UNIVERSITY OF CALGARY

Faculty Academic Assessment and Graded Term Work Procedure

GRADE, CREDIT OR FAIL DESIGNATION, AND PROFESSIONAL BEHAVIOUR APPEALS

Classification Governance
Approval Authority
Implementation Authority Faculty of Kinesiology
Effective Date October 16, 2019
Last Reviewed October 16, 2019

Table of Contents

1 Principles and Definitions....1
2 Procedural Fairness: Necessary for Decisions....3
3 Appellant Responsibilities and Grounds of Appeal....3
4 Submitting an Appeal....4
5 Receipt of the Appeal....4
6 Prior to a Hearing....5
7 Hearing Process....6
8 The Faculty Appeals Committee Decision....6
9 Confidentiality and Recording of Information....7
10 Jurisdiction of the Dean, the Chair of the Faculty Appeals Committee, and the Faculty Appeals Committee....7
11 Composition of the Faculty Appeals Committee....8
12 Timelines....9

1 Principles and Definitions

1.1 The Faculty of Kinesiology 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 Kinesiology or a graded term work decision made by the Faculty of Kinesiology 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 Kinesiology course, and includes grades, credit or fail designations, and, if specified in a Faculty of Kinesiology 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.

UNIVERSITY OF CALGARY

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 Kinesiology or their delegate.

1.8 The term “Graded Term Work” refers to graded term work as described in Section I.2 *Reappraisal of Graded Term 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. This may or may not be the person who made the decision under appeal.

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

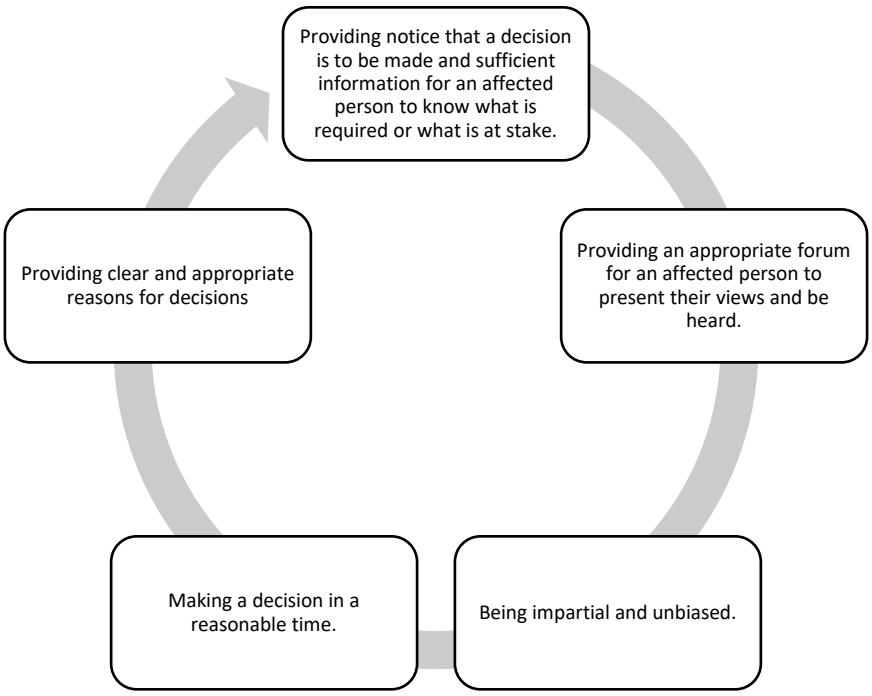
1.12 The term “Student Academic Misconduct” means plagiarism, cheating or other academic misconduct as defined in the academic regulations of the University Calendar or in any University policy that defines student academic misconduct;

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.

UNIVERSITY OF CALGARY

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 Faculty Appeals Committee, and will result in an appeal being rejected:

f) ignorance of University or Faculty of Kinesiology policies, regulations, procedures, or the contents of a course outline;
g) mere dissatisfaction or disagreement with the Academic Assessment, Graded Term Work decision, a reappraisal, the course outline, or performance expectations;
h) achievement in other course work or programs;
i) extenuating circumstances; or
j) the numerical calculation being close to the next highest letter grade.

UNIVERSITY OF CALGARY

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 department or decision maker, as appropriate, for another reappraisal, as directed by the Faculty Appeals Committee; or
c) that the Academic Assessment decision or Graded Term Work decision be returned to the department or decision maker, as appropriate, for other 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.

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

4.3 Each appeal to the Dean must be submitted in writing to knesdean@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) a list of and explanation for any grounds of 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 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 acknowledge the Appellant's appeal within two (2) Business Days of receipt of the appeal, and, if the Dean is not able to resolve the appeal, forward the appeal to a Chair of the Faculty Appeals Committee within ten (10) Business Days of receipt of the appeal.

UNIVERSITY OF CALGARY

5.2 Within ten (10) 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 a written or oral hearing before the Faculty 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 Faculty 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 Faculty 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 Faculty Appeals Committee during the hearing.

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.

UNIVERSITY OF CALGARY

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.

7 Hearing Process

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

7.2 Generally, a written hearing process will follow a schedule that provides the Appellant with the final opportunity to respond, in writing, to the written submissions of the Respondent.

7.3 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, 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 Faculty 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.

7.4 Following either an oral or written 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 an oral hearing or participate in a written hearing process, the Faculty 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 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

UNIVERSITY OF CALGARY

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 Faculty Appeals Committee decision will not record any dissenting opinions, and decisions of the Faculty Appeals Committee regarding Graded Term Work are final and not appealable at the University.

8.4 The Chair of the Faculty Appeals Committee will distribute the decision, using UCalgary email addresses, 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,
b) the Associate Dean of the appropriate program office, and
c) if appropriate, the Registrar.

8.5 The Chair can make recommendations to the Dean to improve Faculty 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 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 Kinesiology 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 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.

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;

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

UNIVERSITY OF CALGARY

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, department head 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;
b) Student Non-academic Misconduct;
c) Academic Progression Matters;
d) the Student Accommodation Policy; or
e) extenuating circumstances.

10.7 After hearing an appeal, the Faculty 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 Faculty 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 Faculty policies, regulations and procedures.

11 Composition of the Faculty Appeals Committee

11.1 The Faculty Appeals Committee will be appointed by the Dean and will consist of:

a) Two (2) tenured academic staff members that may serve in the role of Chair and are appointed by the Dean;
b) One (1) academic staff member appointed in the Faculty of Kinesiology by the Dean;
c) three full time undergraduate students who are in good academic standing appointed by the Kinesiology; or three full time graduate students who are in good academic standing appointed by the Dean.

UNIVERSITY OF CALGARY

11.2 Quorum of the Faculty Appeals Committee for deciding an appeal will be three (3) members appointed pursuant to this procedure, which three 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 10 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 10 Business Days of receipt of the appeal
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.	Within 10 Business Days of the date of receipt of the appeal
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 10 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