

STATEMENT: Appeal Process in the MD Program
Undergraduate Medical Education
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I. PURPOSE

The appeal process in the Doctor of Medicine (MD) Program (the “Program”) at the Schulich School of Medicine & Dentistry in Western University is a process for students to consult and follow when appealing academic decisions. This document outlines the process to follow in appealing academic decisions in the MD Program.

Timelines and processes of appeals align with Western University policy and processes. A Student has the right of appeal for any decision impacting their status in the MD Program. Such appeals may be to address decisions of academic or professionalism outcomes. An appeal must follow the guidelines below and must be initiated by the Student. For all issues with an appeal, a Student is encouraged to work with the LEW Office. All MD Program appeal process must align with the Western University appeals process as outlined in the Western Academic Calendar.

Related Statements/Policies:

- Remediation and Probation
- Assessment and Progression in the MD Program
- Senate document reference
- Western University documents

II. DEFINITIONS

1. In addition to other terms defined elsewhere, the following terms have the following meanings:

Competence Based Medical Education Program (CB MD Program) is the MD Program curriculum, starting in September 2019 that is planned and organized around the competencies required for transition to residency.

LEW refers to the Learner Equity & Wellness Office of the Schulich School of Medicine & Dentistry.

Competence Committee (CompC) is a governance committee of the Curriculum Committee of the MD Program, responsible for reviewing student’s progression through the curriculum, and transition to residency, and such other responsibilities as may be delegated by the Curriculum Committee. The Competence Committee is responsible for approving remediation plans and probation plans, and upon request, assisting in the design of individual learning plans, remediation plans and probation plans.

Dean is the Dean of the Schulich School of Medicine and Dentistry or the designate of the Dean, which may be one or more individuals so designated by the Dean from time to time.

Student is a learner registered in the MD Program undergraduate medical program at Schulich Medicine and Dentistry, Western University.

Schulich MD Program Appeals Committee is a committee that hears appeals from decisions of the MD Program Competence Committee and decisions of the Course Chairs and/or Associate Dean UME.

Summative Assessment is an assessment of a student performance, readiness for increasing professional responsibility, and/or achievement of objectives and/or competencies. A Summative Assessment will be required at the end of an Educational Experience. Summative Assessments are also prepared by courses as part of their assessment of student progress and achievement of competencies and/or objectives for the respective stage or level of training.

Time-Based MD Program (TB MD Program) is the MD Program for Medicine 2019, 2020, 2021 and 2022 that is organized around educational objectives linked to required learning experiences.

UME – Undergraduate Medical Education

III. Appeals

1. A Student may appeal the following
 - a) for TB MD Program - a Course grade or summative assessment having an overall assessment of “FAIL”; or
 - b) for CB MD Program:
 - a. a Summative Assessment of “Failing to Progress” from a Course or Stage;
 - b. a refusal by the Competence Committee to promote the Student to the next Stage of the MD Program;
 - c) a decision that remediation was not successful; or
 - d) a decision to dismiss a Student because he or she has not made satisfactory progress or has engaged in unprofessional conduct and/or has jeopardized patient care or safety, safety of faculty, staff, learners, or other allied health professionals.
2. In addition to the above, a Student may appeal a decision made under the Remediation and Probation Policy to require the Student to undergo remediation or to place the Student on probation.
3. Pending disposition of an appeal under section 1, the Competence Committee will determine whether it will permit a Student to continue with regularly scheduled curriculum or whether it will require alternative arrangements such as a leave of absence. Whether academic credit will be granted for activities undertaken during this period is at the discretion of the Competence Committee.

IV. Appeal of Course Grade or Summative Assessment

1. The appeal is a three-stage process beginning with an appeal to the Course Chair.

First Stage: Course Chair

2. The Student must submit a written request for a review to the Course Chair within four (4) weeks of a Student’s receipt of:
 - a) for TB MD Program - a Course grade or summative assessment having an overall assessment of “FAIL”; or
 - b) for CB MD Program - a Summative Assessment of “Failing to Progress” from a Course or Stage.

3. The request for appeal should fully set out the reasons why the Student disagrees with the grade or assessment and include any supporting documentation that the Student intends to rely on to substantiate their request. A Student may allege bias in the grading or assessment process, dispute the accuracy of the grade or assessments or the fairness of the grading or assessment process, or raise compassionate or extenuating circumstances as reasons for appeal.
4. The Course Chair will give the Student an opportunity to meet with them and provide oral submissions and any additional written documentation. The Student may be accompanied by a colleague or other support person, however ordinarily any oral submissions or presentations must be made by the Student. The Course Chair will review all the relevant documentation and may meet any Course Faculty or UME Staff as they deem necessary before making a decision.
5. The Course Chair will issue a decision to the Student in writing with reasons to grant or deny the appeal ordinarily within two (2) weeks and a copy will be provided to the AD UME, UME Office and LEW Office:
 - a) If the Course Chair decides that there was bias in the grading or assessment process or that a Course grade or assessment was inaccurate or unfair, the Chair may require a reassessment, may require that the grade or assessment be corrected, or may remove all or part of the grade or assessment from the final assessment under such terms as the Chair may require.
 - b) If the Course Chair decides there are compelling extenuating or compassionate circumstances that warrant an additional period of assessment, they will permit the Student to undergo an additional assessment under such terms as the Chair may require.
 - c) If the Course Chair concludes that the grade or assessment should remain in the Student's academic file and that there will be no additional assessment, the Student has a limited right of appeal to the Schulich MD Program Appeals Committee.

Second Stage: Appeal to Schulich MD Program Appeals Committee

6. A Student may appeal the decision of the Course Chair to the Schulich MD Program Appeals Committee ("the Appeals Committee") on the following grounds:
 - a) that the Course Chair did not take into consideration relevant information when they made their decision;
 - b) that the decision of the Course Chair cannot be supported on the information that was before them when they made the decision; or
 - c) that in making the decision, the Course Chair failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of that decision.
7. An appeal must be submitted to the Chair of the Appeals Committee through the UME Office within four weeks of the issuance of the Course Chair's decision and include the following:
 - a) a copy of the Course Chair's decision;
 - b) the grounds of appeal and remedy sought;
 - c) a full statement supporting the grounds of appeal; or
 - d) Any relevant existing or new documentation that may inform the decision.
8. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the Appeals Committee.
9. The UME Office shall forward copies of the Student's appeal documentation to the Course Chair, who shall file a concise written reply with relevant documentation with the UME Office within two weeks of the filing of the appeal. A copy of the reply shall be provided to the Student.

10. The Appeals Committee shall determine its own procedures for hearing an appeal and the Chair of the Appeals Committee may make such rules and orders as he or she deems necessary and proper to ensure a fair and expeditious proceeding. The Student shall be informed of the procedures that will be followed. The Appeals Committee shall proceed fairly in its disposition of the appeal, ensuring that both the Student and the Chair are aware of the evidence to be considered. The Appeals Committee will invite the Student, the AD UME and Course Chair and other relevant individuals to meet with the Appeals Committee or it may make its decision solely on the basis of the documentation filed by the Student and Course Chair and any additional documentation as it may require. If the Student is invited to a meeting, he or she is encouraged to have a representative of the LEW Office and may be accompanied by a colleague or other support person, however ordinarily any oral submissions or presentations must be made by the Student him/herself.
11. If the Appeals Committee determines:
 - a) that the Course Chair did not take into consideration relevant information when they made their decision;
 - b) that the Course Chair decision cannot be supported on the information that was before them; or
 - c) that the Course Chair failed to follow the procedures in this Policy and such failure could reasonably be seen to cast doubt on the correctness of its decision.
12. the Appeals Committee shall provide written reasons for its determination ordinarily within two weeks and shall refer the matter back to the Course Chair for reconsideration and may direct a further assessment of the Student or their course work, the terms of any such assessment to be determined by the Course Chair, having regard to the reasons of the Appeals Committee. The Appeals Committee may, in addition to referring the matter back to the Course Chair, direct that a grade, an assessment or assessments be removed from the Student's file. A copy of the decision shall be filed by the Appeals Committee with the AD UME, UME Office, and LEW Office.
13. If the Appeals Committee determines that the decision of the Course Chair should be upheld, it shall provide written reasons for its determination to the Student ordinarily within 2 weeks and advise the Student of a further limited right to appeal to the Senate Review Board Academic ("SRBA"). A copy of the decision shall be filed by the Appeals Committee with the AD UME, UME Office, and LEW Office.

Third Stage: Appeal to the Senate Review Board Academic (SRBA):

14. A Student may appeal the decision of the Appeals Committee to the SRBA.

V. Appeal of a Decision to Require Remediation or Probation, Appeal of a Decision that Remediation was Unsuccessful, or Appeal of a Denial of Promotion

1. The following decisions of the Competence Committee or AD UME may be appealed to the Schulich MD Program Appeals Committee ("the Committee"):
 - a) a decision by the Competence Committee under the Remediation and Probation Policy that remediation is required;
 - b) a decision by the AD UME under the Remediation and Probation Policy that probation is required;
 - c) a determination by the Competence Committee under the Remediation and Probation Policy that remediation was unsuccessful; or

- d) a decision by the Competence Committee under the Assessment Policy not to promote a Student to the next stage of MD Program curriculum.
2. A Student may appeal the decision of the Competence Committee or AD UME to the Schulich MD Appeals Committee (“the Committee”) on the following grounds:
 - a) that the Competence Committee or AD UME did not take into consideration relevant information when it made its decision;
 - b) that the Competence Committee’s or AD UME’s decision cannot be supported on the information that was before it when it made its decision; or
 - c) that in making its decision the Competence Committee or AD UME failed to follow the process under the Remediation and Probation Policy or the Assessment Policy, as applicable, and that such failure could reasonably be seen to cast doubt on the correctness of that decision.
3. An appeal must be submitted to the Chair of the Appeals Committee or AD UME, as applicable, within four weeks of the issuance of the decision and include the following:
 - a) a copy of relevant assessments and/or recommendations (as applicable) and the Competence Committee’s decision;
 - b) the grounds of appeal and remedy sought, and
 - c) a full statement supporting the grounds of appeal and any relevant documentation.
4. The UME Office shall forward copies of the Student’s appeal documentation to the Chair of the Competence Committee or the AD UME, as applicable, (the “Respondent”) who shall file a concise written reply on, with relevant documentation, within two weeks of the filing of the appeal. A copy of the reply shall be provided to the Student.
5. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the Appeals Committee.
6. The Appeals Committee shall determine its own procedures for hearing an appeal and the Chair of the Appeals Committee may make such rules and orders as he or she deems necessary and proper to ensure a fair and expeditious proceeding. The Student shall be informed of the procedures that will be followed. The Appeals Committee shall proceed fairly in its disposition of the appeal, ensuring that both the Student and the Respondent are aware of the evidence to be considered. The Appeals Committee may invite the Student, the Respondent, or other individuals to meet with the Appeals Committee or it may make its decision solely on the basis of the documentation filed by the Student and Respondent, and any additional documentation as it may require. If the Student attends a meeting they may be accompanied by a colleague or other support person, however ordinarily any submissions or presentations must be made by the Student.
7. If the Appeals Committee determines:
 - a) that the Respondent did not take into consideration relevant information when it made its decision;
 - b) that the Respondent’s decision cannot be supported on the information that was before it at the time the decision was made; or
 - c) that the respondent failed to follow the procedures in the Remediation and Probation Policy or the Assessment Policy, as applicable, and such failure could reasonably be seen to cast doubt on the correctness of the decision;then:

the Committee shall provide written reasons for its determination and refer the matter back to the Competence Committee for reconsideration and may direct a further assessment of the Student, the terms of any such reassessment to be determined by the Competence Committee, having regard to the reasons of the Appeals Committee. The Appeals Committee may, in addition to referring the matter back to the Competence Committee, direct that an assessment or assessments be removed from the Student's file. A copy of the decision shall be filed by the Appeals Committee with the AD UME, UME Office, and LEW Office.

8. If the Appeals Committee determines that the decision of the Respondent should be upheld, it shall provide the Student and the Respondent written reasons for its determination and advise the Student of a further limited right to appeal to the Senate Review Board Academic ("SRBA"). A copy of the decision shall be filed by the Appeals Committee with the AD UME, UME Office, and LEW Office.

VI. Appeal of a Dismissal from the MD Program

1. A Student may appeal a decision of the AD UME to dismiss the Student from the MD Program to the Schulich MD Program Appeals Committee ("the Appeals Committee") on the following grounds:
 - a) that the AD UME did not take into consideration relevant information when making the decision;
 - b) that the decision made by the AD UME cannot be supported on the information that was before them at the time the decision was made, or
 - c) that in making the decision the AD UME failed to follow the procedures under the Policy giving rise to the decision and that such failure could reasonably be seen to cast doubt on the correctness of that decision.
2. An appeal of a dismissal must be submitted to the UME Office within four weeks of the issuance of the decision and include the following:
 - a) a copy of relevant assessments (if applicable);
 - b) a copy of the AD UME's decision;
 - c) the grounds of appeal and remedy sought; and
 - d) a full statement supporting the grounds of appeal and any relevant documentation.
3. The UME Office shall forward copies of the Student's appeal documentation to AD UME who shall file a concise written reply with relevant documentation within four (4) weeks of the filing of the appeal. A copy of the reply shall be provided to the Student.
4. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the Appeals Committee.
5. The Appeals Committee shall determine its own procedures for hearing an appeal and the Chair of the Appeals Committee may make such rules and orders as they deem necessary and proper to ensure a fair and expeditious proceeding. The Student shall be informed of the procedures that will be followed. The Appeals Committee shall proceed fairly in its disposition of the appeal, ensuring that both the Student and the respondent are aware of the evidence to be considered.
6. If the Committee determines:
 - a) that the AD UME did not take into consideration relevant information when making the decision,
 - b) that the AD UME's decision cannot be supported on the information that was before the AD UME at the time the decision was made, or
 - c) that the AD UME failed to follow the procedures under the Policy giving rise to the decision and such failure could reasonably be seen to cast doubt on the correctness of the decision, then:the Appeals Committee shall provide written reasons for its determination to the AD UME and the

Student and shall either refer the matter back to the AD UME for reconsideration or reinstate the Student in the Program. Such reinstatement may include a recommendation to the AD UME for remediation or probation, the terms of which shall be determined by the Competence Committee or AD UME, as applicable. A copy of the decision shall be filed by the Appeals Committee with the AD UME, UME Office, and LEW Office.

7. If the Appeals Committee determines that the decision of the AD UME should be upheld, it shall provide written reasons for its determination to the the Student and the AD UME and shall advise the Student of a further limited right to appeal to the Dean. A copy of the decision shall be filed by the Appeals Committee with the AD UME, UME Office, and LEW Office.
8. An appeal of the decision of the Appeals Committee must be submitted to the Dean's Office within four weeks of the issuance of the Appeals Committee decision and include the following:
 - a) a copy of relevant assessments (if applicable);
 - b) a copy of the AD UME's decision;
 - c) a copy of the Appeals Committee's decision;
 - d) the grounds of appeal and remedy sought; and
 - e) a full statement supporting the grounds of appeal and any relevant documentation.
9. The Dean's Office shall forward copies of the Student's appeal documentation to the AD UME who shall file a concise written reply with relevant documentation within four (4) weeks of the filing of the appeal. A copy of the reply shall be provided to the Student.
10. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Dean.
11. The Dean shall determine his or her own procedures for hearing an appeal and the Dean may make such rules and orders as he or she deems necessary and proper to ensure a fair and expeditious proceeding. The Student shall be informed of the procedures that will be followed. The Dean shall proceed fairly in the disposition of the appeal, ensuring that both the Student and the AD UME are aware of the evidence to be considered.
12. If the Dean determines that:
 - a) that the Appeals Committee did not take into consideration relevant information when it made its decision,
 - b) that the Appeals Committee's decision cannot be supported on the information that was before the committee at the time the decision was made, or
 - c) that the Appeals Committee failed to follow the procedures in the Remediation and Probation Policy and such failure could reasonably be seen to cast doubt on the correctness of its decision,then:

the Dean shall provide written reasons for his or her determination and may refer the matter back to the Appeals Committee for reconsideration or may permit the Student to remain in the MD Program. A copy of the decision shall be filed by the Dean with the AD UME, UME Office, and LEW Office.
13. If the Dean determines that the decision of the Appeals Committee should be upheld, the Dean shall provide written reasons for such determination to the the Student and the Associate Dean UME and shall advise the Student of a further limited right to appeal to the Senate Review Board Academic. A copy of the decision shall be filed by the Dean with the AD UME, UME Office, and LEW Office.

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| Approvals: UME Curriculum Committee | [August 30, 2019] |
| Executive Committee Schulich Council | [TBA] |

This Policy supersedes the 2012 Student Assessment and Appeal Policy.