

Appendix 3: Level 3 – FHS Postgraduate Appeals Panel Terms of Reference and Process

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 Trainee assessment appeals in accordance with the Postgraduate Medical Education (PGME) *Policy on Appeal of Assessment of Trainees in PGME Programs*. The FHS Postgraduate Appeals Panel 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.

According to the PGME Appeals policy, postgraduate trainees 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 trainees do not have access to McMaster University Senate appeals process.

Membership of the FHS Postgraduate Panel:

Chair: Vice Dean, Education or delegate

Faculty: Two faculty members who are experienced in the training of postgraduate trainees, from outside the discipline of the trainee who submits the appeal. The faculty member may or may not be a program director. The Vice Dean, 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, Education.

Trainee: One postgraduate trainee outside the discipline of the trainee who submits the appeal, appointed by Associate Dean, PGME.

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

Process:

1. The trainee must submit the appeal, in writing, within **ten (10) business days** of receiving the written decision of the Level 2 Appeals from the Associate Dean, PGME, to the Vice Dean, Education 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.
2. The Vice Dean (or delegate) will review the appeal to determine whether the issue is appealable or

not within **ten (10) business days**. If after reasonable effort, the review is not possible within ten (10) business days, the trainee 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 trainee 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 Appeals Panel will be assembled as above, and the hearing will take place within **twenty (20) business days** of the Vice Dean's decision to proceed with the Level 3 appeal. If, after reasonable effort, a meeting is not possible within twenty (20) business days, the trainee will be notified with an estimate of the earliest date that a meeting can be scheduled.
5. The trainee, with up to two support persons/representatives, must be invited to attend the meeting of the FHS Postgraduate Appeals Panel, along with the Associate Dean, PGME.
 - 5.1. If the trainee retains legal counsel, the University will provide legal representation for the FHS Postgraduate Panel.
6. The Chair of the Panel (Vice Dean, Education or delegate) will request that the Postgraduate Medical Education Office prepare a file consisting of the trainee'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 trainee and the Associate Dean, PGME) 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 Appeals Panel may request documents from the Associate Dean, PGME, and/or the trainee if the Panel finds that such documents are relevant to the proceeding.
8. The FHS Postgraduate Appeals Panel has sole jurisdiction to hear and make a final adjudication on the appeal.
9. The FHS Postgraduate Appeals Panel shall conduct itself in accordance with the principles of natural justice as maintained in the Statutory Powers Procedure Act.
10. The Postgraduate Appeals Panel shall give written notice of the decision, with reasons, to the trainee, the Associate Dean, PGME, and the other parties involved. This decision will be delivered as soon as reasonably possible but no later than **ten (10) business days** following the conclusion of the hearing.

Possible Outcomes:

Note: The decision of the FHS Postgraduate Panel is final. Postgraduate trainees 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.