

**FACULTY OF NURSING
Principles and Procedures for Student Academic Appeals**

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Purpose

- 1 The purpose of this document is to ensure that processes pertaining to academic appeals in the Faculty of Nursing:
 - a) Are commensurate with university regulations and policies; and
 - b) Ensure that students are treated fairly and equitably whilst maintaining the integrity of the University of Calgary.

Scope

- 2 This document applies to undergraduate and graduate student appeals, and appeals pertaining to students in the third or fourth year of the Bachelor of Nursing-Off Site collaborative program with Medicine Hat College. This document does not apply to students registered at the University of Calgary-Qatar.

- Definitions**
- 3** In this operating standard:
- a) “Appeal” means a request submitted by a student for an exception to be made to university regulations and/or policies.
 - b) “Appellant” means the student who submits an appeal.
 - c) “Bias” means whether a reasonably informed person could reasonably perceive a prejudice on the part of an adjudicator.
 - d) “Chair” means the Chair of the Faculty of Nursing Appeals Committee.
 - e) “Faculty” means the Faculty of Nursing at the University of Calgary (Calgary Campus or Medicine Hat College site years 3 and 4).
 - f) “Faculty Member” means an individual who is employed in an academic position within the Faculty of Nursing at the University of Calgary (Calgary Campus) or Medicine Hat College.

Standard/Practice

4 4.1 General Principles

The principles governing the hearing of appeals by the Faculty of Nursing Appeals Committee are:

- a) that fairness in procedures and decisions should be applied to all parties,
- b) that sound academic decisions should not be set aside on the basis of minor irregularities or technicalities in procedure, and
- c) that academic decisions should be made as close as possible to the level on which the academic competence resides.

Fairness includes, but is not limited to, such practices as all parties to the appeal having the opportunity to be heard; all parties to the appeal being made aware of the evidence considered by the committee; and no individual sitting in judgment on an appeal at a higher level who has already been a party to the decision at a lower level. It is recognized that unfairness can arise either from the misapplication of otherwise fair regulations or the strict application of regulations.

4.2 Mandate

The Faculty of Nursing Appeals committee has the authority and responsibility to hear any appeal related to matters under its jurisdiction including but not necessarily limited to:

- a) Course grades for all students registered in courses offered by the Faculty of Nursing irrespective of the Faculty affiliations of those students;
- b) Rulings related to general program regulations of students registered in the Faculty of Nursing;
- c) Required to withdraw, suspension or expulsion from the Faculty of Nursing for reasons of academic misconduct;
- d) Required to withdraw, suspension or expulsion from the Faculty of Nursing due to academic performance;
- e) Denial of admission to the Faculty of Nursing for failure to satisfy criteria other than the minimum requirements outlined in the University of Calgary Calendar. Appeals against denial of admission will not be considered when the denial is based on a Calendar requirement, the "Admission Requirements" policy, or the Diverse Qualifications or Aboriginal Admission Policies. (University Calendar A.20)

Notes:

- Appeals that will **not** be heard in the faculty are:
 - Student Non-Academic Misconduct;
 - Student Accommodation Appeals;
 - Fee and/or Registration Appeals.
- Appeals regarding non-academic matters must be addressed to the office of the Vice-Provost (Students). In case of doubt, both undergraduate and graduate students are advised to contact the Student Ombuds at ombuds@ucalgary.ca.
- Appeals of Faculty of Graduate Studies decisions or regulations must be addressed to the Dean of the Faculty of Graduate Studies.

4.3 Launching an Appeal

- a) Content of the Letter of Appeal

To launch an appeal at the Faculty level, a formal request in writing must be made to the Dean of the Faculty of Nursing and delivered by the Appellant to the Faculty of Nursing Dean's Office not later than fifteen calendar days (excluding statutory closures) from the notification to the Appellant of the decision. This request must specifically state:

- i. the decision which is being appealed;
- ii. any grounds on which the appeal is based;
- iii. the remedy sought, and, if appropriate;

- iv. a description of any actions taken or to be taken by the appellant to ensure the situation under appeal won't occur in the future.
- v. the steps, if any, taken to resolve the grievance at a lower level, as described in section 4.3.c.ii

At every level, students should attempt, to the utmost of their ability, to present their arguments as effectively and as fully as possible. It is the responsibility of the appellants to submit all information available to them that they consider relevant to their case. Mere dissatisfaction with an academic decision is not sufficient grounds for an appeal. It is strongly advised that copies of medical documentation, relevant letters and other relevant documents be included with the request for appeal. Further information may be requested at the discretion on the Committee Chair.

b) Steps Prior to Submitting an Appeal

Before an appeal will be considered, the appellant must provide written documentation that he or she has sought an acceptable resolution at the appropriate level. Course-related matters should be taken up first with the instructor and then with the appropriate Associate Dean if a satisfactory resolution is not achieved. In the special case of a challenge to a final grade, a student's first step must be consultation with the instructor and/or Associate Dean followed, if necessary, by the submission of a standard "request for reappraisal" of graded term work. The latter will automatically initiate an independent review of final examination only, with the student's next recourse being at the Faculty level. For appeals of Faculty decisions, such as a requirement to withdraw, the student must first consult the Associate Dean (Nursing).

c) Initial Assessment of the Dean

Depending on the assessment of the nature of the case, the Dean (or designate) may either:

- i. refer without consideration the matter directly to an Appeals Committee of the Faculty for decision or resolution; or
- ii. attempt to resolve the problem in a manner deemed appropriate in the circumstances and on the basis of such enquiries and consultations as are considered necessary, provided that if the appellant is not satisfied with the proposed resolution, the appellant may request that the matter be then formally referred to the Appeals Committee, the decision of which shall then be accepted by the Dean.

Appeals shall be considered in the above manner against Faculty or program decisions or against rulings made by the Associate Dean (Nursing), or against rulings made by the Nursing Program Coordinator Medicine Hat College for students in year 3 or 4 of the collaborative BN program. To be considered, any appeal must be received by the Dean within fifteen calendar days of the event or issuance of the decision under appeal. For an appeal to be upheld, it must be shown that an injustice has occurred.

- d) Preparation of the Appeal File:
- i. In the case where an appeal is referred to the Appeals Committee, the Dean's Office shall provide the file of written material pertinent to the case to the Chair as soon as possible.
 - ii. The Chair will seek any information they deem necessary to augment the written material provided to them. The Chair shall decide if all the available material provides grounds on which the Appeals Committee should hear the case. At the discretion of the Chair, the appeal may be upheld without a hearing. If the Chair decides that appropriate grounds have not been stated, the case will not be heard by the Appeals Committee and the appeal denied. The appellant will be informed of the decision in writing and will be given one further opportunity to resubmit his or her appeal to the Chair of the Appeals Committee.
 - iii. Hearings for appeals of academic misconduct cannot be denied because of the lack of any specific grounds.
 - iv. If the committee is asked to hear the case, the parties to the appeal may provide to the Chair any further documentation for inclusion in the appeal record. The Committee will itself determine and seek all additional information and documentation that it considers necessary for the achievement of a fair resolution of the appeal. This will include statements from those responsible for the decision under appeal. It is expected that all academics who have provided information relevant to the appeal will make themselves available on the time and date specified for the hearing.
 - v. In particular, when an appeal is made against an instructor or is a challenge against a final grade, the course coordinator or Associate Dean (or the Nursing Program Coordinator Medicine Hat College), and/or the instructor, will have the opportunity to make a submission, and will be invited to attend the hearing to respond to questions. When an appeal is made against a Faculty decision, the Associate Dean

(Undergraduate or Graduate Programs, or Nursing Program Coordinator for Medicine Hat College) will have the opportunity to make a submission, and may be invited to attend the hearing to respond to questions.

- vi. The decision of the Appeals Committee will be based solely on the evidence presented at the hearing and on prior written submissions, which will be available to all parties.
- vii. The Chair will make available to all parties to the appeal, at least seven days prior to the hearing, all relevant documents received by the Chair pursuant to paragraphs.
- viii. A party to the appeal may request that the Committee consider a confidential document without divulging its specific contents to the other party because of overriding interests of privilege, confidentiality, or otherwise. The Committee shall, in such cases, only consider the confidential material if the other party to the appeal can be reasonably and fairly apprised of the general nature of the contents.

4.4 Procedures Governing Appeal Hearings

a) Notice of Hearing

The Committee will proceed without unnecessary delay to consider the appeal and will normally respond to it within one month of its initiation. The Chair will set a hearing date with the appellant for a mutually agreeable time, and must give at least fifteen days written notice of the hearing to the appellant and to the Dean. The notice will include information on the composition of the Appeals Committee. Where a course is involved, the notice will also be sent to the instructor of the course. Under normal circumstances the Appeals Committee will hear an appeal within thirty days of a formal acceptance of an appeal.

b) Challenges to the Composition of the Committee

Names of those involved in the specific case will be shared with the committee in advance of the appeal. Likewise, the student (appellant) will be provided with the names of the appeal committee members for the same purpose.

An appellant has the right to challenge, for cause, any member of the Committee constituted to hear the appeal. The validity of the challenge shall be judged by the Chair.

The appellant must inform the Dean's Office of the desire to challenge a member of the Committee at least one week prior to the start of the appeal hearing.

If the Chair is challenged, such challenge shall be judged by the remainder of the Committee constituted to hear the appeal. If the members are equally divided in their opinions on the validity of the challenge, such challenge shall not be upheld. If the challenge is upheld, another member will Chair the Committee during the hearing. Such cause may include current teacher/student relationships, evidence of potential bias, or any other factor likely to prejudice a fair hearing.

c) Procedural Guidelines for the Hearing

The following guidelines shall apply to the procedures of the Committee:

- i. In advance of the appeal proceedings, the Chair will clarify that there is no conflict of interest for any of the committee members. It is incumbent on any member of the committee to declare any possible conflict of interest prior to the appeal hearing (e.g. a faculty member may have instructed the course in question; a student member may be a friend of the appellant).
- ii. All committee members will sign a confidentiality document (Appendix A).
- iii. All applicable members of the Appeals' Committee will have access to all relevant documents. All printed materials should be circulated and shredded after the appeal.
- iv. The Committee will provide opportunities for the appellant and the party responsible for the decision under appeal (or their representative) to appear before it and to participate. In the case of an appeal against several individuals or a Program, a program representative will be given the opportunity to appear before the Committee. Those persons with the best knowledge of the circumstances should be invited to appear at the hearing to assist the Committee. All such invitations shall be made through the Chair.
- v. With a minimum of two days advance notice, the appellant may be accompanied by one advisor (eg. University of Calgary student Ombuds. Advisors do not play an active role in the appeal hearing (e.g. they do not speak on behalf of the respondent or appellant). An appellant may request

a pause in the proceedings to consult with his or her advisor outside of the appeal.

- vi. Proceedings at meetings shall not normally be audio or video recorded. Such requests must be received in advance, and audio recording and written transcript of the recording must be provided to the appeal committee.
- vii. In the case of a group appeal, the Committee at its discretion, will normally provide the opportunity for a single spokesperson for the group to appear before it but may interview others at the hearing at its discretion.
- viii. Both parties to the appeal shall have the opportunity to ask questions, through the Chair, about the evidence presented at the hearing. Those persons with the best knowledge of the circumstances should be invited to appear at the hearing to assist the Committee. For appeals against an instructor, the instructor will have the opportunity to appear. For appeals against Faculty rulings, the Associate Dean (Graduate or Undergraduate Programs) or the Nursing Program Coordinator at Medicine Hat College will have the opportunity to appear. All such invitations shall be made through the Chair in writing.
- ix. If either or both parties fail to appear or decide not to appear before the Committee at a scheduled hearing, the Committee will proceed on the basis of the written submissions of that party or of both parties.
- x. Only members shall be present when the Committee considers its final decision. The Committee must arrive at a decision or resolution, which is supported by at least three members present during its deliberations. In this context, the Chair is a voting member.

4.5 Communication of Decision and Further Steps

- a) The Committee (through a letter written by the Chair) shall report its decision to the Dean without undue delay. The Dean may solicit further information from the Chair and has the authority to both approve and overturn the Committee's decision.
- b) The registrar's office will apply a negative service indicator so that the student cannot request transcripts while under appeal.
- c) The decision of the Faculty will be made known without undue delay to the appellant, the Associate Dean (Undergraduate or Graduate Programs) or Nursing Program Coordinator at

Medicine Hat College, in writing, and, if appropriate, the Registrar and the instructor. In cases where an appeal is upheld, the Registrar will ensure that any notations on the student's transcript are modified to reflect the ruling.

- d) The Committee's (or Dean's) report should include a brief description of the procedures followed and a concise statement of the factors leading to the decision. The Chair of the Appeals Committee will normally represent the Faculty at any subsequent appeals of the decision (to be determined in consultation with the Dean). The Committee's report should include a brief description of the procedures followed and a concise statement of the factors leading to the decision.
- e) If in a particular case the Committee wishes to suggest that useful actions might be taken to improve Faculty regulations or procedures, or to avoid recurrence of certain problem situations, appropriate recommendations or comments should be transmitted to the Dean in a separate memorandum, with copies to the instructor, course coordinator, and Associate Dean (Undergraduate or Graduate Programs) or Nursing Program Coordinator at Medicine Hat College, when appropriate.
- f) Decisions of the Faculty may be appealed to the General Faculties Council Committee to hear Student Appeals. However the onus will be on the appellant to demonstrate that proper procedures were not followed or that there was bias in the proceedings, or that there is substantial new evidence that could not have been presented at an earlier stage.

4.6 Continued Registration While Under Appeal

Normally, students appealing academic decisions in relation to clinical courses in the Faculty of Nursing shall not be allowed to register in continuing clinical courses pending the outcome of the appeal. Students who appeal academic decisions in relation to theory courses in the Faculty of Nursing may be entitled to tentative registration to continue studies pending the outcome of the appeal. The student must contact the Registrar of the University to register while under appeal.

All decisions with regard to an appeal shall be communicated immediately to the Registrar.

The student is required to pay all fees. If the appeal is denied, the original date of suspension, expulsion or other academic sanction shall pertain and, in the case of suspension or expulsion, the student must immediately discontinue attendance of classes; the student's registration will be cancelled, regardless of the date, and all assessed tuition fees will be credited to the student's account. If the appeal is upheld, the provisional registration will be made permanent.

Students appealing to the Board of Governors are not permitted to register while under appeal. (University of Calgary Calendar).

Document Management

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- 5.1 The Appeal File is confidential and therefore access is limited to those with a demonstrated need to know.
 - 5.2 The Executive Assistant, Dean's Office, will open an Appeal File upon receipt of a letter of appeal to the Dean and will keep the file up-to-date throughout the appeal process. [Each file is tracked on an internal cumulative tracking document when it is created, moved to storage and again when it is destroyed.]
 - 5.3 The Appeal File may contain letters of appeal, supporting documentation, appeals committee decisions and notices.
 - 5.4 The Appeal File is stored in "hard copy" format in the Office of Dean until an appeal decision has been reached. The Chair will provide the Office of the Dean with all original documents as they are received, and may keep one copy as a shadow "working document" until the hearing is completed and a decision has been rendered.,
 - 5.5 Access to the Appeal File will be tracked/documentated by the Executive Assistant, Dean's Office.

Retention

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- 6.1 Appeal Files remain active until the date of the appeal decision.
 - 6.2 Appeal Files must be stored in a secure location for a period of 12 years from the date of the appeal decision (Specific Retention Rule #98.0015)
 - 6.3 Once the retention period has passed, the Executive Assistant, Dean's Office, will arrange for confidential shredding.
 - 6.4 Select files may be retained longer/permanently at the discretion of the Dean.

Related Policies

- 7
- University of Calgary Calendar, <http://www.ucalgary.ca/pubs/calendar/> , Academic Regulations, I. Reappraisal of Grades and K. Student Misconduct.
- University of Calgary Calendar, <http://www.ucalgary.ca/pubs/calendar/> , Faculty of Nursing, 3. Faculty Regulations, 3.6 Appeals Process.

History

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- Approved: Nursing Council, April 18, 2017*
- Effective: April 18, 2017*



FACULTY ACADEMIC APPEAL COMMITTEE CONFIDENTIALITY UNDERTAKING

The undersigned, a member of the Faculty of * Appeal Committee (the "Committee"), acknowledges that the University of Calgary places a high level of responsibility and trust on the members of the Committee, and that, as a Committee member, I will have access to confidential information regarding the appellant, witnesses and the University. This information includes all documents (including notes and other working material) presented at the appeal as well as any discussion held by the Committee. With respect to this confidential information and all other information provided to me or that I become aware of as a result of being a member of the Faculty of * Appeal Committee:

1. I will not reveal, distribute or discuss Committee Information to or with anyone other than a member of the Committee. In addition, I will take all reasonable steps necessary to keep Committee Information confidential and to prevent Committee Information from becoming shared, lost or stolen.
2. I will not attempt to modify or delete Committee Information unless instructed to do so by the chair of the Committee.
3. I understand that the duty to keep Committee Information confidential extends beyond the Committee hearing and decision.
4. I understand that failure to abide fully by the above undertaking is grounds for immediate removal from the Committee and may lead to disciplinary action by the University.

Signature of Appeal Committee Member

Date

Print Name

Witness

Date

Print Name