitute a committee for appeal of a clinical course by a NP* student). To ensure continuity, terms shall be staggered so that normally half the elected members are replaced each year;
c) Two (2) full time undergraduate students who are in good academic standing and are enrolled in the Faculty of Nursing, appointed by the Dean;
d) Two (2) graduate students who are in good academic standing and are enrolled in the Faculty of Nursing, appointed by the Dean.

* In an NP clinical appeal an external representative who is registered as an adult nurse practitioner in Alberta will be appointed by the Dean

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11.2 Quorum of the Faculty Appeals Committee for deciding an appeal will be three (3) members appointed pursuant to this procedure, which members must include i) a Chair, ii) an academic staff member, and iii) an undergraduate student or graduate student, as appropriate.

12 Timelines

Appeal Step	**Timeline for Communication**
Student submits appeal to the Dean	Within 7 Business Days of the date of the written decision being appealed
Dean will acknowledge receipt of the appeal	Within 2 Business Days of receipt of the appeal
Dean will resolve the appeal or forward to the Faculty Appeals Committee Chair	Within 5 Business Days of receipt of the appeal
Chair will determine whether the appeal is denied, or whether the appeal will proceed to a hearing.	Within 5 Business Days of the date of receipt of the appeal
If the chair has determined the appeal will proceed then a formal letter will be required from the Appellant accepting the appeal date and the committee structure.	The committee will be determined and the appeal meeting will normally be set within two weeks from determining the appeal will proceed. Appellant documentation must be submitted within 5 Business Days of the decision that the appeal is proceeding to a hearing
Circulation of all submissions, documentation and evidence that will be used by the Faculty Appeals Committee in making its decision to the Appellant, Respondent and to the Faculty Appeals Committee	No later than 5 Business Days before the hearing.
Faculty Appeals Committee decision	Normally within 5 Business Days after the hearing.
Appeal to University Appeals Committee	Where appropriate, within 10 Business Days of the date of the written Faculty Appeals Committee decision