Career Development and Performance Feedback – Appeals Process (Refers to Section 4 of the Policy Document)

Ability to Record Disagreement with Performance Feedback:
4.14 In the event a Faculty Member disagrees with what is reflected on his or her Performance Feedback Form, he or she may set out a rebuttal in writing to be appended to the Performance Feedback Form.

Ability to Appeal Matters of Procedural Fairness:
4.15 **Meaning of Procedural Fairness:** For the purposes of this Policy, references to “procedural fairness” shall mean fairness in how the Performance Feedback process was carried out.
4.16 In order to determine whether the Performance Feedback process was procedurally fair, reference shall be had to the following:
   - Was the Faculty Member informed of the Department Head or designate’s feedback and given an appropriate opportunity to present his or her views in response?
   - Was the Department Head or designate unbiased? I.e., would a reasonable person, informed about the Department Head or designate’s feedback to the Faculty Member, believe there was bias?
   - Was the Performance Feedback process free of an appearance, or perception, of conflict of interest?
   - Was the feedback of the Department Head or designate to the Faculty member based on relevant information / relevant criteria and weighted in a reasonable manner?
   - Were the Performance Feedback and resulting decisions made consistent with other Performance Feedback and resulting decisions concluded in similar circumstances?
   - Did the Department Head or designate follow the process outlined in this Policy for providing the Performance Feedback?
   - Was the Performance Feedback Form completed by the Department Head or designate, including the reasons for any decision made pursuant to the Policy?
   - Did the Department Head or designate have the authority to make the decision made as part of the Performance Feedback?
   - Were the Performance Feedback and any decisions made as a result provided to the Faculty Member by the Department Head or designate within a reasonable time? I.e., in a timely way without unnecessary delay?
   - Was the Faculty Member advised of his or her right to appeal his Performance Feedback as outlined in this Policy?
   - Was privacy and confidentiality reasonably maintained during the Performance Feedback process?
   - Was the Performance Feedback carried out by the Department Head or designate in an honest and forthright manner?
   - Was a full and complete record of the Performance Feedback process and decision-making process made?
4.17 To ensure procedural fairness, Performance Feedback should not:
   - be inappropriately punitive or harsh;
   - be oppressive or unjust;
   - have consequences beyond what is appropriate to the circumstances;
   - impose inordinate and unnecessary obligations; or
discriminate against anyone or result in an impact that is discriminatory.

4.18 **Ability to Appeal Matters of Procedural Fairness:** A Faculty Member who feels that his or her treatment pursuant to this Policy was procedurally unfair may appeal such treatment in writing to the Dean of the Faculty within twenty (20) working days of the completion of the Performance Feedback process.

4.19 **Request for Binding Arbitration:** If the matter is not resolved to the satisfaction of the Faculty Member within twenty (20) working days of writing to the Dean, the Faculty Member will then have an additional twenty (20) working days to request that the matter be submitted to binding arbitration.

4.20 **Choosing the Arbitrator:** One arbitrator shall be chosen by agreement between the Faculty and the Faculty Member to resolve the procedural fairness matter in dispute.

4.21 **Arbitrator’s Decision Final:** The arbitrator’s decision shall be final and binding upon the Faculty and the Faculty Member.

4.22 **Expenses:** The Faculty and the Faculty Member shall each be responsible for their own expenses involved in the appeal and arbitration process.

4.23 **Exclusions to Appeals Process:** This appeals process does not apply to the following:

- matters unrelated to procedural fairness;
- matters that may be specifically addressed by other University dispute resolution policies and / or the principles of contract law;
- clinical issues unrelated to the Faculty’s jurisdiction.

For questions related to Appeals issues please contact;
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