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**Continuing Education Unit Academic Assessment and Graded Term
Work Appeals Procedure
GRADE, PASS OR FAIL DESIGNATION, CREDENTIAL ACHIEVEMENT, AND
PROFESSIONAL BEHAVIOUR APPEALS**

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Approval Authority Continuing Education	
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1 Principles and Definitions

- 1.1 The Continuing Education Unit’s 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 or a graded term work decision made by the Continuing Education Unit must use these procedures.
- 1.3 The term “Academic Assessment” means the determination of a student’s final level of achievement in a specific Continuing Education Unit course, and includes grades, credit or fail designations, credential achievement, and, if specified in a Continuing Education Unit 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.

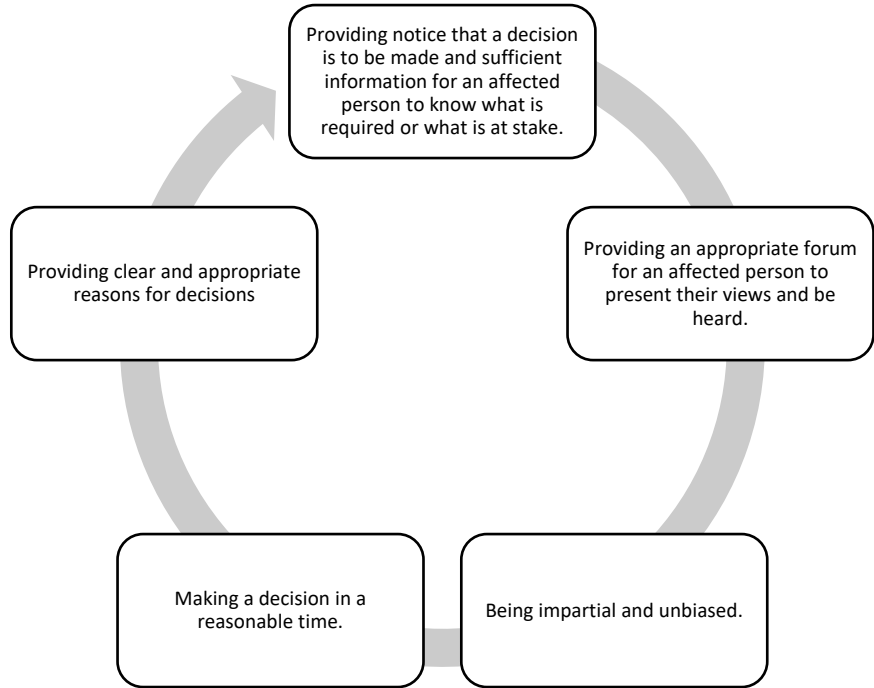


- 1.5 The term “Appellant” means a Student who appeals an Academic Assessment or Graded Term Work decision about themselves.
- 1.6 The term “Program Area” means a body of courses pertaining to a specific subject matter, certificate, or managed by a program manager/program director.
- 1.7 The term “Business Days” means days that the University is open for business, excluding weekends and holiday closures.
- 1.8 The term “Director” refers to the Director of the Continuing Education Unit or their delegate.
- 1.9 The term “Graded Term Work” includes any assignment or examination, other than a final examination, which counts toward the final grade.
- 1.10 The term “Reappraisal” means a review of grading or term work or final grades and may be done either by the Continuing Education unit instructor who originally gave the grade or by another Continuing Education unit instructor. The purpose of a reappraisal is to determine if the original grade can be justified, not to determine if another grade is possible.
- 1.11 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.
- 1.12 The term “Respondent” means a person who responds to the appeal. This is normally the person who made the decision under appeal.
- 1.13 The term “Student” means an individual who is registered in a course in the Continuing Education Unit, at the time the decision under appeal occurred.
- 1.14 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;
- 1.15 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](#)
- 1.16 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.
- 3.2 The following are not recognized as grounds for appeal by the Continuing Education Unit Appeals Committee, and will result in an appeal being rejected:
- a) ignorance of University or Continuing Education Unit policies, regulations, procedures, 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;
 - c) achievement in other course work or programs;
 - d) extenuating circumstances;
 - e) the numerical calculation being close to the next highest letter grade, or



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- f) dissatisfaction with entry requirements for any Continuing Education Unit or University of Calgary program.
- g) failure to meet the minimum specified requirements for a credential

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

- a) that Graded Term Work be discounted from the final grade achieved;
- b) that the Academic Assessment decision or Graded Term Work decision be returned to the decision maker, as appropriate, for another reappraisal, as directed by the Continuing Education Unit Appeals Committee.

3.4 An Appellant is responsible to satisfy the Director or the Continuing Education Unit 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 the Continuing Education Unit's *Reappraisal of Grades Policy*, including seeking a Reappraisal.

4.2 Appellants must submit an appeal to the Director on or before 11:59 PM (MT) on the tenth (10th) Business Day after completing the steps referred to in Section 4.1 above.

4.3 Each appeal to the Director must be submitted in writing to conted@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,
- d) the outcome sought by the Appellant,
- 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 Director may refer an appeal directly to the Continuing Education Unit Appeals Committee, or may seek to resolve the appeal to the Appellant's satisfaction. If the Director is unable to resolve an appeal to the Appellant's satisfaction, the Director will forward the appeal to a Chair of the Continuing Education Unit Appeals Committee. In either case, the Director will acknowledge the Appellant's appeal within five (5) Business Days of receipt of the appeal, and, if the Director is not able to resolve the appeal, forward the appeal to a Chair of the Continuing Education Unit Appeals Committee within ten (10) Business Days of receipt of the appeal.



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- 5.2 Within ten (10) Business Days of receipt of an appeal, the Chair of the Continuing Education Unit Appeals Committee will issue correspondence that indicates whether:
 - a) the appeal is denied, or
 - b) the appeal is proceeding to a written or oral hearing before the Continuing Education Unit Appeals Committee.
- 5.3 Where the Chair has determined that the appeal is proceeding to a hearing, and the appeal alleges that an Academic Assessment or Graded Term Work decision was determined on some basis other than performance (including instructor bias or discrimination), an oral hearing will normally be held.
- 5.4 If the Chair determines that the appeal is proceeding to a written or oral hearing before the Continuing Education Unit Appeals Committee, the correspondence contemplated in Section 5.2 will include: i) the timeline for a written hearing or the oral hearing date, location and time, and ii) the names of the Continuing Education Unit Appeals Committee members that will hear and decide the appeal. The Chair will also request a response to the appeal from the Respondent, to be submitted no later than five (5) Business Days before the hearing.

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 If necessary, an 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 Continuing Education Unit Appeals Committee during the hearing.
- 6.4 Both the Appellant and the Respondent have the right to challenge the membership of the Continuing Education Unit Appeals Committee. Challenges may only be made where it is claimed that a Continuing Education Unit 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 Continuing Education Unit 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



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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 Both the Appellant and Respondent will receive copies of all submissions, documents and evidence relating to the decision being appealed no later than five (5) Business Days before the hearing.
- 6.6 Generally, oral or written hearings will occur within twenty-five (25) Business Days of the date of the correspondence contemplated in Section 5.2. However, the Chair of the Continuing Education Unit Appeals Committee will conduct the appeal process in the manner that they consider fair and reasonable.

7 Hearing Process

- 7.1 The Chair of the Continuing Education Unit Appeals Committee will conduct a written or oral hearing in the manner that they consider fair and reasonable.
- 7.2 Where the Chair decides that the Appeal Hearing will be in writing, the Chair will provide the Continuing Education Unit Appeals Committee, the Appellant, and the Respondent with written notice of the Chair's decision, along with:
 - a) a copy of this procedure;
 - b) the appeal;
 - c) the Respondent's response to the appeal;
 - d) any other documentation received from either the Appellant or the Respondent, or that the Continuing Education Unit Appeals Committee may consider;
 - e) if the Chair or panel has questions for the Appellant or the Respondent, what those questions are and the date that responses must be provided; and
 - f) the date on which the Appellant must provide any final submissions to the Continuing Education Unit Appeals Committee for consideration.
- 7.3 Generally, at the commencement of an oral hearing, the Chair of the Continuing Education Unit Appeals Committee will:
 - a) introduce everyone participating in the hearing, provide an overview of the process, confirm that there are no conflict of interest matters, and 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 present the response to the appeal;
 - d) invite the Appellant and Respondent to ask questions of each other, and invite members of the Continuing Education Unit Appeals Committee to ask questions of both, with questions being directed through the Chair;
 - e) provide the Respondent with an opportunity to make any final comments; and
 - f) provide the Appellant with an opportunity to make any final comments.



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- 7.4 Following either an oral or written hearing process, the Continuing Education Unit Appeals Committee will meet *in camera* to consider the evidence and make a decision. Legal Counsel to the Continuing Education Unit Appeals Committee, if any, and any support personnel for the Continuing Education Unit Appeals Committee may attend deliberations.
- 7.5 If the Appellant or Respondent does not attend an oral hearing or participate in a written hearing process, the Continuing Education Unit Appeals Committee may choose to either
- a) proceed with the hearing in the absence of the Appellant or Respondent and, for oral hearings, may accept the written documentation submitted by the parties in lieu of oral submissions made in person; or
 - b) If the Appellant or Respondent do not attend an oral hearing or participate in a written hearing process, the Continuing Education Unit Appeals Committee may proceed with the hearing in the absence of the Appellant or Respondent and, for oral hearings, may accept the written documentation submitted by the non-attending party in lieu of oral submissions made in person.
- 8 The Continuing Education Unit Appeals Committee Decision**
- 8.1 All members of the Continuing Education Unit Appeals Committee hearing an appeal will vote. The final decision will be carried by a majority vote.
- 8.2 Decisions of the Continuing Education Unit 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 Continuing Education Unit Appeals Committee.
- 8.3 The Continuing Education Unit 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. The Continuing Education Unit Appeals Committee decision will not record any dissenting opinions, and decisions of the Continuing Education Unit Appeals Committee regarding Graded Term Work are final and not appealable at the University.
- 8.4 The Chair of the Continuing Education Unit Appeals Committee will distribute the decision, by email to the following within ten (10) Business Days of the close of the written hearing process or the end of the oral hearing to:
- a) the Appellant and
 - b) the Respondent.
 - c) if appropriate, the Non-Credit Registration Services.



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- 8.5 The Chair can make recommendations to the Director to improve the Continuing Education Unit's regulations or procedures.
- 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
- 9.4 There will be no audio or video recording of the hearing by the Continuing Education Unit Appeals Committee or any party or participant.
- 10 Jurisdiction of the Director, the Chair of the Continuing Education Unit Appeals Committee, and the Continuing Education Unit Appeals Committee**
- 10.1 The Director has the jurisdiction to resolve an appeal made under these procedures to an Appellant's satisfaction in any circumstance.
- 10.2 In addition to participating in the decision making process for appeals made under these procedures, the Chair of the Continuing Education Unit Appeals Committee also has the jurisdiction to deny an appeal, or to determine that a hearing is necessary and the process for that hearing.
- 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 Continuing Education Unit 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 *Continuing Education Reappraisal of Grades and Appeal Policy* regarding reappraisal of term work or reappraisal of final grade, including speaking with the Student's instructor, Program Manager or Program Director, 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 The Continuing Education Unit Appeals Committee has the jurisdiction to hear and decide appeals of Academic Assessments and Graded Term Work.
- 10.5 The Continuing Education Unit Appeals Committee does not have jurisdiction to hear appeals regarding decisions related to:
- a) Student Academic Misconduct;
 - b) Student Non-academic Misconduct;
 - c) Academic Progression Matters;



- d) the Student Accommodation Policy; or
- e) extenuating circumstances.

10.6 After hearing an appeal, the Continuing Education Unit Appeals Committee may:

- a) deny the appeal;
- b) uphold the appeal and direct that Graded Term Work be discounted from the final grade achieved;
- c) uphold the 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 Continuing Education Unit Appeals Committee; or
- d) 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 Continuing Education Unit policies, regulations and procedures.

11 Composition of the Continuing Education Unit Appeals Committee

11.1 The Continuing Education Unit Appeals Committee will be created by the Director when required and will consist of:

- a) 1 Continuing Education Program Director or Continuing Education MaPS who acts as Chair;
- b) 1 Continuing Education Program Manager; and
- c) 1 Continuing Education Instructor from the program area who is not the instructor of record for the student

11.2 Quorum of the Continuing Education Unit Appeals Committee panel for deciding an appeal will be three (3) members appointed pursuant to this procedure, which three members must include i) a Chair, ii) a Continuing Education instructor, and iii) a Continuing Education program manager, as appropriate.

12 Timelines

Appeal Step	Timeline for Communication
Student submits appeal to the Director	Within 10 Business Days of the date of the written decision being appealed
Director will acknowledge receipt of the appeal	Within 5 Business Days of receipt of the appeal



<p>Director will resolve the appeal or forward to the Continuing Education Unit Appeals Committee Chair</p>	<p>Within 10 Business Days of receipt of the appeal</p>
<p>Chair will determine whether the appeal is denied or whether the appeal will proceed to a written or oral hearing. If appeal is proceeding to a hearing, Chair will request the Respondent provide a response to the appeal.</p>	<p>Within 10 Business Days of the date of receipt of the appeal</p>
<p>Circulation of all submissions, documentation and evidence that will be used by the Continuing Education Unit Appeals Committee in making its decision to the Appellant, Respondent and to the Continuing Education Unit Appeals Committee</p>	<p>No later than 5 Business Days before the hearing.</p>
<p>Continuing Education Unit Appeals Committee decision</p>	<p>Normally within 10 Business Days after the hearing.</p>
<p>Appeal to University Appeals Committee</p>	<p>Where appropriate, within 10 Business Days of the date of the written Continuing Education Unit Appeals Committee decision</p>