



Policy Name:	Resident Appeals – Residency Program and Department Processes
Application/ Scope:	All PGME Residency Programs
Approved (Date):	PGME Executive Committee, Sept. 17, 2013; Dean’s Council Oct. 8, 2013
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Revised (Date):	
Approved By:	Faculty Executive Council Dec. 10, 2013

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, shown in **Appendix 1**, include the following:

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

Every Residency Program Committee will develop its own appeal mechanism describing the procedure for handling appeals as well as the composition of *ad hoc* Department Appeal Committees. Appeals of procedural unfairness, alleged bias, and the accuracy or validity of resident assessments may be heard by home Residency Program Committees and by *ad hoc* Department Appeal Committees.

DEFINITIONS

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

ITER/ITAR – In-Training Evaluation/Assessment Report

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

RPC – Residency Program Committee

1. PURPOSE

- 1.1 To describe the Appeals process for learners enrolled in Residency Programs at the University of Manitoba

1.1.1 This policy does not deal with matters of discipline and pertains to the Resident Appeals process at the Residency Program or Department level.

2. STATEMENT OF POLICY

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

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

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

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

2.3 Any deadline except the deadline to initiate the appeal in the first instance may be extended by the home Residency Program Director at the request of any party to the appeal.

2.4 The home Residency Program/Department will hear an Appeal from a resident enrolled in the Residency Program. The grounds for the Appeal must meet the criteria in 2.1.

2.5 The resident may decide to circumvent the Residency Program/Department Appeals process and request an Appeal initially through the Faculty PGME Resident Appeals process.

3. PROCEDURES

3.1 The first stage of the Appeal process is an informal stage in which the resident must discuss the ITER/ITAR with the Rotation Supervisor who completed it, identifying whatever additional information the resident believes should be considered (i.e. external factors which influenced the resident's performance; identification of other individuals who could add an additional perspective on the resident's performance).

3.2 Within five (5) working days of the resident's signing of the ITER/ITAR, the Rotation Supervisor must either revise the ITER/ITAR in which case the revised ITER/ITAR will become the official ITER/ITAR and will supplant the earlier one **or** the Rotation Supervisor must advise the resident in writing that the ITER/ITAR will remain unchanged.

3.3 If the resident is not satisfied with the review by the Rotation Supervisor, the resident may proceed to the second and formal stage of the Appeal process by notifying the home Residency Program Director in writing, of his/her intention to initiate an Appeal.

3.4 A request for an Appeal must include the following:

3.4.1 A written submission to the home Residency Program Director within ten (10) working days of the meeting between the resident and Site Director or Rotation Supervisor held to review the contents of the ITER/ITAR

- 3.4.2 A written account of the basis for the Appeal
- 3.5 The home Residency Program Director may contact the resident, or any of the faculty named on the ITER/ITAR, if further information is required.
- 3.6 Upon receipt of the notice of Appeal from the resident, the home Residency Program Director will ask the Department Head/Chair or Delegate within which the home Residency Program resides to strike a Department Appeal Committee comprising:
- a resident from PARIM, unless declined by the resident;
 - two faculty members from the Department who have had no direct involvement in the assessment of the resident in relation to the rotation at issue, one of whom shall be appointed Chair of the Department Appeal Committee.
- 3.6.1 If the resident who has requested the Appeal elects to have a resident appointed to the Department Appeal Committee, said resident will be selected by PARIM and in the case of small Sections/Departments, he/she may be a resident from another Residency Program.
- 3.6.2 In the event that the resident who has requested the Appeal does not elect to have a resident appointed to the Committee, then the Department Head will appoint a third faculty member to the Committee.
- 3.6.3 If the rotation in question resides in a Section/Department other than that in which the home Residency Program resides, then one (1) faculty member from that other Section/Department who has had no direct involvement in the assessment of the resident in relation to the rotation at issue should be appointed to the Committee by the Head/Chair of the Department in which the home Residency Program resides.
- 3.6.3.1 In some cases it may be necessary for the Associate Dean, PGME to appoint the faculty member from the other Section/Department
- 3.7 The appeal must be scheduled by the Chair of the Department Appeal Committee within twenty (20) working days of receipt of the written notice of the appeal to the Residency Program Director.
- 3.8 The home Residency Program Director will provide the resident and the members of the Department Appeal Committee access to all documentation related to the resident's performance on the rotation in issue (ITER/ITAR and correspondence) no later than five (5) working days prior to the Appeal.
- 3.9 The resident will attend the Appeal meeting and will be provided the opportunity to make a submission.
- 3.10 The Department Appeal Committee will deliberate *in camera*.
- 3.10.1 Minutes will be kept of the appeal meeting.

- 3.10.2 The Department Appeal Committee will forward its recommendation to the home Residency Program Director for consideration by the Residency Program Committee.
- 3.10.3 The Committee will review the appeal to determine whether the assessment was in accordance with the following:
 - 3.10.3.1 Conducted fairly
 - 3.10.3.2 Conducted accurately so that it reflects the knowledge, skills and attitudes of the resident on the rotation in question
- 3.10.4 The Department Appeal Committee has considered will reach a decision with respect to the Appeal, as follows:
 - 3.10.4.1 Deny the appeal on the grounds that the appropriate process for assessment has been followed and the ITER will remain in the resident's file.
 - 3.10.4.2 Deny the appeal on the grounds that there had been some procedural deficiency of a minor nature identified, but the Committee is satisfied that this procedural error could not have resulted in an inaccurate assessment
 - 3.10.4.3 Grant the appeal on the grounds that there had been a procedural deficiency that could have resulted in an inaccurate assessment and a new ITER/ITAR will be completed by the home Residency Program Director and placed in the resident's file
 - 3.10.4.3.1 In the case of a successful Appeal the original ITER/ITAR will be removed from the resident's file and will be destroyed.
- 3.10.5 The decision of the Appeal Committee with regard to a resident's Appeal of an ITER/ITAR will be made on the basis of a majority vote and the decision is final.
 - 3.10.5.1 A resident may not appeal a replacement ITER/ITAR completed pursuant to 3.10.4.3.
- 3.10.6 The home Residency Program Director will provide a copy of the recommendation to the resident.
 - 3.10.6.1 Minutes for the Department Appeals Committee discussion should include motions passed, the final decision and a brief rationale for the decision.
 - 3.10.6.2 A copy of the minutes will be provided to the Associate Dean, PGME but such minutes will not become part of the resident file.

3.10.7 The resident may appeal the decision of the Department Appeal Committee to the Faculty PGME Appeals Committee.

POLICY CONTACT: Associate Dean, PGME

REFERENCES

University Of British Columbia, Faculty of Medicine, Resident Evaluation, Remediation And Probation Policy

<http://postgrad.med.ubc.ca/files/2012/09/Resident-Evaluation-Policy-September-2012.pdf>

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/Student_Appeals_(final_June_12_2012).pdf)

[http://umanitoba.ca/faculties/medicine/media/Appeal_Form\(1\).pdf](http://umanitoba.ca/faculties/medicine/media/Appeal_Form(1).pdf)

University of Manitoba, Senate Committee on Appeals Policy and Procedure

http://umanitoba.ca/admin/governance/governing_documents/students/senate_committee_on_appeals_policy.html

APPENDIX 1: Process of PGME Resident Appeal

