

## **Appendix 2: Level 2 – Appeal Review Board (ARB) Terms of Reference and Process**

### **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 trainee assessment appeals in accordance with the *PGME Policy on Appeal of Assessment of Trainees in PGME Programs*. The Appeals Review Board functions independently from the Associate Dean, PGME, and the PGME Education Committee.

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

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

1. Failure to Progress summative assessment
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. Trainees also have access to the Level 3 (FHS) appeals process.

#### **Membership of the Appeals Review Board**

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

- Chair of the Appeals Review Committee: A faculty member with experience in PGME 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 trainee who submits the appeal), the Associate Dean, PGME, will appoint another faculty member to Chair the appeal hearing.
- A postgraduate trainee from outside the discipline of the trainee who submits the appeal.
- One faculty member from outside the discipline of the trainee who submits the appeal.
- 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 unavailable within the FHS, McMaster University, the Associate Dean, PGME, may request assistance from another university.
- Postgraduate Manager (non-voting).

The trainee 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 for conflict of interest. The Associate Dean, PGME,

may overrule the objection or arrange a replacement.

### **Process**

1. The trainee must submit a written appeal within **ten (10) business days** after being notified of the Level 1 Appeals decision. The program director or trainee can 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 trainee of the decision in writing.
2. The trainee must submit the appeal, in writing, to the Associate Dean, PGME, stating the decision(s) under appeal and 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').
3. The Associate Dean, PGME, will review the appeal within **ten (10) business days** to determine whether the decision is appealable. If, after reasonable effort, the review and decision are not possible within ten (10) days, the trainee will be notified with an estimate of the earliest date that the meeting can be scheduled. The Associate Dean, PGME, will notify the trainee in writing of the decision. The decision of the Associate Dean, PGME, is final.
4. If the appeal has been approved, the Associate Dean, PGME, will arrange a meeting of the Appeals Review Board. The PGME office will schedule the meeting within **fifteen (15) business days** of the initial receipt of the request for a Level 2 appeal. If, after reasonable effort, a hearing is not possible within fifteen (15) business days, the trainee will be notified with an estimate of the earliest date that the hearing can be scheduled.
5. The trainee, with up to two support persons/representatives, and the 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, CC Chair.
  - 5.1. If the trainee retains legal counsel, the University will provide legal representation for the Appeals Review Board.
6. The PGME office will gather documentation relevant to the appeal from the trainee 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 trainee and the program director, before the meeting.

### **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 trainee and the Associate Dean, PGME within **five (5) business days**.

### **Decision of the Associate Dean, PGME**

4. Within **five (5) business days** following receipt of the report and recommendations of the ARB, the Associate Dean, PGME, shall, at their sole discretion, decide to accept the recommendation of the

ARB or to decide on an alternative course of action. The Associate Dean, PGME, will communicate the decision to the Trainee and the program in writing.

5. The decision of the Associate Dean, PGME, 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 FHS. The trainee may submit an appeal in writing to the Vice Dean, Health Professions Education, within **ten (10) business days** of receiving the written decision from the Associate Dean, PGME.