



## Student Misconduct and Academic Appeals Policy

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<p><b>Approval Authority</b> General Faculties Council</p>	
<p><b>Implementation Authority</b> University Secretary</p>	
<p><b>Effective Date</b> January 1, 2019</p>	
<p><b>Last Reviewed</b> January 1, 2019</p>	

### 1 Purpose

**1.1** The purpose of this policy is to identify the appeal bodies, and the principles and procedures for appeals of decisions regarding:

- a) Student Academic Misconduct,
- b) Student Non-Academic Misconduct,
- c) Academic Progression Matters, and
- d) Academic Assessments.

### 2 Scope

**2.1** This policy applies to an appeal of a:

- a) Student Academic Misconduct decision;
- b) Student Non-Academic Misconduct decision;
- c) decision regarding Academic Progression Matters;
- d) decision regarding Academic Assessment;
- e) decision made by the University Appeals Committee;
- f) Faculty Appeals Committee decision regarding an Academic Assessment; and
- g) decision made by the PGME Appeals Subcommittee.



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### 3 Definitions

#### 3.1 In this policy

- a) “Academic Assessment” means the determination of a Student’s final level of achievement in a specific course or graduate Student milestone, and includes: grades; credit or fail designations; and, if specified in a course outline, assessments of all aspects of professional behaviour.
- b) “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.
- c) “Appeal Hearing” means either a written or oral process to review and decide an appeal before a Faculty Appeals Committee, the University Appeals Committee or the University Appeals Tribunal.
- d) “Appellant” means a Student who appeals a decision about themselves.
- e) “Faculty Appeals Committee” means the committee constituted to hear appeals of Academic Assessments and includes: the Faculty of Graduate Studies Appeals Committee and the Continuing Education Unit Appeals Committee. The PGME Appeals Subcommittee is not a Faculty Appeals Committee. If there is no relevant faculty council, the General Faculties Council will establish an appropriate appeals committee.
- f) “Faculty of Graduate Studies Appeals Committee” means the Faculty Appeals Committee of the Faculty of Graduate Studies.
- g) “ground of appeal” means a reason that an appeal is being made.
- h) “PGME Appeals Subcommittee” means the Postgraduate Medical Education Appeals Subcommittee of the Cumming School of Medicine.
- i) “procedural fairness” means that an Appellant and a Respondent have the opportunity to be heard by an unbiased decision maker and to be made aware of all evidence considered by the decision maker. Procedural fairness is about the procedures used to make a decision, not the actual outcome of the decision.
- j) “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.
- k) “Respondent” means a person who responds to an appeal.



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- l) “Student” means an individual who is registered in a course or program of study with the University, whether for credit or not, at the time the subject matter of the decision under appeal occurred.
- m) “Student Academic Misconduct” means plagiarism, cheating or other academic misconduct as defined in the University calendar or in any University policy that defines student academic misconduct.
- n) “Student Non-Academic Misconduct” means conduct that is prohibited as outlined in Appendix 1: Prohibited Conduct of the Student Non-Academic Misconduct Policy.
- o) “University Appeals Committee” means the delegate of the General Faculties Council having the powers and authorities set out in the University Appeals Committee Procedure.
- p) “University Appeals Tribunal” means the delegate of the Board of Governors having the powers and authorities set out University Appeals Tribunal Procedure.
- q) “University” means the University of Calgary.

#### **4 Policy Statement**

- 4.1** An Appellant submitting an appeal under this policy must meet the requirements of this policy and the relevant procedure.
- 4.2** Appeal Hearings will respect the rights of an Appellant and a Respondent to procedural fairness.
- 4.3** In conducting an Appeal Hearing, Faculty Appeals Committees, the University Appeals Committee and the University Appeals Tribunal will usually review whether the decision being appealed:
  - a) was made with procedural fairness, and
  - b) falls within a range of reasonable outcomes.
- 4.4** In the event there is a conflict with any other University, faculty or University unit policy, procedure, regulation or standard regarding appeals of:
  - i. Student Academic Misconduct decisions,
  - ii. Student Non-Academic Misconduct decisions,
  - iii. Academic Assessments, or
  - iv. decisions regarding Academic Progression Matters,
 this policy takes precedence.



- 4.5 Nothing in this policy prevents anyone, including professional licensing bodies, from proceeding with civil, administrative or criminal actions independent of any University appeal process.

## 5 Procedure

### Appeal Bodies and Levels

- 5.1 Appeals of Academic Assessments are made in accordance with the appeal process in the faculty or University unit offering the course, including to the appropriate Faculty Appeals Committee, and then to the University Appeals Committee, which is the final level of appeal for Academic Assessments.
- 5.2 Notwithstanding Section 5.1, an appeal by a graduate Student of an Academic Assessment regarding a thesis exam or candidacy component is made first to the Faculty of Graduate Studies Appeals Committee and then to the University Appeals Committee, which is the final level of appeal for Academic Assessments.
- 5.3 Appeals of Student Non-Academic Misconduct decisions, Student Academic Misconduct decisions or Academic Progression Matters are made first to the University Appeals Committee, and then to the University Appeals Tribunal, which is the final level of appeal for these decisions.
- 5.4 Notwithstanding Sections 5.1 and 5.3, appeals of Academic Assessments, Academic Progression Matters or Student Academic Misconduct decisions for students registered in the postgraduate medical education program must proceed first through the Cumming School of Medicine appeal process, including the PGME Appeals Subcommittee. Appeals of PGME Appeals Subcommittee decisions regarding Academic Assessments or Academic Progression Matters are made to the University Appeals Committee, which is the final level of appeal for these decisions. Appeals of PGME Appeals Subcommittee decisions regarding Student Academic Misconduct are made to the University Appeals Tribunal, which is the final level of appeal for these decisions.

### Grounds of Appeal for Student Academic Misconduct and Student Non-Academic Misconduct Decisions

- 5.5 As Student Academic Misconduct decisions and Student Non-Academic Misconduct decisions involve disciplinary action by the University, an Appellant may appeal a Student Academic Misconduct decision or a Student Non-Academic Misconduct decision on one or more of the following grounds:
- a) relevant new information has arisen that could not have been presented earlier and that may have otherwise affected the decision being appealed;
  - b) the decision being appealed was made in a procedurally unfair way;



- c) there was a reasonable apprehension of bias on the part of a person who made the decision being appealed;
- d) the decision maker did not have the authority to make the decision or to impose the sanctions;
- e) the decision, or the severity of the sanction, or both, is unreasonable; or
- f) any other ground.

**Grounds of Appeal for Academic Progression Matters and Academic Assessments**

**5.6** As Academic Progression Matters and Academic Assessments do not involve disciplinary action by the University, an Appellant may only appeal Academic Progression Matters or Academic Assessments to the University Appeals Committee on one or more of the following grounds:

- a) relevant new information has arisen that could not have been presented earlier and that may have otherwise affected the decision being appealed;
- b) the decision being appealed was made in a procedurally unfair way; or
- c) there was a reasonable apprehension of bias on the part of a person who made the decision being appealed.

**5.7** Notwithstanding Section 5.6, an Appellant may only appeal Academic Progression Matters to the University Appeals Tribunal on one or both of the following grounds:

- a) the decision being appealed was made in a procedurally unfair way; or
- b) there was a reasonable apprehension of bias on the part of a person who made the decision being appealed.

**General**

**5.8** In general, Academic Assessments and decisions regarding Academic Progression Matters or Academic Misconduct should be made as close as possible to the level at which the academic competence resides.

**5.9** Dissatisfaction with a decision or with a University, faculty or University unit policy, procedure, regulation or standard is not a ground of appeal.

**5.10** In general, events or academic performance that occur after the date of the decision being appealed are not considered to be relevant new information.

**5.11** An Appellant must exhaust all decision making and appeal processes at the faculty, University unit, Faculty Appeals Committee, PGME Appeals Subcommittee or the Student Conduct Office before submitting an appeal under this policy and the related procedures.



**5.12** A Faculty Appeal Committee, the University Appeals Committee or the University Appeals Tribunal may place any appeal made under this policy on hold pending the outcome of any proceedings associated with a professional code or any other proceeding independent of the University appeal process.

**6 Responsibilities**

**6.1** The University Student Appeals Office will:

- a) coordinate the process for appointing members to the University Appeals Committee and to the University Appeals Tribunal;
- b) organize panels for the University Appeals Committee and the University Appeals Tribunal in accordance with the relevant procedures;
- c) provide training to members of Faculty Appeals Committees, members of the University Appeals Committee and members of the University Appeals Tribunal;
- d) respond to inquiries and questions about the process of making an appeal under this policy; and
- e) receive and coordinate appeals in accordance with this policy and its procedures.

**6.2** Students will:

- a) be familiar with their rights and responsibilities under this policy and its procedures.

**6.3** Faculties and University units will each:

- a) establish Faculty Appeals Committees;
- b) be familiar with their rights and responsibilities under this policy and its procedures; and
- c) ensure the faculty, the University unit, and any departments within the faculty or unit are familiar with this policy and its procedures and utilize the training materials provided by the University Student Appeals Office.

**7 Appendices**

Summary Diagram of Student Misconduct and Academic Appeals Process

**8 Related Policies**

Code of Conduct Policy  
 Electronic Communications Policy  
 Harassment Policy



- Privacy Policy
- Research Integrity Policy
- Sexual Violence Policy
- Student Non-Academic Misconduct Policy
  
- 9 Related Procedures**
  - University Appeals Committee Procedure
  - University Appeals Tribunal Procedures
  - Faculty Appeals Committee Procedure
  - Student Non-Academic Misconduct Procedure
  
- 10 Related Instructions/Forms**
  
- 11 Related Operating Standards**
  
- 12 Related Information**      Insert text / attach document / add hyperlink
  
- 13 References**
  
- 14 History**                      *Approved: June 14, 2018*  
    *Effective: January 1, 2019*