Faculty of Medicine
Policy

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<th>Policy Name:</th>
<th>FPGME Resident Appeals</th>
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<td>Application/Scope:</td>
<td>All PGME Residency Programs</td>
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<td>Approved (Date):</td>
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BACKGROUND

Postgraduate learners have a number of opportunities for appealing decisions in their assessment that may have a major impact on promotion, remediation, probation and possible dismissal from their Residency Program. These opportunities include the following:

- Residency Program Appeals
- FPGME Resident Appeals
- Faculty of Medicine Student Appeals
- University of Manitoba Senate Appeals

DEFINITIONS

FPGME or PGME – is the Faculty of Medicine Postgraduate Medical Education.

PARIM – is the Professional Association of Interns and Residents of Manitoba

Faculty Respondent – is the faculty member appointed by the Associate Dean, PGME to respond to the resident Appeal and to participate in the Appeal Meeting. The Faculty respondent is usually the resident’s Residency Program Director.

1. PURPOSE

1.1 To determine appeals process for learners enrolled in Residency Programs at the University of Manitoba. This policy does not deal with matters of discipline and pertains to the FPGME Resident Appeals process exclusively (see University of Manitoba Student Discipline By-Law and its Procedures and Faculty of Medicine Discipline Investigation Policy).
2. STATEMENT OF POLICY

2.1 An appeal by a resident may be based on one or more of the following grounds:

1.1.1 The resident is formally requesting a re-appraisal of a decision regarding academic progress and is not accepting of the decision at the Residency Program level.

1.1.2 The resident believes that procedural errors in the application of regulations regarding his/her academic assessment have occurred.

1.1.3 The resident believes that the process of his/her assessment has been biased or unfair.

2.2 The PGME Resident Appeals Committee will hear an Appeal from a resident enrolled in the Residency Program which cannot be resolved through the Residency Program Appeals process and which meets the criteria in 2.1.

2.3 The resident may decide to circumvent the Residency Program Appeals process and to appeal initially through the FPGME Resident Appeals process.

2.4 Only the resident subject of the decision has the right to an Appeal.

3. PROCEDURES

3.1 The resident must appeal to the Associate Dean, PGME within ten working days of the receipt of an academic decision.

3.1.1 The resident must submit copies of written materials that he/she wishes considered in the Appeal, including letters/documents indicating the academic decision of the Residency Program Committee, to the Associate Dean, PGME.

3.2 The Associate Dean, PGME will convene the PGME Resident Appeals Committee within ten working days of the receipt of the request from the resident for an Appeal.

3.3 With respect to the PGME Resident Appeals Committee, the following apply:

3.3.1 Membership includes the following:

3.3.1.1 Chair, appointed by the Associate Dean, PGME

3.3.1.2 Three Faculty Members, appointed by the Associate Dean, PGME

3.3.1.3 Two Resident Representatives, selected by the Chair, PARIM and/or the Associate Dean, PGME

3.3.2 Members of the Committee must not have a current supervisory or working relationship with the resident.
3.3.3 The Committee must be appointed by the Associate Dean, PGME within ten working days of the request by the resident for an Appeal.

3.3.4 The Chair will review the documents to decide whether the Appeal should be heard, referring to the criteria outlined in 2.1.

3.3.4.1 If the Appeal is not to be heard, then the resident may appeal this decision to the University of Manitoba, Faculty of Medicine Student Appeals Committee.

3.3.3.2 If the Appeal is to be heard, then the Appeal Meeting will ordinarily take place within ten working days from the date that the Faculty respondent is required to file a response to the Appeal request.

3.3.3.2.1 The Associate Dean, PGME must be notified by the Chair of this decision in order to contact the Faculty respondent for a response and supporting documentation within ten working days of this decision.

3.3.3.2.2 The resident must be notified in writing by the Chair of this decision at the same time as the Associate Dean, PGME.

3.4 With respect to preparation for the Appeals Meeting, the following apply:

3.4.1 The resident and Faculty respondent will be notified by the Chair in writing of the time and place of the Appeal Meeting.

3.4.1.1 The notification package will include all pertinent documents received by the Committee not already provided.

3.4.2 The Chair must notify both the resident and the Faculty respondent of the names of all individuals participating in the Appeal Meeting, including the names of the Committee members to ensure that no conflict of interest between a resident, respondent or Committee member will occur.

3.4.2.1 In the case of a potential conflict of interest, either party may voice an objection to the Chair, prior to the commencement of the Appeal Meeting. The Chair will review the objection and will determine how to proceed. The decision of the Chair will be binding.

3.4.3 The resident will inform the Chair of any support persons and/or legal counsel who will be present at the Appeal Meeting.

3.4.3.1 The Chair will notify the Faculty respondent if the resident will be represented by legal counsel.

3.4.4 The Chair of the PGME Resident Appeals Committee will forward all of the resident’s material to the Faculty respondent and will request a response and supporting documentation within ten working days.
3.4.5 The Faculty respondent may have legal counsel present at the Appeal Meeting, but the Appeal must be answered by the Faculty respondent present.

3.4.5.1 The Chair will notify the resident if the Faculty respondent will be represented by legal counsel.

3.4.6 If the resident or the Faculty respondent wish to present additional documentation at the Appeal Meeting, then the materials must be sent to the Chair prior to the meeting for distribution to Committee members and the other parties. The Chair reserves the right to review and to refuse any new documentation submitted by the resident/Faculty respondent that is not relevant.

3.5 With respect to conduct of the Appeal Meeting, the following apply:

3.5.1 The Chair will explain the Appeal procedure to the resident and the Faculty respondent and will introduce the PGME Resident Appeals Committee members.

3.5.2 The resident will introduce him/herself and the supporting individuals to the Committee

3.5.2.1 The resident may have a student advocate, one support person or one legal counselor present during the Appeal but these parties may not present the Appeal. The resident must present his/her own Appeal.

3.5.3 The resident is invited to be present throughout the whole meeting except for the in camera Committee deliberations after the conclusion of the meeting.

3.5.3.1 If the resident chooses not to appear before the Committee, the meeting may proceed in absentia. This decision will be made by Committee vote.

3.5.4 The Faculty respondent may be present for the entire meeting except for in camera Committee deliberations after the conclusion of the meeting.

3.5.5 The resident will present first, including any allowed witnesses for the resident followed by the Faculty respondent, including any allowed witnesses for the Faculty respondent.

3.5.6 If witnesses will be called, then the resident/Faculty respondent are responsible for ensuring their presence at the appropriate times.

3.5.5.1 Witnesses are present at the Appeal Meeting only for the time required to present information.

3.5.7 The Chair directs a question period for both the resident and the Faculty respondent. All Committee members may participate. Any discourse from the resident or from the Faculty respondent is directed to the Chair.

3.5.8 Following the question period, the resident, Faculty respondent and their representatives are asked to leave the room so that the Committee can deliberate on the Appeal.
3.5.8.1 If the Committee cannot reach a decision by consensus, then a vote is taken and the majority rules. In the case of a tie vote, the Chair casts the deciding vote.

3.5.9 If the Committee members require more information, then the Chair may schedule an additional meeting to allow for this.

3.6 When an Appeal decision has been made, the Chair communicates the decision in writing within five working days of the Appeal decision to the following:

3.6.1 The resident
3.6.2 The Faculty respondent
3.6.3 The Associate Dean, PGME
3.6.4 The Dean of Medicine

3.7 The mailed Appeal decision indicates the right of the resident to appeal, if it exists, to the Faculty of Medicine Student Appeals Committee, or via the Senate appeal process, which is the final arbitration of an appeal.

3.8 The process of appeal through the various committees is shown in Appendix 1.

POLICY CONTACT: Associate Dean, PGME

REFERENCES

University of Manitoba, Faculty of Medicine Appeals Policy and Form
http://umanitoba.ca/faculties/medicine/media/Student_Appeals_(final_June_12_2012).pdf
http://umanitoba.ca/faculties/medicine/media/Appeal_Form(1).pdf

University of Manitoba, Senate Committee on Appeals Procedure
http://umanitoba.ca/admin/governance/governing_documents/students/senate_committee_on_appeals_procedures.html
APPENDIX 1: Process of PGME Resident Appeal

1. RESIDENCY PROGRAM DEPARTMENT APPEALS COMMITTEE

2. FPGME RESIDENT APPEALS COMMITTEE

3. FACULTY OF MEDICINE APPEALS COMMITTEE

4. UNIVERSITY SENATE APPEALS COMMITTEE

DEAN OF MEDICINE

ASSOCIATE DEAN, PGME

RESIDENT APPELLANT