

Table of Contents

Section A: Introduction	2
A1: Definitions.....	2
A2: Purpose	3
A3: Scope.....	3
Section B: General Principles	3
Section C: Appeals	4
C1: Level 1 Appeals – Program Level.....	4
C2: Level 2 Appeals – Appeals Review Board (ARB)	6
C3: Level 3 Appeals – Faculty of Health Sciences	7
Section D: Appeals - Process Flow Charts	10
Level 1: Appeals Program Process Flow	10
Level 2: Appeals Review Board (ARB) Process Flow	11
Level 3: Appeals Review Board (ARB) Process Flow.....	12
Suspension – Process Flow Chart	12
Appendix A: Level 1 Appeals Committee Terms of Reference.....	13
Appendix B:	16
Appendix C:	19

Section A: Introduction

A1: Definitions

A comprehensive list of definitions can be found in the [Policy on Assessment of Learners in PGME Programs](#).

Appeals Review Board (ARB): a board that adjudicates and investigates Level 2 appeals on behalf of the Postgraduate Medical Education Office, Residency and Fellowship Program committees, Learners and/or the Associate Dean, Postgraduate Medical Education (*Terms of Reference of ARB*).

Clinical Supervisor: most responsible faculty member to whom the Learner directly reports during a training experience.

Competence Committee: a subcommittee of the Residency Program Committee, responsible for the formal review of a Learner's clinical and academic progression towards competence, using collated assessment data gathered over time and from multiple sources. The Competence Committee makes recommendations to the Residency Program Committee for Learner promotion to next levels and requirements for enhanced educational plans, remediation, probation and/or dismissal.

Education Advisory Board (EAB): a board, acting on behalf of PGME, that reviews the summary performance of any Learner, referred by Program Director, Program Committee, Learner or Associate Dean, PGME, and makes recommendations to the Program Committee/Program Director and the Associate Dean PGME regarding remediation strategies.

Learner: Resident, Clinical Fellow, Research Fellow.

Program Director/Home Program Director: faculty member responsible and accountable for the overall conduct and organization of the residency or fellowship program. This faculty member is accountable to the Associate Dean, Postgraduate Medical Education, and the Division/Department Chair. The Home Program refers to the program in which the Learner is registered.

Program Committee: Residency/Fellowship Program Committees support the program director in the administration and coordination of the residency/fellowship program. It is expected that Learner assessment will be the mandate of the Competence Committee (or equivalent) and therefore, the Competence Committee cannot adjudicate on an appeal.

Resident Affairs: provides support and advice to postgraduate learners. The office is arm's length from the postgraduate training programs.

Summative and Formative assessments:

Summative assessments are used to assess learning, skill acquisition, and academic achievement at the conclusion of a *defined* instructional period (e.g. rotation block; stage of training). Formative assessment tools monitor the progression of the Learner through training goals for the purpose of feedback and improvement.

Vice Dean, Health Professional Education: senior official who oversees the Faculty's health professional programs including postgraduate medical education. The Associate Dean, Postgraduate Medical Education reports to the Vice Dean. In this document will be referred to as the Vice Dean.

A2: Purpose

The purpose of this policy is to outline transparent processes and standards for appeals of assessment decisions by postgraduate Learners registered in Postgraduate Medical Education (PGME), McMaster University. It is the responsibility of each Learner and Program Director to be aware of this policy and be familiar with its content. It is the responsibility of the PGME office to ensure access to this policy as well as to ensure that there is appropriate application of the policy at all levels of appeal. The PGME office is available to respond to questions or concerns about the application and procedures of the policy.

A3: Scope

Appeals are conducted based on, but are not limited to: procedural unfairness, alleged bias, failure of appropriate accommodation (previously identified), and/or based on new information not available and/or reviewed at the time of the assessment decision, including need for accommodation.

(i) Learners:

This policy applies to all postgraduate Learners who are registered with the PGME office. All matters surrounding appeals on assessment will fall within the jurisdiction of the Postgraduate Medical Education Office and Faculty of Health Sciences at McMaster University. Postgraduate Learners do not have access to the University Senate appeal process.

This policy does not apply to Learners registered in postgraduate training programs at other institutions who are accepted for electives in a postgraduate program at McMaster University.

(ii) What is appealable?

Summative assessment decisions (refer to definitions: summative assessment decisions):

- Unsatisfactory/Failure to Progress summative assessment at the end of the training experience (e.g. In-training Assessment Report)
- Unsatisfactory assessment at the end of the Pre-Entry Assessment Program (PEAP) and the Assessment Verification Period (AVP)
- Decision for Remediation, Probation, Suspension or Dismissal

Section B: General Principles

1. All Learners must have access to fair, equitable and timely procedures for lodging and hearing of appeals related to assessment decisions.
2. Learners are strongly encouraged to communicate their concerns informally with their Clinical Supervisor and/or Program Director before seeking review under formal procedures, as described in this policy.

3. Learners and the responsible committee for the level of appeal (e.g. Program Committee; ARB) must comply with timelines as outlined in this policy. If the responsible individual and/or committee is unable to provide a response (assuming reasonable effort) within the specified period, the Learner must be informed and provided with an anticipated date.
4. Every Program Committee must develop its own appeal mechanism describing procedures for handling appeals at Level 1 (described below) and must be in compliance with the *PGME Policy on Appeals by Learners in Postgraduate Programs*. The program-specific process must be known to the members of Program Committee and the Learners.
5. Learners and Program Directors must be aware of the guidelines for referral to the Education Advisory Board (EAB) as defined by the [Policy on Assessment of Learners in Postgraduate Programs](#). Remediation and Probation plans reviewed at the EAB will include discussion of any disputes regarding the terms of the Remediation/Probation plans.
6. An appeal in process does not alter the mandated reporting requirements of the PGME office (refer to section: Reporting to Professional Authorities in the [Policy of Assessment of Learners in PGME Programs](#)). The PGME office will notify the College of Physicians and Surgeons of the outcome of the appeal.
7. Learners will proceed with the conditions of the Remediation and/or Probation plan regardless of Appeal. If the Learner is unwilling to proceed with the conditions as outlined by the Program, then they will be required to take a leave of absence (if taken as vacation, these days will be paid).
8. It is expected that many Learners may require an Enhanced Education Plan (EEP) sometime during their training, to tailor their program to meet their specific learning needs. The Learner may not appeal the requirement for an EEP.
9. Learners should be encouraged to contact the Resident Affairs office for support if required.

Section C: Appeals

C1: Level 1 Appeals – Program Level

The Program Committee must have a Level 1 appeals process in place that complies with principles of natural justice and procedural fairness. The Program must define the committee which will be adjudicating Level 1 Appeals. The Appeals committee must be separate from the committee that determines the assessment decision. It is strongly recommended that programs have an Appeals Committee separate from the Program Committee, as majority of assessment recommendations (e.g. Competence Committee recommendations) are ratified by the Program Committee (refer to [Appendix A for Template of Level 1 Appeals Committee Terms of Reference](#)).

Types of decisions:

1. **Decisions within the Learner's program:** the Learner's home program appeals process will apply.¹
2. **Decisions outside the Learner's program:** the Learner's home program appeals process will apply; however, the Home Program Director/delegate will consult the Clinical Supervisor and / or the Program Director of that training experience, along with other appropriate individuals, e.g. CTU Director.
3. **Decisions made by the Competence Committee (or equivalent):** the Learner's home program appeals process will apply.
4. **Decisions made by the Program Committee:** if the Program Committee is the Level 1 appeals adjudicating body (please see above), the Program may choose to strike an ad hoc Level 1 Appeals Committee; however, if this is not possible, the program / Learner may make a request to the Associate Dean to proceed directly to Level 2. The Associate Dean, PGME has the discretion to approve a request to proceed directly to a Level 2 appeal.

Timeline:

The Learner must submit a written letter outlining the intent to appeal and reasons why within **15 business days** after having received the written decision.

Process:

1. The Learner must submit an appeal, in writing, to the Home Program Director stating the decision(s) under appeal, providing reasons why the decision is being appealed, including but not limited to, identifying the specific grounds for the appeal (refer to section on Scope).
2. The Home Program Director will review the appeal to determine whether the issue is appealable. The Home Program Director will notify the Learner in writing. If the Home Program Director is directly involved in the assessment decision, they will appoint a delegate to review the request for appeal.
3. Appeals are conducted based on, but are not limited to: procedural unfairness, alleged bias, failure of appropriate accommodation (previously identified), and/or based on relevant new information not available and/or reviewed at the time of the assessment decision.
4. If the appeal has been approved to move forward, the Home Program Director will arrange a meeting of the committee that reviews appeals in their program. The meeting should be convened with **10 business days** of receipt of request for appeal. If after reasonable effort, a meeting is not possible within 10 business days, the Learner will be notified with an estimate of the earliest date that meeting can be scheduled.
5. The Learner, with support person and/or lawyer if desired, must be invited to attend the meeting, along with any other appropriate individuals as determined by the Home Program Director. If the Learner retains a lawyer, the University will provide legal representation to the Program.

¹ Learners should contact their home program for details of its appeals process.

6. The Program will gather documentation relevant to the appeal from both the Learner and the Program. All documentation will be provided to both parties – the Learner and the Appeals Committee to ensure transparency.
7. The Chair of the Appeals Committee shall ensure that a record of the meeting is kept in the resident’s file including any written submissions and the findings and decision(s) concerning the matters before it. The Chair shall provide the Learner with a written report of the findings and the decision. A copy of the report will be sent to the Associate Dean, Postgraduate Medical Education.
8. Any existing and/or potential conflict of interest must be declared and changes to the committee structure made accordingly (e.g. Clinical Supervisor who has made the decision should recuse themselves; the Program Director cannot chair the committee if they have directly participated in the assessment process- i.e. outside membership on the Competence Committee).

Possible Decisions:

Learner will be notified of decision with **2 business days** of the meeting, preferably in person with written notification.

- The assessment decision is upheld. If the Learner does not feel that due process was applied, the Learner may proceed to Level 2 Appeals Review Board.
- The assessment decision is overturned. The Appeals Committee may have recommendations.

C2: Level 2 Appeals – Appeals Review Board (ARB)

Timeline:

The Learner must submit a written appeal within **10 business days** after being notified of the Level 1 Appeals decision.

Refer to the Terms of Reference for the Appeals Review Board

Process:

1. The Learner must submit the appeal, in writing, to the Associate Dean, Postgraduate Medical Education stating the decision(s) under appeal providing reasons why the decision is being appealed, including but not limited to identifying the specific grounds for the appeal ([refer to section on Scope](#)).
2. The Associate Dean will review the appeal to determine whether the decision is appealable or not. The Associate Dean will notify the Learner in writing. The decision of the Associate Dean is final.
3. If the appeal has been approved, the Associate Dean will arrange a meeting of the Appeals Review Board. The PGME Appeals Review Board (ARB) shall conduct itself in accordance with the principles of natural justice. The PGME ARB will follow the procedures outlined in Appendix B.

4. The Postgraduate Medical Education Office will schedule the meeting of the ARB within **15 business days** of the initial receipt of the request for Level 2 appeal. If after reasonable effort, a meeting is not possible within 15 business days, the Learner will be notified with an estimate of the earliest date that a meeting can be scheduled.
5. The Learner, with support person and /or a lawyer if desired, and the Home Program Director must be invited to attend the meeting of the ARB, along with any other appropriate individuals, as determined by the Appeals Review Board, e.g. the Clinical Supervisor; Competence Committee Chair. If the Learner retains a lawyer, the University will provide legal representation for the Appeals Review Board.
6. The PGME Office will gather documentation relevant to the appeal from both the Learner and the Program. If the appeal has gone through Level 1, the same documentation will be reviewed at Level 2. All documentation will be provided to both parties – the Learner and the Program Committee, to ensure transparency.

Possible Recommendations from the ARB:

- The assessment decision is upheld.
- The assessment decision is overturned.

A written report of the hearing and the recommendation of the Appeal Review Board will be sent to the Learner and the Associate Dean, PGME within **10 business days**.

Decision of the Associate Dean, Postgraduate Medical Education

1. Within **10 business days** following receipt of the report and recommendations of the ARB, the Associate Dean, Postgraduate Medical Education, shall, at their sole discretion, decide to accept the recommendation of the ARB or to decide on alternative course of action. The Associate Dean will communicate the decision to the Learner and the program in writing.
2. The decision of the Associate Dean, Postgraduate Medical Education will be final in all appeals related to remediation and/or unsatisfactory summative assessments.
3. Decisions of Probation, Suspension or Dismissal can be appealed at Level 3 Faculty of Health Sciences. Learner may submit an appeal in writing to the Vice Dean, Health Professions Education within **10 business days** of receiving the written decision form the Associate Dean, PGME.

C3: Level 3 Appeals – Faculty of Health Sciences

Timeline:

The Learner must submit a written appeal within **10 business days** after being notified by the Associate Dean, PGME of the Level 2 Appeals decision.

Level 3 Appeals are limited to the following assessment decisions: Probation, Suspension and Dismissal. For all other assessment decisions (e.g. Remediation, Unsuccessful summative decision), the decision of the Associate Dean, PGME is final.

Refer to the Terms of Reference of the Faculty of Health Sciences Appeals Panel (Appendix C).

Process:

1. The Learner must submit the appeal, in writing within **10 business days** of receiving the written decision of the Level 2 Appeals from the Associate Dean, PGME to the Vice Dean, Health Professional Education stating the decision(s) under appeal providing reasons why the decision is being appealed, including but not limited to identifying the specific grounds for the appeal.
2. The Vice Dean (or delegate) will review the appeal to determine whether the issue is appealable or not within **5 business days**. If after reasonable effort, the review is not possible within 5 business days, the Learner will be notified with an estimate of the earliest date the review and decision will be made by the Vice Dean. The Vice Dean will notify the Learner in writing of the decision. The decision of the Vice Dean is final.
3. If the appeal has been approved, the Vice Dean will arrange for a hearing to be held in accordance with Faculty-approved procedures before the Faculty of Health Sciences (FHS) Postgraduate Appeals Panel, defined by the Faculty, as the final adjudicator of this appeal.
4. The members of the FHS Postgraduate Panel will be assembled as above and the hearing will take place within **15 business days** of the Vice Dean decision to proceed with the Level 3 appeal. If after reasonable effort, a meeting is not possible within 15 business days, the Learner will be notified with an estimate of the earliest date that a meeting can be scheduled.
5. The Learner, with support person and/or a lawyer if desired, must be invited to attend the meeting of the FHS Postgraduate Panel, along with the Associate Dean, PGME. If the Learner retains a lawyer, the University will provide legal representation for the FHS Postgraduate Panel.
6. The Chair of the Panel (Vice Dean of Health Professional Education or delegate) will request that the Postgraduate Medical Education Office prepare a file consisting of the Learner's written assessment reports, e.g., In-training Assessment Reports, work-based assessments and other relevant reports and correspondence, and a summary statement of actions relevant to the appeal. The Chair should ensure that the parties to the appeal (the Learner and the Associate Dean, Postgraduate Medical Education) have a copy of this file in reasonable time to prepare for the meeting to hear the appeal.
7. At any time throughout the process, the FHS Postgraduate Panel may request documents from the Associate Dean and/or the Learner, if the Panel finds that such documents are relevant to the proceeding.
8. The FHS Postgraduate Panel has sole jurisdiction to hear and make a final adjudication on the appeal.
9. The FHS Postgraduate Panel shall conduct itself in accordance with the principles of natural justice as maintained in the Statutory Powers Procedure Act. The FHS Postgraduate Panel follow the procedures outlined in Appendix C.

10. The Postgraduate Panel shall give written notice of the decision, with reasons, to the Learner and the Associate Dean, PGME as well as to the other parties involved. This decision will be delivered as soon as reasonably possible but no later than **10 business days** following the conclusion of the hearing.

Possible Outcomes:

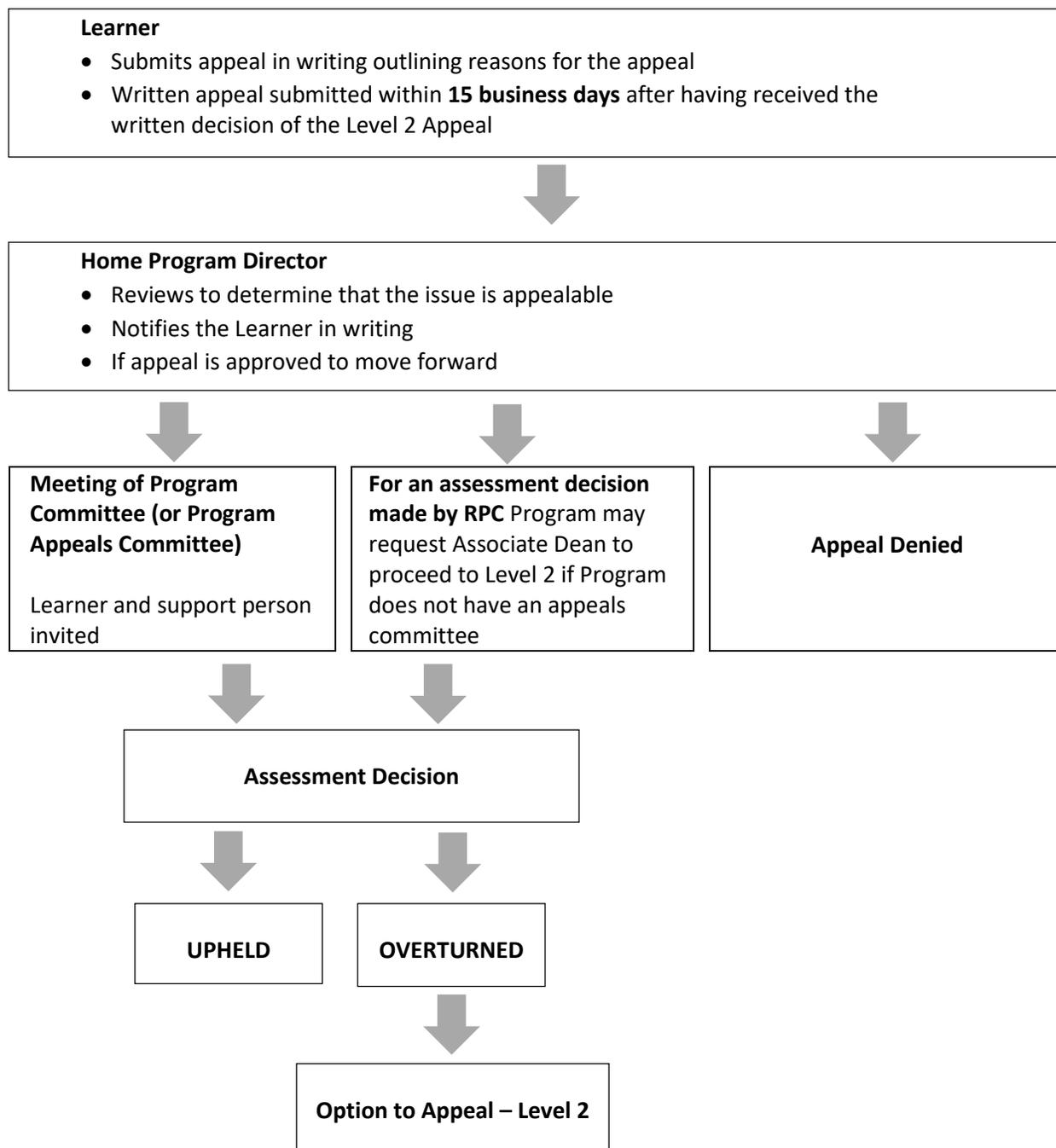
Note: The decision of the FHS Postgraduate Panel is final. Postgraduate Learners do not have access to any other University appeal process.

- The assessment decision is upheld. Recommendations may be made by the Panel.
- The assessment decision is overturned. Recommendations may be made by the Panel.

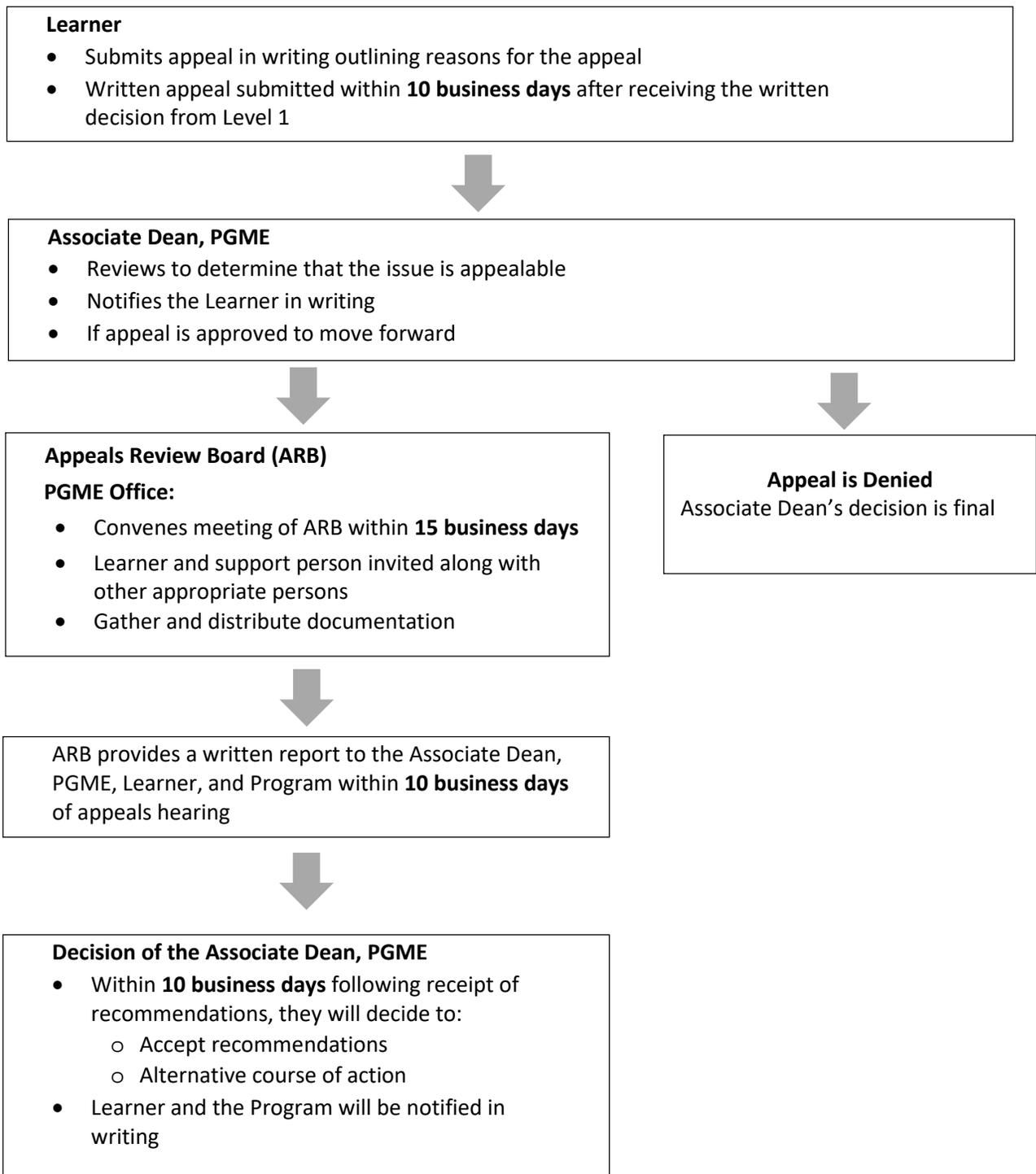
Section D: Appeals - Process Flow Charts

Level 1: Appeals Program Process Flow

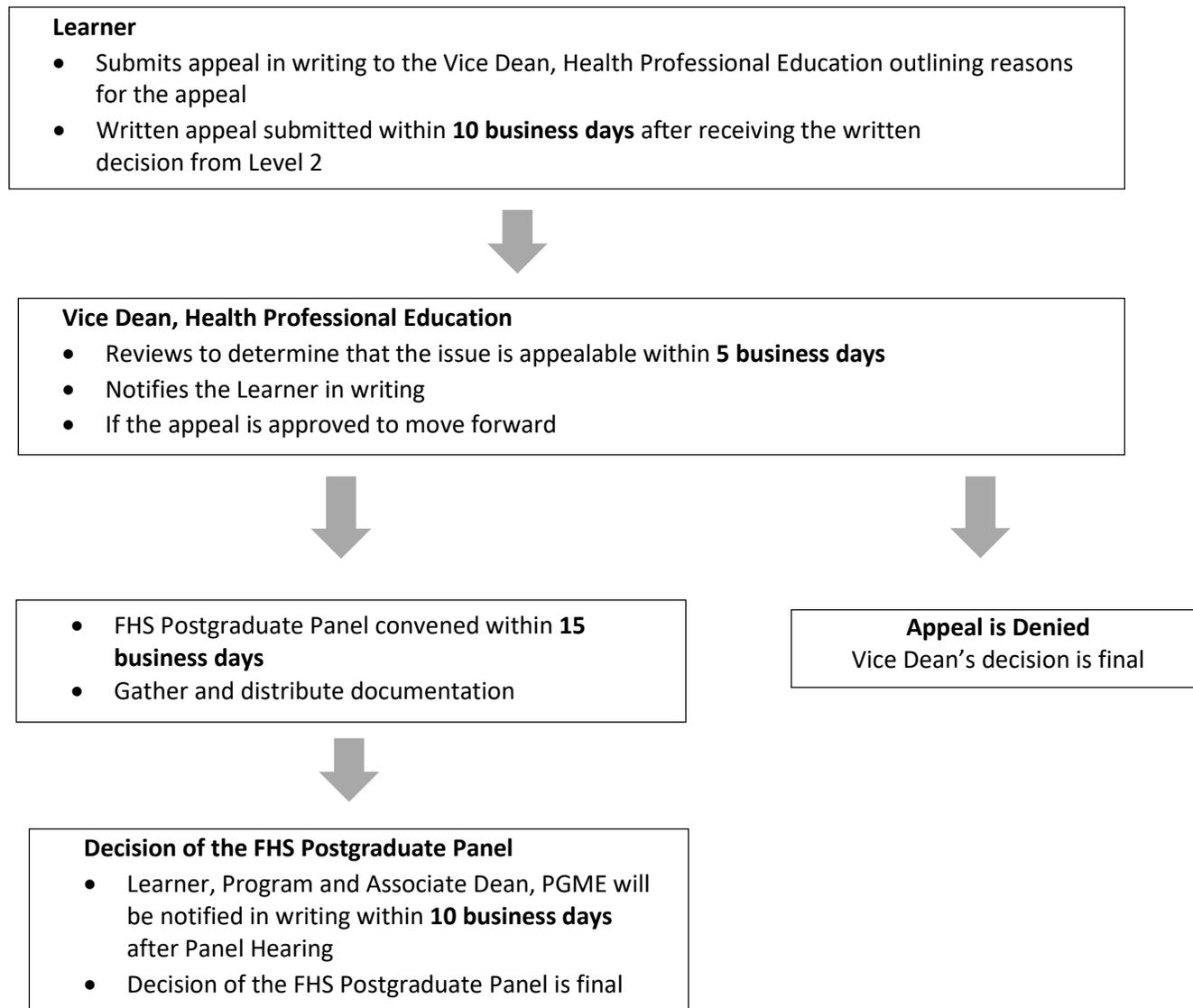
Each program will have a level 1 appeals process in place that complies with the principles below.



Level 2: Appeals Review Board (ARB) Process Flow



Level 3: Faculty of Health Sciences Postgraduate Panel Process Flow



APPENDIX A:

Template for Level 1 Program Appeals

McMaster *Program Name* Level 1 Appeals Committee

Mandate:

The Program Appeals Committee will hear Level 1 resident assessment appeals in accordance with the Postgraduate Medical Education (PGME) ***Policy on Appeals of Assessments of Learners PGME programs***. The Program Appeals Committee functions independently from the Residency Program Committee (RPC) and decisions made at the Program Appeals Committee are final at the program level. Residents have access to both Level 2 (PGME) and Level 3 (Faculty of Health Sciences) appeals process.

According to the PGME policy, residents will be able to appeal the following summative assessment decisions at the Level 1.

1. Unsatisfactory / Failure to Progress summative assessment at the end of the training experience (i.e. unsatisfactory final ITAR).
2. Unsatisfactory Pre-Entry Assessment Program (PEAP) and the Assessment Verification Period (AVP) (note: only for programs who require a PEAP or AVP).
3. Decision for Remediation, Probation, Suspension or Dismissal

Note: Decision for Probation, Suspension or Dismissal must be communicated with the Associate Dean, PGME.

Appeals are conducted based on, but are not limited to: procedural unfairness, alleged bias, failure of appropriate accommodation (previously identified), and/or based on new information not available and/or reviewed at the time of the assessment decision, including need for accommodation.

Membership:

Members of the Program Appeals Committee will be appointed by the Residency Program Committee and consist of the following members:

Chair (should not be the Program Director):

Faculty members (number)

Resident representatives (number)

Site representatives

Note:

- *The program may choose to add the Program Director to the committee only if there is no conflict of interest (i.e. involved in the assessment decision).*
- *The program may wish to identify term appointments for faculty members.*

Specific meetings will also be attended by:

- the resident appellant
- the associated Faculty member/ Site Director
- an additional support person, at the Learners request.

Note: The resident must indicate if they will be bringing legal support as the University will also appoint legal representation

Meeting Frequency:

At the call of the Chair, when a resident appeal request comes forward. Meetings should be scheduled within 10 days of receiving the request for appeal.

Process for Appeals:

Resident decides to appeal for the summative assessment decisions outlined above:

1. The resident will submit a written formal request for appeal within 15 days of receiving the assessment decision in writing, detailing their concerns to the Program Director.
2. The Program Director (or delegate) will review the appeal request to determine if appealable and notify the resident of the decision.
3. If the appeal request is accepted, the Appeals Committee Chair will organize the meeting time and inform the associated Site coordinator.
4. The Site Director will assist to investigate the issues brought forward and will obtain input from the faculty member completing the evaluation and other relevant parties, to ensure a full understanding of the issue at the appeal hearing.
5. All documentation will be available to the resident appellant and the members of the Program Appeals Committee.
6. At the appeal hearing:
 - The Committee Chair will oversee the process and be a resource regarding PGME Assessment Policy/Procedure.
 - The Site Director and/or Education Coordinator will introduce the resident and brief the committee regarding the resident's educational history in the program thus far.

- The resident will present their appeal to the committee and remain to field questions from the committee members. The resident will then leave the meeting during deliberations. The resident is invited to bring an additional support person to the meeting should they wish.
 - The committee will deliberate and may hear additional information from the Site Director and/or Unit Coordinator regarding faculty input.
 - The voting members of the committee will recommend a decision:
 - i. Appeal granted
 - ii. Appeal granted, with recommendations/follow up/educational plan
 - iii. Appeal denied
 - iv. Require more information
7. The Committee Chair will provide the resident with a written report of the findings and recommendations of the committee, in a timely manner, and will also advise the resident of further appeal options, as appropriate.
- A copy of the report will be sent to the Associate Dean, Postgraduate Medical Education, and placed in the resident's file. Confidential minutes will be kept as the official record of the hearing.

Revised: XXXXXXXXXX
Approved at RPC: XXXXXXXXXX

APPENDIX B:

FACULTY OF HEALTH SCIENCES POSTGRADUATE MEDICAL EDUCATION: LEVEL 2 APPEAL

APPEAL REVIEW BOARD (ARB): TERMS OF REFERENCE and PROCESS

The Postgraduate Medical Education (PGME) Appeals Review Board will hear Level 2 Postgraduate Learner assessment appeals in accordance with the PGME Policy on Appeals of Assessments of Learners PGME programs. The Appeals Review Board functions independently from the Associate Dean, PGME and the PGME Education Committee.

Appeals are conducted based on, but are not limited to: procedural unfairness, alleged bias, failure of appropriate accommodation (previously identified), and/or based on new information not available and/or reviewed at the time of the assessment decision, including need for accommodation.

In accordance with the PGME Appeals policy, postgraduate Learners will be able to appeal the following summative assessment decisions at Level 2 Appeals Review Board.

1. Unsatisfactory / Failure to Progress summative assessment at the end of the training experience (i.e. unsatisfactory final ITAR).
2. Unsatisfactory Pre-Entry Assessment Program (PEAP) and the Assessment Verification Period (AVP)
3. Decision for Remediation, Probation, Suspension or Dismissal

The recommendations made at the Appeals Review Board are reviewed by the Associate Dean, PGME for the final decision. Learners also have access to Level 3 (Faculty of Health Sciences) appeals process.

Membership of the Appeals Review Board

The Associate Dean, Postgraduate Medical Education, at their discretion, will assemble the Appeals Review Board upon receipt and approval of a request for a Level 2 Appeal, as follows:

1. Chair of the Appeals Review Committee: A faculty member, with experience in Postgraduate Medical Education, will be appointed by the Associate Dean, PGME for a five-year term, renewable once. If the Chair has a conflict of interest (e.g. faculty member within the discipline

of the Learner who submits the appeal), the Associate Dean, PGME will appoint another faculty member to Chair the appeal hearing.

2. A postgraduate Learner from outside the discipline of the Learner who submits the appeal.
3. One faculty member from outside the discipline of the Learner who submits the appeal.
4. One faculty member who is an expert in the discipline may be appointed to the ARB depending on the nature of the appeal. If an appropriate individual is not available within the Faculty of Health Sciences, McMaster University, the Associate Dean may request assistance from another university.
5. Postgraduate Manager (non-voting).

The Learner must be informed of the membership of the Appeals Review Board and may object to one or more members, if they can show reasonable grounds of conflict of interest. The Associate Dean, PGME may overrule the objection or arrange a replacement.

Process

The Learner must submit a written appeal within **10 business days** after being notified of the Level 1 Appeals decision. Learners have the option to proceed directly to Level 2 Appeals with a written request to the Associate Dean, PGME, outlining the reasons for the request. The Associate Dean, PGME will decide on appropriateness, after discussion with the Program Director and notify the Learner of decision in writing.

7. The Learner must submit the appeal, in writing, to the Associate Dean, PGME stating the decision(s) under appeal providing reasons why the decision is being appealed, including but not limited to identifying the specific grounds for the appeal (refer to section on Scope).
8. The Associate Dean will review the appeal within **5 business days** to determine whether the decision is appealable or not. If after reasonable effort, the review and decision is not possible within 5 days, the Learner will be notified with an estimate of the earliest date that the meeting can be scheduled. The Associate Dean will notify the Learner in writing of the decision. The decision of the Associate Dean is final.
9. If the appeal has been approved, the Associate Dean, PGME will arrange a meeting of the Appeals Review Board. The Postgraduate Medical Education Office will schedule the meeting within **15 business days** of the initial receipt of the request for Level 2 appeal. If after reasonable effort, a hearing is not possible within 15 business days, the Learner will be notified with an estimate of the earliest date that the hearing can be scheduled.

10. The Learner, with support person and/or a lawyer if desired, and the Home Program Director must be invited to attend the meeting of the ARB, along with any other appropriate individuals, as determined by the Appeals Review Board, e.g. the Clinical Supervisor; Competence Committee Chair. If the Learner retains a lawyer, the University will provide legal representation for the Appeals Review Board.
11. The PGME Office will gather documentation relevant to the appeal from both the Learner and the Program. If the appeal has gone through Level 1, the same documentation will be reviewed at Level 2. All documentation will be provided to both parties – the Learner and the Program Committee, to ensure transparency.

Possible Recommendations from the ARB:

1. The assessment decision is upheld.
2. The assessment decision is overturned.
3. A written report of the hearing and the recommendation of the Appeal Review Board will be sent to the Learner and the Associate Dean within **10 business days**.

Decision of the Associate Dean, Postgraduate Medical Education

4. Within **5 business days** following receipt of the report and recommendations of the ARB, the Associate Dean, Postgraduate Medical Education, shall, at their sole discretion, decide to accept the recommendation of the ARB or to decide on alternative course of action. The Associate Dean will communicate the decision to the Learner and the program in writing.
5. The decision of the Associate Dean, Postgraduate Medical Education will be final in all appeals related to remediation and/or unsatisfactory summative assessments.
6. Decisions of Probation, Suspension or Dismissal can be appealed at Level 3 Faculty of Health Sciences. The Learner may submit an appeal in writing to the Vice Dean, Health Professions Education within **10 business days** of receiving the written decision form the Associate Dean, PGME.

APPENDIX C:

FACULTY OF HEALTH SCIENCES POSTGRADUATE MEDICAL EDUCATION: LEVEL 3 APPEAL

TERMS of REFERENCE and PROCESS FHS Postgraduate Appeals Panel

The Faculty of Health Sciences (FHS) Postgraduate Appeals Panel will hear Level 3 postgraduate Learner assessment appeals in accordance with the Postgraduate Medical Education (PGME) [Policy on Appeals of Assessments of Learners/PGME programs](#). The FHS Postgraduate Appeals Panel functions independently from the Associate Dean, PGME and the PGME Education Committee.

Appeals are conducted based on, but are not limited to procedural unfairness, alleged bias, failure of appropriate accommodation (previously identified), and/or based on new information not available and/or reviewed at the time of the assessment decision, including need for accommodation.

According to the PGME Appeals policy, postgraduate Learners will be able to appeal the following summative assessment decisions at Level 3 Appeals Review Board:
Probation, Suspension or Dismissal.

The decisions made at the Postgraduate Appeals Panel are final. Postgraduate Learners do not have access to McMaster University Senate appeals process.

Membership of the FHS Postgraduate Panel:

Chair: Vice Dean, Health Professional Education or delegate

Faculty: Two faculty members who are experienced in the training of postgraduate learners, from outside the discipline of the Learner who submits the appeal. The faculty member may or may not be a Program Director. The Vice Dean, Health Professional Education, after discussion with the Associate Dean, PGME will appoint faculty members for the Panel on an ad-hoc basis once a request for a Level 3 appeal has been received and approved by the Vice Dean, Health Professional Education.

Learner: One postgraduate learner outside the discipline of the Learner who submits the appeal, appointed by Associate Dean, Postgraduate Medical Education.

Secretary: Secretary for the Faculty of Health Sciences or delegate.

Process:

1. The Learner must submit the appeal, in writing within **10 business days** of receiving the written decision of the Level 2 Appeals from the Associate Dean, PGME to the Vice Dean, Health Professional Education stating the decision(s) under appeal providing reasons why the decision is being appealed, including but not limited to identifying the specific grounds for the appeal.
2. The Vice Dean (or delegate) will review the appeal to determine whether the issue is appealable or not within **5 business days**. If after reasonable effort, the review is not possible within 5 business days, the Learner will be notified with an estimate of the earliest date the review and decision will be made by the Vice Dean. The Vice Dean will notify the Learner in writing of the decision. The decision of the Vice Dean is final.
3. If the appeal has been approved, the Vice Dean will arrange for a hearing to be held in accordance with Faculty-approved procedures before the Faculty of Health Sciences (FHS) Postgraduate Appeals Panel, defined by the Faculty, as the final adjudicator of this appeal.
4. The members of the FHS Postgraduate Panel will be assembled as above and the hearing will take place within **15 business days** of the Vice Dean decision to proceed with the Level 3 appeal. If after reasonable effort, a meeting is not possible within 15 business days, the Learner will be notified with an estimate of the earliest date that a meeting can be scheduled.
5. The Learner, with support person and/or a lawyer if desired, must be invited to attend the meeting of the FHS Postgraduate Panel, along with the Associate Dean, PGME. If the Learner retains a lawyer, the University will provide legal representation for the FHS Postgraduate Panel.
6. The Chair of the Panel (Vice Dean of Health Professional Education or delegate) will request that the Postgraduate Medical Education Office prepare a file consisting of the Learner's written assessment reports, e.g., In-training Assessment Reports, work-based assessments and other relevant reports and correspondence, and a
7. summary statement of actions relevant to the appeal. The Chair should ensure that
8. the parties to the appeal (the Learner and the Associate Dean, Postgraduate Medical Education) have a copy of this file in reasonable time to prepare for the meeting to hear the appeal.
9. At any time throughout the process, the FHS Postgraduate Panel may request documents from the Associate Dean and / or the Learner, if the Panel finds that such documents are relevant to the proceeding.
10. The FHS Postgraduate Panel has sole jurisdiction to hear and make a final adjudication on the appeal.

11. The FHS Postgraduate Panel shall conduct itself in accordance with the principles of natural justice as maintained in the Statutory Powers Procedure Act (copies of the Statutory Powers Procedure Act are available in the University Secretariat, Room 210, Gilmour Hall).
12. The Postgraduate Panel shall give written notice of the decision, with reasons, to the Learner and the Associate Dean, PGME as well as to the other parties involved. This decision will be delivered as soon as reasonably possible but no later than **10 business days** following the conclusion of the hearing.

Possible Outcomes:

Note: The decision of the FHS Postgraduate Panel is final. Postgraduate Learners do not have access to any other University appeal process.

- The assessment decision is upheld. Recommendations may be made by Panel.
- The assessment decision is overturned. Recommendations may be made by Panel.