



## Cumming School of Medicine, Undergraduate Medical Education - Faculty Academic Assessment and Graded Term Work Procedure

### Procedure for Appeals of Grade Reappraisal Decisions and Academic Assessment Decisions

<b>Classification</b>	<b>Table of Contents</b>
Governance	1 Principles and Definitions .....1
<b>Approval Authority</b>	2 Procedural Fairness: Necessary for Decisions 3
Undergraduate Medical Education Committee (UMEC)	3 Appellant Responsibilities and Grounds of Appeal 3
<b>Implementation Authority</b>	4 Submitting an Appeal .....4
Associate Dean, Undergraduate Medical Education	5 Receipt of the Appeal .....4
<b>Effective Date</b>	6 Prior to a Hearing.....5
January 1, 2019	7 Hearing Process .....6
<b>Last Reviewed</b>	8 The UME Faculty Appeals Committee Decision 7
January 31, 2020	9 Confidentiality and Recording of Information 7
	10 Jurisdiction of the Associate Dean, the Chair of the UME Faculty Appeals Committee, and the UME Faculty Appeals Committee 8
	11 Composition of the UME Faculty Appeals Committee 9
	12 Timelines.....9

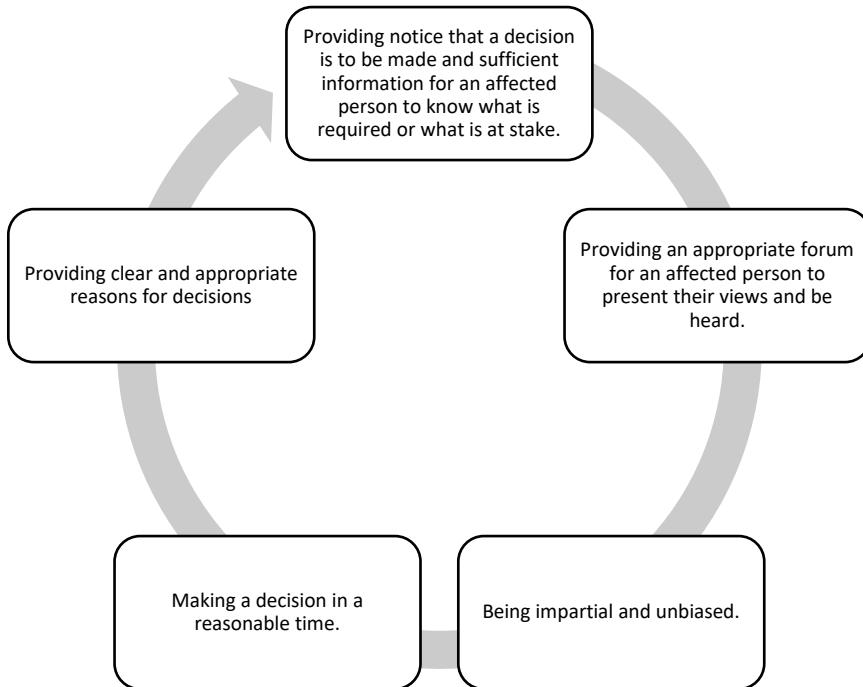
- 1 **Principles and Definitions**
  - 1.1 The Cumming School of Medicine (CSM), Undergraduate Medical Education (UME), appeal process for Academic Assessment and Graded Term Work appeals is:
    - a) confidential,
    - b) provides procedural fairness,
    - c) strives for consistency in terms of its 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 graded term work decision made by the CSM UME must use these procedures.
  - 1.3 The term “Academic Assessment” means the determination of a student’s final level of achievement in a specific CSM UME course, and includes grades, credit or fail designations, and, if specified in a CSM UME course outline, assessments of all aspects of professional behaviour as required in University documents other than a course outline, as well as the College of Physicians and Surgeons of Alberta’s Code of Conduct and Standards of Practice.



- 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 behavior, as required in University documents other than a course outline as well as the College of Physicians and Surgeons of Alberta’s Code of Conduct and Standards of Practice; 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 “Business Days” means days that the University is open for business, excluding weekends and holiday closures.
- 1.7 The term “Associate Dean” refers to the Associate Dean (Undergraduate Medical Education) of the CSM.
- 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 CSM UME 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.



**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:

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

- ignorance of University or CSM UME policies, regulations, procedures, or the contents of a course outline;
- mere dissatisfaction or disagreement with the Academic Assessment, Graded Term Work decision, a reappraisal, the course outline, or performance expectations;
- achievement in other course work or programs;
- extenuating circumstances;
- the numerical calculation being close to the next highest letter grade; or



- f) appeals based on criteria not accepted under the CSM UME Academic Assessment Reappraisal Policy.

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 UME 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 Associate Dean or the UME 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 the CSM UME Academic Assessment Reappraisal Policy and received a reappraisal decision under that process.

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

4.3 Each appeal to the Associate Dean must be submitted in writing to [md.appeals@ucalgary.ca](mailto:md.appeals@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 Associate Dean may refer an appeal directly to the UME Faculty Appeals Committee, or may seek to resolve the appeal to the Appellant's satisfaction. If the Associate Dean is unable to resolve an appeal to the Appellant's satisfaction, the Associate Dean will forward the appeal to a Chair of the UME Faculty Appeals Committee. In either case, the Associate Dean will acknowledge the Appellant's



appeal within two (2) Business Days of receipt of the appeal, and, if the Associate Dean is not able to resolve the appeal, forward the appeal to a Chair of the UME 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 from the Associate Dean, the Chair of the UME 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 UME 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 UME 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 UME 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 UME Faculty Appeals Committee during the hearing.
- 6.4 Both the Appellant and the Respondent have the right to challenge the membership of the UME Faculty Appeals Committee. Challenges may only be made where it is claimed that a UME 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 UME 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.

- 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 UME 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:
- 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;
  - invite the Appellant to present their appeal;
  - invite the Respondent to present the response to the appeal;
  - invite the Appellant and Respondent to ask questions of each other, and invite members of the UME Faculty Appeals Committee to ask questions of both, with questions being directed through the Chair;
  - provide the Respondent with an opportunity to make any final comments; and
  - provide the Appellant with an opportunity to make any final comments.
- 7.4 Following either an oral or written hearing process, the UME Faculty Appeals Committee will meet *in camera* to consider the evidence and make a decision. Legal Counsel to the UME Faculty Appeals Committee, if any, and any support personnel for the UME 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 UME 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 UME Faculty Appeals Committee Decision**
- 8.1 All members of the UME Faculty Appeals Committee hearing an appeal will vote. The final decision will be carried by a majority vote.
  - 8.2 Decisions of the UME 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 UME Faculty Appeals Committee.
  - 8.3 The UME 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 under the Student Misconduct and Academic Appeals Policy. The UME Faculty Appeals Committee decision will not record any dissenting opinions, and decisions of the UME Faculty Appeals Committee regarding Graded Term Work are final and not appealable at the University.
  - 8.4 The Chair of the UME 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, and
    - c) if appropriate, the Registrar.
  - 8.5 The Chair can make recommendations to the Associate 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 UME Faculty Appeals Committee or any party or participant.



**10 Jurisdiction of the Associate Dean, the Chair of the UME Faculty Appeals Committee, and the UME Faculty Appeals Committee<sup>1</sup>**

- 10.1 The Associate Dean 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 UME 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 UME Faculty 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 as outlined in section 4.1 of this Procedure; 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, or the grounds are completely without merit.
- 10.4 A decision made by the Chair in accordance with this procedure is final and not appealable at the University.
- 10.5 The UME Faculty Appeals Committee has the jurisdiction to hear and decide appeals of Academic Assessments and Graded Term Work.
- 10.6 The UME 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 UME 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;

---

<sup>1</sup> **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.



- 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 UME 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  
UME Faculty  
Appeals Committee**

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

- a) Two (2) academic or clinical faculty members that may serve in the role of Chair and are appointed by the Associate Dean; and
- b) Minimum of eight (8) academic or clinical faculty who come from a variety of clinical specialties as appointed by the Associate Dean.
- c) Membership: 3 Year Term, Renewable

11.2 Quorum of the UME 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, and ii) two academic or clinical faculty members.

**12 Timelines**

<b>Appeal Step</b>	<b>Timeline for Communication</b>
Student submits appeal to the Associate Dean	Within 10 Business Days of the date of the written decision being appealed
The Associate Dean will acknowledge receipt of the appeal	Within 2 Business Days of receipt of the appeal
The Associate Dean will resolve the appeal or forward to the UME 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	Within 10 Business Days of the date of receipt of the appeal from the Associate Dean



will request the Respondent provide a response to the appeal.	
Circulation of all submissions, documentation and evidence that will be used by the UME Faculty Appeals Committee in making its decision to the Appellant, Respondent and to the UME Faculty Appeals Committee	No later than 5 Business Days before the hearing.
UME 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 UME Faculty Appeals Committee decision