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Faculty of Graduate Studies Appeals Procedures for Decisions Regarding a Graduate Thesis Exam, a Candidacy Component, or Other Decisions of the Dean

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1 Principles and Definitions

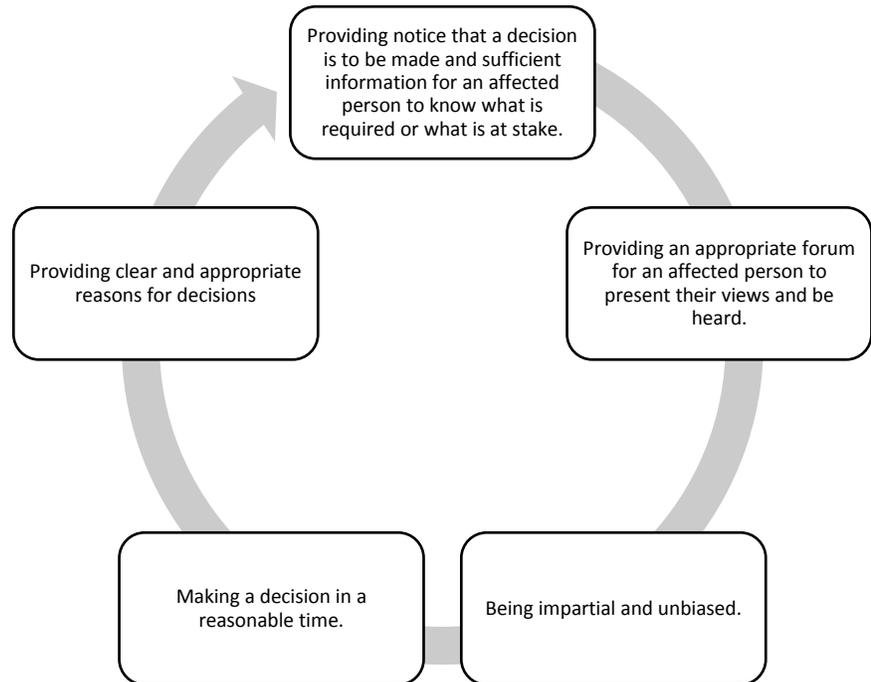
- 1.1 The Faculty of Graduate Studies appeal process is:
 - a) confidential,
 - b) provides procedural fairness,
 - c) strives for consistency in terms of its decisions,
 - d) administratively efficient, and
 - e) contributes to a fair and just University.
- 1.2 A Graduate Student wanting to appeal a decision regarding an Academic Assessment or a Dean’s Decision must use these procedures.
- 1.3 The term “Academic Assessment” means the determination of a Graduate Student’s final level of achievement in a Graduate Student milestone, or more specifically, either a Thesis Examination or a Candidacy Component that does not result in a Graduate Student being required to immediately withdraw from their program.
- 1.4 The term “Academic Progression Matter” means a matter regarding a Graduate Student’s academic achievement in the Student’s program. Academic Progression Matters include: a Thesis Examination or Candidacy Component that results in a Graduate Student being required to immediately withdraw from their program, assessments of all aspects of professional behaviour as required in University documents other than a course outline; dismissals; or any other requirement to



- withdraw. Academic Progression Matters do not include: decisions regarding Academic Assessments or Student Academic Misconduct.
- 1.5 The term “Appellant” means a Graduate Student who appeals an Academic Assessment or Dean’s Decision.
 - 1.6 The term “Business Days” means days that the University is open for business, excluding weekends and holiday closures.
 - 1.7 The term “Candidacy Component” refers to those candidacy components as described in the academic regulations section of the University’s Grad Calendar.
 - 1.8 The term “Dean” refers to the Dean of the Faculty of Graduate Studies or their delegate.
 - 1.9 The term “Deans Decision” refers to decisions of the Dean regarding Supervision, a Graduate Student’s registration status, or the process for a Thesis Exam or Candidacy Component.
 - 1.10 The term “Faculty Appeals Committee” means the Faculty of Graduate Studies Appeals Committee having the power and authorities set out in this procedure.
 - 1.11 The term “Graduate Student” means a student registered with the Faculty of Graduate Studies at the University.
 - 1.12 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.
 - 1.13 The term “Respondent” means a person who responds to the appeal. The Respondent will usually be the Dean or delegate of the Dean.
 - 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 “Supervision” refers to those aspects of a Graduate Student’s supervision as included in the Graduate Student Supervision Policy and the academic regulations section of the University’s Grad Calendar
 - 1.17 The term “Thesis Examination” refers to a thesis examination as described in the academic regulations section of the University’s Grad Calendar.
 - 1.18 The term “University” means the University of Calgary.



2 Procedural Fairness: Necessary for Decisions



3 Appellant Responsibilities and Grounds of Appeal

- 3.1 A Graduate Student may appeal an Academic Assessment or Dean's Decision on only the following grounds:
 - a) that a procedural irregularity occurred in the conduct of the Academic Assessment;
 - b) that there was a reasonable apprehension of bias on the part of the person who made the Academic Assessment or on the part of the Dean; or
 - c) relevant new information has arisen that could not have been presented earlier and that may have otherwise affected the Academic Assessment or Dean's 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 Graduate Studies policies, regulations, procedures, or the contents of a course outline,
 - b) mere dissatisfaction or disagreement with the outcome of an Academic Assessment or Dean's Decision, or
 - c) extenuating circumstances, except to the extent that the extenuating circumstances are relevant new information that could not have been



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presented earlier and that may have otherwise affected the decision being appealed.

- 3.3 Appellants may ask for only one of the following outcomes in their appeal:
- another opportunity to complete the Academic Assessment; or
 - that the Dean's Decision be returned to the Dean for resolution in accordance with applicable University and Faculty of Graduate Studies policies, regulations and procedures.
- 3.4 An Appellant is responsible to satisfy 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 Graduate Students must submit an appeal to the Dean on or before 11:59 PM (MT) on the tenth (10th) Business Day following the date of the Academic Assessment or Dean's Decision that the Graduate Student wants to appeal. The Dean, in their absolute discretion, may extend this deadline.
- 4.2 Each appeal to the Dean must be submitted in writing to gradappeals@ucalgary.ca and must include:
- the Appellant's student ID number, current address and telephone contact number(s),
 - the Academic Assessment decision or Dean's Decision being appealed,
 - the specific ground for the appeal,
 - the outcome sought by the Appellant,
 - copies of all documentation relevant to the appeal, including any correspondence regarding the decision being appealed, and
 - copies of any additional supporting evidence,
 - whether the Appellant requires an accommodation or any special consideration regarding their participation in the appeal process and Appeal Hearing, and, if so, what is being requested and why.

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 receipt of 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 ten (10) Business Days of receipt of an appeal, the Chair of the Faculty Appeals Committee will issue correspondence to the Appellant and the Respondent that indicates whether:
- the Chair has resolved the appeal to the Appellant's satisfaction,



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

5.3 If the Chair determines that the appeal is proceeding to a hearing before the Faculty Appeals Committee, the correspondence contemplated in Section 5.2 will include: i) the 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 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 Respondent may be offered the opportunity to attend a hearing over teleconference, videoconference or 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 or to ask questions 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 Committee member 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.

7 Hearing Process

- 7.1 The Chair of the Faculty Appeals Committee will conduct a hearing in the manner that they consider fair and reasonable. This may include allowing the participation of the Appellant or Respondent through telephone or other electronic means.



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- 7.2 Generally, at the commencement of a hearing, the Chair of the Faculty 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 provide the Committee with a 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 all 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.
- 7.3 After the hearing, 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.
- 7.4 If the Appellant or Respondent do not attend the hearing, the Faculty Appeals Committee may proceed with the hearing in the absence of the Appellant or Respondent and 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 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 for Academic Assessment decisions under the Student Misconduct and Academic Appeals Policy. Decisions of the Faculty Appeals Committee regarding Dean's Decisions 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 end of the hearing to:



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- a) the Appellant,
 - b) the Respondent,
 - c) the Graduate Program Director, and
 - d) if appropriate, the Registrar.
- 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.
 - 9.4 The Chair of the Faculty Appeals Committee will determine, in their absolute discretion, whether an audio recording of an oral hearing will be made by the Faculty Appeals Committee. No other recordings of an oral hearing will be permitted. Any recording made by the Faculty Appeals Committee is done for convenience purposes only, and the malfunction of the recording device or loss of the recording will not invalidate, in any way, the related hearing or Faculty Appeals Committee Decision. The deliberations of the Faculty Appeals Committee will not be recorded.
- 10 Jurisdiction of the Dean, the Chair of the Faculty Appeals Committee, and the Faculty Appeals Committee**
- 10.1 The Dean has the jurisdiction to resolve an appeal made under these procedures to an Appellant's satisfaction in any circumstance, including without referring an appeal to the Chair of the Faculty Appeals Committee.
 - 10.2 The Chair of the Faculty Appeals Committee has the jurisdiction, in accordance with these procedures, to resolve an appeal made under these procedures to an Appellant's satisfaction, 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 Graduate Student, or the legal counsel of a Graduate Student; or
 - f) 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 Faculty Appeals Committee has the jurisdiction to hear and decide appeals of Academic Assessments and of Dean's Decisions.
 - 10.5 The Faculty Appeals Committee does not have jurisdiction to hear appeals regarding decisions related to:



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- a) Student Academic Misconduct;
- b) Student Non-academic Misconduct;
- c) Academic Progression Matters;
- d) decisions made under the Student Accommodation Policy; or
- e) extenuating circumstances, except to the extent that the extenuating circumstances are relevant new information that could not have been presented earlier and that may have otherwise affected the decision being appealed.

10.6 The Faculty Appeals Committee has the authority to:

- a) deny an appeal;
- b) uphold an appeal and grant the Appellant another opportunity to complete the Academic Assessment; or
- c) uphold the appeal and return the matter to the Dean for resolution in accordance with applicable University and Faculty policies, regulations and procedures.

11 Composition of the Faculty Appeals Committee

11.1 Membership of the Faculty Appeals Committee will be appointed as follows:

- a) six (6) Faculty of Graduate Studies academic staff members will be appointed by the Faculty of Graduate Studies Council; and
- b) three full time Graduate Students who are in good academic standing will be appointed by the Graduate Students' Association.

11.2 Faculty Appeal Committee panels will be formed by Senior Director (Strategic Operations) of the Faculty of Graduate Studies as follows:

- a) one academic staff member as Chair;
- b) one academic staff member; and
- c) one Graduate Student.

11.3 Quorum of the Faculty Appeals Committee will be three (3) members appointed pursuant to this procedure.

11.4 Except where a member has a change in status, members of the Faculty Appeals Committee will serve in their roles for staggered terms of three (3) years, except in the case of Graduate Student members who will serve in their roles for two (2) years. Terms are renewable.

11.5 Each Faculty Appeal Committee member must , attend the decision making training provided by the University Student Appeals Office early in their first term, and must have completed the training prior to hearing their first appeal.



12 Timelines

Appeal Step	Timeline
Graduate Student submits appeal to the Dean	No later than 10 Business Days from the date of the 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, whether the Chair can resolve the appeal without a hearing, or whether the appeal will proceed to a hearing. If appeal is proceeding to a hearing, Chair will request the Dean provide a response to the appeal.	Within 10 Business Days of the date of receipt of the appeal from the Dean
Circulation of all submissions, documentation and evidence that will be used by the Faculty Appeals Committee in making its decision to the Appellant, Respondent (if any) 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