



Policy Name:	Resident Appeals
Application/Scope:	All Postgraduate Medical Education Residents
Approved (Date):	CPGME Executive: May 14, 2019; Dean's Council: August 27, 2019
Review Date:	Five years from the approved date
Revised (Date):	November 2018
Approved By:	College Executive Council, Sept. 17, 2019

Background

There are several levels at which postgraduate trainees have the opportunity to appeal assessment decisions which might have a major impact on their progression and promotion in their Residency Program, particularly those involving Remediation, Probation and Dismissal. The levels of academic appeal include the following:

- Residency Program/Departmental Appeals
- Max Rady College of Medicine Academic Appeals
- University of Manitoba Senate Appeals

These guidelines do **not** apply to appeals of non-academic related matters addressed by separate policies and procedures, including but not limited to the following:

- Appeals regarding matters of accommodation and/or other human rights-related issues
- Appeals regarding disciplinary matters
- Appeals regarding awards matters

DEFINITIONS

CPGME – (Max Rady) College (of Medicine) Postgraduate medical Education

Competence – is the array of abilities across multiple domains or aspects of physician performance

Competence Committee – is the committee responsible for assessing the progress of trainees in achieving the specialty-specific requirements of a program

Competence Continuum – is the series of integrated stages in competency-based medical education curriculum, including: 1. Transition to Discipline; 2. Foundation of Discipline; 3. Core of Discipline; 4. Transition to Practice

Competency – is an observable ability of a health care professional that develops through stages of expertise from novice to master

Competency-Based Medical Education – is an outcomes-based approach to the design, implementation, assessment and evaluation of a medical education program using an organizing framework of competencies

Competent – possessing the required abilities in all domains at a particular stage of medical education or practice

Dismissal – is the termination of the trainee's enrollment in the training program due to academic, professionalism and/or other reasons

Formative Assessment – is a process of assessment that provides real-time feedback to trainees and faculty about how well the resident is progressing in each area being assessed. This information supports the ongoing learning and development for the residents. Furthermore, it may provide diagnostic information regarding the need for Remediation

ITAR – In-training Assessment Report is a tool for summative assessment at the end of each rotation/clinical learning experience (for Family Medicine trainees)

PARIM – Professional Association of Residents and Interns of Manitoba

PGME Education Advisory Committee (PGME-EAC) – is the subcommittee of the PGME Executive Committee which is responsible for reviewing and approving all major decisions related to trainee progression and promotion by the Competence/Resident Progress Committees and by Program Directors, especially those related to possible Remediation, Probation, Suspension and Dismissal/Withdrawal from the Residency Program. The PGME-EAC deals with issues of a clinical, academic or professional nature

Probation – is an interval/period of training during which the trainee is expected to correct areas of serious clinical or academic challenges or concerns about professional conduct that are felt to jeopardize successful completion of the Residency Program. Probation implies the possibility of Dismissal from the Residency Program if sufficient improvement in performance is not identified at the end of the Probation Period. It is comprised of a formal program/plan of individualized educational support, assessment and monitoring designed to assist the trainee in correcting identified serious performance deficiencies

Remediation – is an interval of training consisting of a formal program of individualized educational support, assessment and monitoring which is designed to assist a trainee in correcting identified areas of performance deficiencies. The goal of Remediation is to maximize the chance that the trainee will successfully complete the Residency Program

Representative – a student advocate, a representative from PARIM, a member of the University community not receiving payment for appearing, a member of the student's family or other support person as may be appropriate

Resident Progress Committee – is the committee responsible for coordinating resident assessment in Family Medicine. The Resident Assessment and Evaluation Lead is Chair of this committee

RORP – Report of Resident Progress is a summative narrative report documenting resident assessment and progress in the Residency Program

RPC – Residency Program Committee

Summative Assessment – is a process of assessment that is based on multiple sources of feedback on the global performance of the trainee over a specified period of time or over a stage of training

Suspension – is the temporary removal of a resident from clinical and academic activities

Working Days – include Monday through Friday and exclude weekend days, statutory holidays and acknowledged University of Manitoba closure days

1. PURPOSE

1.1 To provide guidance on the consideration of academic appeals pursued by postgraduate trainees enrolled in Residency Programs

1.1.1 These guidelines do **not** apply to appeals of non-academic related matters addressed by separate policies and procedures, including but not limited to the following:

- Appeals regarding matters of accommodation and/or other human rights-related issues
- Appeals regarding disciplinary matters
- Appeals regarding awards matters

2. POLICY STATEMENTS

2.1 With respect to appeals of resident academic assessment, the following apply:

2.1.1 The resident may appeal an academic assessment based on one or more of the following grounds:

- The resident believes that the process of their assessment was biased or unfair
- The resident believes that procedural errors in the application of regulations regarding their academic assessment might have occurred
- The resident believes that there is an inaccuracy in the assessment rating (substantive claim)

2.1.2 The trainee may **not** appeal individual formative assessments which provide data on performance **but** are aggregated for use in progress decisions

2.1.3 The trainee may appeal summative assessments which aggregate data from multiple sources

2.2 With respect to appeals of Progression/Promotion decisions, the trainee may appeal progress decisions of the Competence Committee/Resident Progress Committee/Residency Program Committee

2.3 The trainee may appeal Remediation decisions of the Competence Committee/Resident Progress Committee/Residency Program Committee

2.4 With respect to appeals of Probation decisions, the trainee may appeal **only** the outcome decision at the conclusion of the Probation

2.5 The trainee may appeal the decision for Suspension from the Residency Program

2.6 The trainee may appeal the decision for Dismissal from the Residency Program

2.7 The trainee may appeal decisions of the PGME-EAC with respect to the following:

- Final Probation decisions
- Suspension
- Dismissal from the Residency Program

2.8 With respect to **levels of appeal**, the following apply:

2.8.1 **Pre-appeal resolution** is an informal stage where the resident and the Rotation Supervisor or Faculty Advisor meet to attempt to resolve the issue(s)

2.8.2 **Residency Program/Departmental level appeals** involve the following:

2.8.2.1 The **Residency Program Committee (RPC)** or a delegated subcommittee hears appeals unless this committee made the decision under appeal

2.8.2.1.1 If the issue under appeal occurred outside the resident's Home Residency Program, the appeal will be conducted by the resident's Home Residency Program and RPC

2.8.2.1.2 Each RPC may develop written guidelines, based on guidelines for ad hoc appeals, describing the procedure for handling appeals. In the event that a procedure is not in place, the RPC will use the guidelines for ad hoc appeals, except that the membership and Chair are that of the RPC or delegated subcommittee

2.8.2.2 An **Ad Hoc Departmental Appeal Committee** hears appeals not appropriate for hearing by the RPC, such as decisions of the RPC and appeals of RPC appeals committee decisions, or any other appeal that is felt by the Residency Program to be beyond the jurisdiction of the RPC, but within the jurisdiction of the Department

- The Chair of the Committee is the Department Head or their designate
- The Committee must have five members, including the Chair, as follows:
 - Representation should be similar to that of the RPC and should include faculty with experience in postgraduate medical education
 - One PARIM representative appointed by PARIM
 - The Program Director must not be a member of the Committee if they were involved in the decision being appealed

2.8.3 **Max Rady College of Medicine Academic Appeals Committee** hears appeals pursued by residents as follows:

- Appeals of Departmental Appeals Committee Decisions
- Appeals beyond those processes that exist within the Residency Programs or Departments
- Appeal of decisions made by the PGME Education Advisory Committee with respect to the following:
 - Final Probation decisions
 - Suspension
 - Dismissal from the Residency Program

2.8.4 **University of Manitoba Senate Appeal Process**

2.9 Pending the disposition of an appeal, the RPC shall determine if a resident may continue with regularly scheduled rotations or whether alternative arrangements such as leave of absence (LOA) are necessary

3. PROCEDURES

3.1 With respect to initiating a Residency Program/Department level appeal, the following apply:

3.1.1 The resident must submit a written request (email or hard copy) for appeal to their Home Program Director within ten working days of the date of the first notification of results of any of the items: 2.1-2.6

3.1.1.1 The request for appeal must include the following:

- An explanation of why the resident disagrees with the assessment
- The grounds for the appeal
- Any evidence or documents that the resident believes are relevant to the appeal

3.1.2 Where appropriate, after an appeal has been filed by the resident, the Home Program Director, Rotation Supervisor (if applicable), Preceptor or Faculty/Academic Advisor are encouraged to meet with the resident to attempt a pre-appeal resolution of the issues

3.1.2.1 The resolution meeting should be completed no later than 10 working days after the filing of an appeal by the resident

3.1.2.2 The outcome of the resolution meeting should be documented clearly and recorded in the resident's file/portfolio

3.1.2.3 If a mutually satisfactory resolution to the resident's appeal is not possible at a pre-appeal resolution hearing, then the appeal must be heard formally by

the RPC within thirty days of the pre-appeal resolution meeting

3.1.3 If no initial meeting is requested or held, the Department level appeal should proceed, as follows:

3.1.3.1 The resident must be given at least five working days' notice of the time and place of the hearing, as well as the membership of the Committee

3.1.3.2 The resident has the right to be heard and to be accompanied by a representative

3.1.3.2.1 The Chair will have the right to determine the level of participation of the representative and this will be communicated prior to the hearing

3.1.3.2.2 The accompanying representative may present the resident's case if requested to do so by the resident and if granted authorization by the Committee

3.1.3.3 If new documents are introduced at the time of the hearing, the resident, the Residency Program and the Appeal Committee have the right to request a postponement in order to consider their response

3.1.3.3.1 The Committee shall grant whatever postponement of the hearing that it determines to be appropriate to allow all parties to fully understand the evidence that will be used at the hearing

3.1.3.3.2 New information may **not** be introduced after all parties have presented evidence and have left the hearing prior to deliberation

3.1.3.4 Following all presentations, all parties except Appeal Committee members and support resources for the Committee will be asked to leave the hearing and will be advised that the decision will be communicated as soon as possible once it is available

3.1.3.5 The Committee shall consider all relevant evidence that was presented by the parties

3.1.3.6 Deliberations will be held in strict confidence

3.1.3.7 Voting will be conducted by closed ballot

3.1.3.7.1 The Chair will count ballots in conjunction with one other Committee member

3.1.3.7.2 Decisions will be made by simple majority vote

3.1.3.7.3 Vote counts will **not** be announced or recorded in the minutes of the hearing nor in the written decision of the Committee

3.1.3.7.4 Pending the release of full reasons, the Chair will announce **only** that the appeal has been upheld or denied

3.1.3.8 Minutes for the deliberation of the Committee shall include motions made, the final decision and a brief rationale **only**

3.1.3.9 The Chair is responsible for writing a decision letter including a summary of reasons for the RPC or Ad Hoc Departmental Appeal Committee decision

3.1.3.9.1 The decision letter will be sent within twenty working days to the following:

- Resident
- Home Program Director
- Associate Dean, PGME

3.1.4 Appeal decisions made by the RPC and/or an Ad Hoc Departmental Appeal Committee may be further appealed to the Max Rady College of Medicine Academic Appeals Committee or to the University of Manitoba Senate Appeal Process

3.2 With respect to initiating a Max Rady College of Medicine Academic Appeals Committee appeal, residents are advised to refer to the **Max Rady College of Medicine Policy and Procedures on Academic Appeals** (Appendix 1)

3.3 With respect to initiating a University of Manitoba Senate appeal, residents are advised to refer to the **University of Manitoba, Senate Committee on Appeals Policy and Procedures** (Appendix 2)

POLICY CONTACT

Associate Dean, PGME

REFERENCES

Office of Fair Practices and Legal Affairs

http://umanitoba.ca/fair_practices/

University of Manitoba – Student Affairs – Behavioural Policies and letter templates

<http://umanitoba.ca/student/behavioural-policies.html>

APPENDICES

Appendix 1: [Max Rady College of Medicine Policy and Procedures on Academic Appeals](#)

Appendix 2: [University of Manitoba Senate Committee on Appeals Policy and Procedures](#)