

**POSTGRADUATE MEDICAL EDUCATION
SCHULICH SCHOOL OF MEDICINE & DENTISTRY**

RESIDENT APPEALS POLICY

Approved by PGME Committee:

Approved by JSC:

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INTRODUCTION

The purpose of this policy is to outline the processes and procedures for appeals of assessment decisions for residents registered in Postgraduate Medical Education (PGME) at the Schulich School of Medicine & Dentistry.

It is the responsibility of each program director, resident and members of the Resident Program Committee and Competence Committee to be aware of this policy and familiar with the content. The PGME office will ensure access to and application of this policy at all levels of appeal. The PGME office is available to respond to any questions or concerns about the application and procedures of this policy.

RELEVANT STANDARDS AND POLICIES

[CPSO - Professional Responsibilities in Medical Education](#)

PGME Faculty [Supervision Policy](#)

[General Standards of Accreditation for Institutions with Residency Programs](#)

DEFINITIONS

Assessment is the systematic process of gathering and analyzing information on resident performance for the purpose of determining achievement of objectives and competencies required for certification and independent practice.

- Formative assessment: (assessment for learning) assessment for the purpose of providing feedback and to guide further learning.
- Summative assessment: formal written summary of a resident's performance based on established criteria; summative assessments are provided at specified intervals within each program.

Associate Dean Postgraduate Medical Education (AD PGME) is the senior faculty officer responsible for the oversight of postgraduate medical education within the Schulich School of Medicine & Dentistry.

Block one of thirteen (13) time intervals during each academic year. Each consist of 28 days, except for block 1 (July 1 start date), block 7 (winter holiday block) and block 13 (the final block) which are of variable duration based on the calendar year.

CanMEDS is a physician competency framework that identifies and describes the abilities physicians require to effectively meet the health care needs of the people they serve.

Certification is a formal recognition that residents have completed all the necessary training, assessment and credentialing requirements indicating competence to practice independently. The certification examinations in Family Medicine, and Royal College specialties and subspecialties are a component of residency training. Residency programs and the PGME office must attest that residents have met the training requirements and are exam eligible. Family Medicine Enhanced Skills provides a Certificate of Added Competence in Emergency Medicine after a resident has successfully completed the training and examination.

Clinical Supervisor is a member of faculty who has taken on the responsibility to observe, teach, and assess residents. The supervisor of a resident who is involved in the care of a patient may or may not be the most responsible physician (MRP) for that patient.

College of Family Physicians of Canada (CFPC) is the body responsible for Family Medicine and Family Medicine Enhanced Skills program accreditation, resident credentials, and certification for Family Medicine education programs.

College of Physicians and Surgeons of Ontario (CPSO) is the self-regulating body for the province's medical profession; physicians are required to be registrants to practice medicine in Ontario.

Competency An observable ability of a health professional related to a specific activity that integrates knowledge, skills, values, and attitudes. As competencies are observable, they can be measured and assessed to ensure their acquisition. Competencies can be assembled like building blocks to facilitate progressive development.

Competence Committee (CC) (or equivalent) is a subcommittee of the Residency Program Committee (RPC), responsible for reviewing resident assessment information and determining residents' readiness for increasing professional responsibility, progress, promotion, eligibility for certification, and readiness for independent practice. The CC will also make a recommendation to the RPC for resident requirement for an enhanced educational plan (EEP), remediation, probation and/or dismissal. The RPC may delegate decision making, development of enhanced educational plans, remediation and probation plans and appeal processes to the CC.

Competence Continuum (Stages of Training) the series of integrated stages in competence-based medical education (Royal College). The four stages are:

1. Transition to Discipline (TTD)
2. Foundations of Discipline (F)
3. Core of Discipline (C)
4. Transition to Practice (TTP)

Competency Based Medical Education Residency Program (CBME Residency Program) is a residency program that is planned and organized around competencies required for practice.

Triple C is the competency-based curriculum for Family Medicine residency training.

Competence by Design (CBD) is the Royal College initiative for CBME in residency program.

Dean refers to the Dean of the Schulich School of Medicine & Dentistry.

Direct Observation is a process of assessment in which the assessor must witness the resident performing the specific activity in order to identify whether specific competencies were demonstrated and performed correctly (e.g., physical examination of a patient).

Dismissal is the termination of a resident's appointment with the residency program for academic or professional and/or other reasons.

Educational Handover is a process by which information about a resident's performance is shared with future supervisors to facilitate guidance and progress.

Enhanced Education Plan (EEP) is a formal plan developed to address areas requiring improvement that impede resident progression but do not meet the criteria for remediation.

Entrustable Professional Activity (EPA) is an assessment format defined by the RC as 'key tasks of a discipline' that can be delegated to a resident and assessed by a supervisor. It is linked to a specific stage of the competence continuum. EPAs are one form of resident assessment used in RC CBD programs.

Extenuating Circumstance(s) means a significant physical, social or psychological event that is beyond a resident's control, which has had an impact on the resident's academic and/or clinical performance. Extenuating circumstances do not include things such as: taking on additional work shifts; predictable needs for childcare; experiencing a brief and/or mild illness, or a disability for which appropriate accommodations have been provided.

Note that the actual detailed personal circumstances are not as important as the effects of these events on a resident's academic and/or clinical performance. Therefore, residents need to be able to demonstrate a direct connection between the extenuating circumstance(s) they identify and the effect on their academic and/or clinical performance.

Residents' supporting documentation must clearly articulate when the event(s) occurred, how the resident

was affected by the circumstance(s), and how/why academic and/or clinical performance was affected (i.e. what functional/cognitive/emotional limitation(s) did the circumstance(s) create and how did those limitations negatively impact academic and/or clinical performance.)

Residents also need to outline what steps they took to deal with the extenuating circumstances during or after the occurrence (for example, consultation with a health-care professional, personal counsellor, academic advisor/coach, or other similar support resource). An appeal on the basis of extenuating circumstances needs to include the resident's plan for achieving academic and/or clinical performance.

Field Note is a tool for real-time recording of resident assessment intended to provide narrative commentary on a specific resident educational experience or event.

Indirect Observation is a process of assessment whereby the assessor uses documented information such as that recorded in a patient chart to identify whether specific competencies were attained by the resident (e.g., patient chart review).

In-Training Evaluation Report (ITER) (In-Training Assessment Report (ITAR)) is a summative assessment form, completed at the end of a training experience linked to the objectives and/or competencies for that experience. Interim and mid-rotation ITERs may be provided for formative feedback.

Learner Experience Office provides resident support and advocacy including for requests for accommodations, leaves and support for academic appeals.

Milestones are observed markers of resident's ability at a stage of expertise. Milestones in RC CBD programs are associated with CanMEDS competencies.

Moonlighting is defined as extracurricular (outside of a residency training program) provision of clinical services for remuneration by residents registered in a postgraduate medical education program leading to certification with the Royal College of Physicians and Surgeons of Canada (RCPSC) or with the College of Family Physicians of Canada (CFPC).

Objective is an outcome-based statement that describes what the resident will be able to do upon completion of the training experience, stage of training, or residency program. All training experiences must have objectives that outline the competencies that will be acquired during the experience (for Royal College CBD programs EPAs can be incorporated into the objectives).

Postgraduate Medical Education Advisory Board (PGME AB) is a committee constituted by the Associate Dean PGME that is responsible for approving remediation and probation plans, and upon request, assisting in the design of enhanced educational plans, remediation plans and probation plans.

Probation is a period of training during which a resident is expected to correct serious weaknesses that are impacting the ability to successfully complete the residency program. Probation implies the possibility of dismissal from the program if sufficient improvement in performance is not identified by the end of the probation period.

Probation Plan is the formal document approved by the program and the PGME Advisory Board detailing the terms, requirements, specific conditions and possible outcomes of the probation period.

Professional Association of Residents of Ontario (PARO) is the official representative voice for Ontario's doctors participating in accredited training leading to licensure from the CFPC and RCPSC. PARO's priority is to advocate on behalf of its members, addressing professional and educational concerns in order to optimize the training and working experience of Ontario's newest doctors thus ensuring that patients receive the best possible medical care.

Program Director is the individual responsible for the overall conduct and organization of the residency program, chairs the residency program committee (RPC), and is accountable to the Department Chair and to the Associate Dean PGME. In larger programs the program director may delegate some or all responsibilities under this policy to one or more faculty members on the RPC. All references to "program director" in this

policy mean “program director or delegate”.

Remediation is a formal period of targeted training with a specific focus on areas where a resident is experiencing difficulties or demonstrating a lack of skills, knowledge or gaps in professionalism. The goal of remediation is to maximize the opportunity for a resident to successfully complete the residency program.

Remediation Plan is the formal document approved by the program and the PGME Advisory Board detailing the terms, requirements, specific conditions and possible outcomes of the remediation period.

Residency Program means an RC or CFPC accredited postgraduate medical training program; residency programs must meet the Standards of Accreditation for Residency Programs.

Residency Program Committee (RPC) (Residency Training Committee (RTC)) The committee (and subcommittees, as applicable), overseen by the program director, that supports the program director in the administration and coordination of the residency program. Decisions with respect to the progress, promotion and certification of residents, as well as enhanced educational plans, remediation, and probation may be delegated to the Competence Committee.

Resident is a physician registered in an accredited residency program at Schulich School of Medicine & Dentistry, Western University.

Resident Portfolio (Resident File) is a secure individual resident portfolio which contains the documentation of resident progress toward attainment of competencies. The resident portfolio will include all assessments (such as ITERs, results of oral, written or OSCE examinations, program director meeting documentation, research/scholarly project progress and updates, multisource feedback, etc.). The resident portfolio will be available to the CC to provide assessment information to support recommendations and decision-making about resident progress.

Resident status in RC CBD programs as decided by the CC is:

- Progressing as expected – resident is progressing as expected through their current stage of learning and achieving the expected competencies.
- Not progressing as expected
- Failure to progress
- Progress is accelerated
- Inactive (for example a resident on leave)

Royal College of Physicians and Surgeons of Canada (RC) is the body responsible for RC program accreditation, resident credentials, and resident certification for residency programs. The Royal College also accredits Area of Focused Competence (AFC) programs. For AFC trainees please see the Assessment and Appeals Policy for AFC Trainees.

Schulich Postgraduate Appeal Committee (SPAC) is the committee that hears appeals for decisions of resident assessment of the Residency Program Committees (or Competence Committees if delegated) and decisions of the Associate Dean PGME.

Stage of Training in Royal College Competence by Design (CBD) programs the resident is promoted through four stages of training. The stages are:

1. Transition to discipline (TTD)
2. Foundations of discipline (F)
3. Core of discipline (C)
4. Transition to Practice (TTP)

Summative Assessment is an assessment of resident performance, readiness for increasing professional responsibility, and/or achievement of objectives and/or competencies. An ITER is an example of a summative assessment. A summative assessment is usually required at the end of a training experience.

Summative assessments are also prepared by Competence Committees as part of the assessment of resident progress and achievement of competencies and/or objectives for each stage or level of training.

Suspension is a temporary interruption of a resident's participation in clinical activities in the training program.

Time-Based Residency Program (TB Residency Program) is a residency program that is planned and organized around educational objectives linked to required training experiences.

Training Experience is a learning activity designed to address the required educational objectives and/or key and enabling competencies at a particular stage or level of training. Core, elective, and selective training experiences may be organized in blocks of time or arranged longitudinally throughout all or part of a residency program. Training experiences include clinical care as well as extra-clinical activities.

SCOPE

This policy applies to residents registered in postgraduate residency programs at the Schulich School of Medicine & Dentistry.

This policy does not apply to:

1. residents during an Assessment Verification Period (AVP) or Pre-entry Assessment Program (PEAP),
2. trainees in Area of Focused Competence (AFC) programs,
3. clinical fellows, or
4. residents registered in postgraduate training programs at other institutions who are accepted for elective rotations in a postgraduate program within the Schulich School of Medicine & Dentistry.

Postgraduate trainees do not have access to the Western University Senate appeal process.

This policy does not apply to appeals for matters that other PGME or University policies address (such as accommodations, or procedures or policies governed by other organization (such as hospitals or the CPSO)).

GENERAL PRINCIPLES

1. Residents must have access to fair, equitable, and timely procedures for requesting and hearing of appeals related to assessment decisions.
2. Residents have the responsibility to bring forward a formal, written appeal, demonstrating specifically the grounds for the appeal.
3. Residents, individuals, or committees responsible for addressing an appeal must comply with the timelines outlined in the policy. Extensions of timelines may be made, and the resident must be informed of any extension beyond the timeline identified in the policy. Residents may request an extension of the timeline for submission of an appeal to the program director or Associate Dean, PGME, or SPAC depending on the level of appeal.
4. An appeal process does not alter mandated reporting requirements of the PGME office to the CPSO and/or Medical Affairs.
5. Residents may require an Enhanced Education Plan (EEP) during their training, to meet specific learning needs. The requirement for an EEP may not be appealed.
6. Residents are encouraged to contact the Learner Experience Office and/or the Professional Association for Residents of Ontario (PARO) for support.

APPEALABLE ASSESSMENT DECISIONS

A resident may appeal the following:

- end of rotation (block) assessment such as an ITER having an overall assessment statement of “Does Not Meet Expectations”
- summative assessment of “Failure to Progress” from a Competence Committee
- decision to require remediation or probation
- decision that the resident’s remediation or probation program was unsuccessful
- denial of promotion to the next level or stage of training
- refusal by a program to certify that the resident has acquired competencies of the specialty or subspecialty, or to affirm resident’s readiness for independent practice or certification examination
- dismissal

ACTIVITIES UNDERTAKEN PENDING DISPOSITION OF AN APPEAL

Pending disposition of an appeal relating to an ITER, summative assessment, or a remediation or probation program the RPC will determine whether it will permit a resident to continue with regularly scheduled rotations 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 RPC.

Pending disposition of an appeal of dismissal from the residency program the Associate Dean PGME will place the resident on leave of absence.

APPEALS

I. Appeal of End of Rotation ITER ‘Does not meet Expectations’ or a Summative Assessment of a Competence Committee of ‘Failure to Progress’

The appeal is a two-stage process beginning with a review by the RPC.

First Stage: Review by the Residency Program Committee, “the RPC”

1. The resident must submit a written request for a review to the program director within two weeks of the date issuance of the ITER or the Competence Committee’s summative assessment to the resident. The request should fully set out the reasons why the resident disagrees with the assessment and include any supporting documentation. A resident may dispute the accuracy of the ratings or assessments, the fairness of the assessment process, or raise compassionate or extenuating circumstances. The deadline for filing the request may be extended at the discretion of the program director.
2. If the rotation occurred outside the resident’s home program the review will be conducted by the resident’s home program director and home RPC.
3. The program director will forward the request to the RPC and PGME. The program director and RPC will give the resident an opportunity to meet with them and provide oral submissions and any additional documentation. The resident may be accompanied by a colleague or other support person; however, any oral submissions or presentations must be made by the Resident. The RPC will review relevant documentation and may meet with the clinical supervisor, the Chair of the Competence Committee, and other individuals as necessary before making a decision.
4. The RPC will issue a decision in writing with reasons and a copy will be provided to the Associate Dean PGME. Possible outcomes are:
 - i. If the RPC decides that the assessment was inaccurate or unfair, the committee may require that the assessment be corrected or may remove the assessment from the file and allow a further period of assessment under such terms as the RPC requires.

- ii. If the RPC decides that there are compelling extenuating or compassionate circumstances that warrant an additional period of assessment, it will permit the resident to undergo an additional assessment under such terms as the RPC requires.
- iii. If the RPC concludes that the ITER or Summative Assessment should remain in the file and that there will be no additional assessment, the resident has a limited right of appeal to the Schulich Postgraduate Appeals Committee (SPAC).

Second Stage: Appeal to Schulich Postgraduate Appeal Committee, “the SPAC”

1. A resident may appeal the decision of the RPC to the Schulich Postgraduate Appeal Committee (SPAC) on the following grounds:
 - i. that the RPC did not take into consideration relevant information when it made its decision or
 - ii. that the RPC’s decision cannot be supported on the information that was before the RPC when it made its decision, or
 - iii. that in making its decision the RPC failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of that decision.
2. An appeal must be submitted by the resident to the PGME Office within two weeks of the issuance of the RPC’s written decision and include the following:
 - i. a copy of the ITER or Summative Assessment and the RPC’s decision,
 - ii. the grounds of appeal and remedy sought, and
 - iii. a full statement supporting the grounds of appeal and any relevant documentation.
3. The PGME Office shall forward copies of the resident’s appeal documentation to the program director who shall file a written reply on behalf of the program, with relevant documentation, within two weeks of the filing of the appeal. A copy of the reply shall be provided to the resident.
4. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the AD PGME or Chair of the SPAC.
5. The PGME Office shall forward the documentation provided by the resident and program director to the SPAC.
6. The Schulich Postgraduate Appeal Committee shall determine its own procedures for hearing an appeal and the Chair of the SPAC may make such rules and orders as deemed necessary and proper to ensure a fair and expeditious proceeding. The resident shall be informed of the procedures that will be followed. The SPAC shall proceed fairly in its disposition of the appeal, ensuring that both the resident and the program director are aware of the evidence to be considered.

The SPAC may invite the resident or program director or other individuals to meet with the SPAC or it may make its decision solely based on the documentation filed by the resident and program director and any additional documentation as it may require. If the resident is invited to a meeting, the resident may be accompanied by a colleague or other support person, however, any oral submissions or presentations must be made by the resident.
7. If the SPAC determines:
 - i. that the RPC did not take into consideration relevant information when it made its decision,
 - ii. that the RPC’s decision cannot be supported on the information that was before the RPC, or
 - iii. that the RPC failed to follow the procedures in this Policy and such failure could reasonably be seen to cast doubt on the correctness of its decision,

the SPAC shall provide written reasons for its determination and shall refer the matter back to the RPC for reconsideration and may direct a further assessment of the resident, the terms of any such reassessment to be determined by the RPC, having regard to the reasons of the SPAC. The SPAC may, in addition to referring the matter back to the RPC, direct that an assessment or assessments

be removed from the resident's file.

8. If the SPAC determines that the decision of the RPC should be upheld, it shall provide written reasons for its determination.
9. The SPAC's decision is final and there is no further right of appeal at the University.

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

1. The following decisions of the RPC may be appealed to the Schulich Postgraduate Appeal Committee (SPAC):
 - i. decision by the RPC that remediation is required
 - ii. decision by the RPC that probation is required
 - iii. determination by the RPC that remediation was unsuccessful
 - iv. determination by the RPC that probation was unsuccessful
 - v. decision by the RPC not to promote a resident
2. A resident may appeal the decision of the RPC to the Schulich Postgraduate Appeal Committee on the following grounds:
 - i. that the RPC did not take into consideration relevant information when it made its decision,
 - ii. that the RPC's decision cannot be supported on the information that was before the RPC when it made its decision, or that in making its decision the RPC failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of that decision.
3. An appeal must be submitted by the resident to the PGME Office within two weeks of the issuance of the RPC's written decision and include the following:
 - i. a copy of the relevant assessments and/or recommendations (as applicable) and the RPC's decision
 - ii. the grounds of appeal and remedy sought, and
 - iii. a full statement supporting the grounds of appeal and any relevant documentation.
4. The PGME Office shall forward copies of the resident's appeal documentation to the program director who shall file a written reply on behalf of the program, with relevant documentation, within two weeks of the filing of the appeal. A copy of the reply shall be provided to the resident.
5. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Associate Dean PGME or Chair of the SPAC.
6. The PGME Office shall forward the documentation provided by the resident and program director to the SPAC. The Schulich Postgraduate Appeal Committee shall determine its own procedures for hearing an appeal and the Chair of the SPAC may make such rules and orders as deemed necessary and proper to ensure a fair and expeditious proceeding. The resident shall be informed of the procedures that will be followed. The SPAC shall proceed fairly in its disposition of the appeal, ensuring that both the resident and the program director are aware of the evidence to be considered.

The SPAC may invite the resident or program director or other individuals to meet with the SPAC or it may make its decision solely based on the documentation filed by the resident and program director and any additional documentation as it may require. If the resident is invited to a meeting the resident may be accompanied by a colleague or other support person, however any oral submissions or presentations must be made by the resident.

7. If the SPAC determines:

- i. that the RPC did not take into consideration relevant information when it made its decision,
- ii. that the RPC's decision cannot be supported on the information that was before the RPC, or
- iii. that the RPC failed to follow the procedures in this Policy and such failure could reasonably be seen to cast doubt on the correctness of the decision,

the SPAC shall provide written reasons for its determination and shall refer the matter back to the RPC for reconsideration. The SPAC may direct a further assessment of the resident, the terms of any such reassessment to be determined by the RPC, having regard to the reasons of the SPAC. The SPAC may, in addition to referring the matter back to the RPC, direct that an assessment or assessments be removed from the resident's file.

8. If the SPAC determines that the decision of the RPC should be upheld, it shall provide written reasons for its determination.

9. The SPAC's decision is final and there is no further right of appeal at the University.

III. Appeal of a Refusal to Affirm Resident's Readiness for Independent Practice or Certification Examination

1. If the RPC either refuses to certify that a resident has acquired the competencies of the specialty/subspecialty required for the certification examination or refuses to affirm the resident's readiness for independent practice, the resident may request a review of that decision by the Associate Dean PGME. The Associate Dean PGME may conduct the review or delegate it to another individual and references to "Associate Dean PGME" in this Part mean "Associate Dean PGME or delegate".
2. The resident must file a written request for a review with the PGME Office within two weeks of the issuance of the RPC's decision. Where circumstances warrant, this deadline may be extended at the discretion of the Associate Dean PGME. The request should fully set out the reasons why the resident disagrees with the decision and any supporting documentation.
3. The Associate Dean PGME will give the resident an opportunity to meet with the Associate Dean PGME and provide oral submissions and any additional documentation. The resident may be accompanied by a colleague or other support person; however, any oral submissions or presentations must be made by the resident. The Associate Dean PGME will review all of the relevant documentation and may meet with the program director and other individuals as deemed necessary before making a decision.
4. The Associate Dean PGME will issue a decision in writing with reasons. If the Associate Dean PGME determines that the RPC's decision was incorrect, the matter will be referred back to the RPC for reconsideration with recommendations.
5. If the Associate Dean PGME confirms the RPC's decision, the resident may appeal the Associate Dean PGME's decision to the Schulich Postgraduate Appeal Committee on the following grounds:
 - i. that the Associate Dean PGME did not take into consideration relevant information in making the decision
 - ii. that the Associate Dean PGME's decision cannot be supported on the information that was before them, or
 - iii. that in making the decision the Associate Dean PGME failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of the decision.
6. An appeal of the Associate Dean PGME's decision must be submitted to the PGME Office within two weeks of the issuance of the decision and include the following:
 - i. a copy of the Associate Dean PGME's decision,

- ii. the grounds of appeal and remedy sought, and
 - iii. a full statement supporting the grounds of appeal and any relevant documentation.
7. The PGME Office shall forward copies of the resident's appeal documentation to the Associate Dean PGME who shall file a concise written reply with relevant documentation within two weeks of the filing of the appeal. A copy of the reply shall be provided to the resident.
 8. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the SPAC.
 9. The PGME Office shall forward the documentation provided by the resident and Associate Dean PGME to the SPAC.
 10. The SPAC shall determine its own procedures for hearing an appeal and the Chair of the SPAC may make such rules and orders as deemed necessary and proper to ensure a fair and expeditious proceeding. The resident shall be informed of the procedures that will be followed. The SPAC shall proceed fairly in its disposition of the appeal, ensuring that both the resident and the Associate Dean PGME are aware of the evidence to be considered.

The SPAC may invite the resident, the Associate Dean PGME, the program director, or other individuals to meet with the SPAC or it may make its decision solely on the basis of the documentation filed by the resident and Associate Dean PGME and any additional documentation as it may require. If the resident is invited to a meeting the resident may be accompanied by a colleague or other support person, however any oral submissions or presentations must be made by the resident.

11. If the SPAC determines:
 - i. that the Associate Dean PGME did not take into consideration relevant information when making the decision,
 - ii. that the Associate Dean PGME's decision cannot be supported on the information that was before them, or
 - iii. that the Associate Dean PGME failed to follow this Policy in making the decision and that such failure could reasonably be seen to cast doubt on the correctness of that decision,the SPAC shall prove written reasons for its determination and shall refer the matter back to the Associate Dean PGME for reconsideration.
12. If the SPAC determines that the decision of the Associate Dean should be upheld it shall provide written reasons for its determination.
13. The SPAC's decision is final and there is no further right of appeal at the University.

IV. Appeal of Dismissal from the Residency Program

1. A resident may appeal a dismissal arising from an unsuccessful probation or a decision made by the Associate Dean PGME to dismiss the resident from the residency program to the Schulich Postgraduate Appeal Committee ("the SPAC") on the following grounds:
 - i. that the RPC or the Associate Dean PGME did not take into consideration relevant information when making the decision
 - ii. that the decision made by the RPC or Associate Dean PGME cannot be supported on the information that was before the RPC or Associate Dean PGME at the time the decision was made, or
 - iii. that in making the decision the RPC or the RPC or the Associate Dean PGME failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of the decision.

2. An appeal must be submitted to the PGME Office within 28 days of the issuance of the decision and include the following:
 - i. a copy of relevant assessments (if applicable)
 - ii. a copy of the RPC's nor Associate Dean's PGME's decision
 - iii. the grounds of appeal and remedy sought, and
 - iv. a full statement supporting the grounds of appeal and any relevant documentation.
3. The PGME Office shall forward copies of the resident's appeal documentation to the respondent (RPC or Associate Dean PGME) who shall file a concise written reply with relevant documentation within two weeks of the filing of the appeal. A copy of the reply shall be provided to the resident. In the case of an appeal against a decision of the RPC, the program director will normally submit a response on behalf of the RPC.
4. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the SPAC.
5. The PGME Office shall forward the documentation provided by the resident and respondent to the SPAC.
6. The SPAC shall determine its own procedures for dealing an appeal and the Chair of the SPAC may make such rules and order as deemed necessary and proper to endure a fair and expeditious proceeding. The resident shall be informed of the procedures that will be followed. The SPAC shall proceed fairly in its disposition of the appeal, ensuring that both the resident and the respondent are aware of the evidence to be considered.
7. The SPAC shall provide the parties to the appeal with an opportunity to meet with the SPA. The resident may be accompanied by a colleague or other support person, however any oral submissions must be made by the resident. Both parties will have the opportunity to bring witnesses. Both parties and witnesses may be cross-examined by the other party and both parties may be represented by legal counsel.
8. In the case of a dismissal arising from an unsuccessful probation, if the SPAC determines:
 - i. that the RPC did not take into consideration relevant information when it made its decision,
 - ii. that the RPC's decision cannot be supported on the information that was before the RPC,
 - iii. that the RPC failed to follow the procedures in the policy and such failure could reasonably be seen to cast doubt on the correctness of its decision,

the SPAC shall provide written reasons for its determination and shall refer the matter back to the RPC for reconsideration and may direct a further assessment of the resident the terms of any such reassessment to be determined by the RPC, having regard to the reasons of the SPAC. The SPAC may, in addition to referring the matter back to the RPC, direct that an assessment of assessments be removed from the resident's file.

9. In the case of a dismissal by the Associate Dean PGME, if the SPAC determines:
 - i. that the Associate Dean PGME did not take into consideration relevant information when making the decision,
 - ii. that the Associate Dean PGME's decision cannot be supported on the information that was before the Associate Dean PGME, or
 - iii. that the Associate Dean PGME failed to follow the procedures in this Policy and such failure could reasonably be seen to cast doubt on the correctness of the decision,

the SPAC shall provide written reasons for its determination and shall either refer the matter back to the Associate Dean PGME for reconsideration or reinstate the resident in the program. Such reinstatement may include a recommendation to the RPC for remediation or probation, the terms of

which shall be determined by the RPC.

10. If the SPAC determined that the decision of the RPC or the Associate Dean PGME should be upheld, it shall provide written reasons for its determination.
11. A decision to deny the appeal may be appealed to the Dean, Schulich School of Medicine & Dentistry, on the grounds that there was a significant procedural error by the Schulich Postgraduate Appeal Committee that was prejudicial to the resident and cast doubt on the fairness of those proceedings. The Dean may delegate authority to reconsider the appeal to another individual or individuals or to a committee. References to “Dean” in this part mean “Dean or delegate”.
12. An appeal must be submitted to the Dean’s Office, Schulich School of Medicine & Dentistry, within two weeks of the issuance of the SPAC’s decision and include a copy of the SPAC’s decision and a full statement supporting the ground of appeal including any supporting documentation.
13. The Dean’s Office shall forward copies of the resident’s appeal documentation to both the respondent at the prior level and to the Chair of the SPAC and shall request written responses with any relevant supporting documentation within two weeks. For appeals relating to a decision of the RPC, the response will normally be submitted by the program director. A copy of the responses shall be provided to the resident who shall have the right to file a written reply.
14. Where circumstances warrant, deadlines for filing an appeal or responses may be extended at the discretion of the Dean.
15. The Dean shall base the decision solely on the written material filed by the parties. The Dean shall issue a written decision with reasons and may.
 - i. Deny the appeal; or
 - ii. Grant the appeal and send the matter back to the SPAC with specific directions for rehearing all or part of the appeal or make such other order as deemed appropriate.

The Dean’s decision is final and there is no further right of appeal at the University.

This Policy supersedes the 2021 Resident Assessment and Appeal Policy.

APPEALS PROCESS FLOW CHART

Assessment/Decision/ Determination	Appeal First Stage	Appeal Second Stage	Appeal Third Stage
<ul style="list-style-type: none"> ITER: 'Does not meet expectations' Summative assessment by RPC*: 'Failure to Progress' 	Review by Program (RPC)*	Schulich Postgraduate Appeal Committee ⁽¹⁾	No further right of appeal
<ul style="list-style-type: none"> Denial by RPC* to affirm resident readiness for independent practice or denial of eligibility for certification examination 	Associate Dean PGME	Schulich Postgraduate Appeal Committee ⁽²⁾	No further right of appeal
<ul style="list-style-type: none"> Denial of promotion by RPC* Decision by RPC* that remediation is required Decision by RPC* that probation is required Determination by RPC* that remediation was unsuccessful Determination by RPC* that probation was unsuccessful 	Schulich Postgraduate Appeal Committee ⁽¹⁾	No further right of appeal.	
<ul style="list-style-type: none"> Dismissal 	Schulich Postgraduate Appeal Committee ⁽³⁾	Dean's Office ⁽⁴⁾ (Dean or Delegate)	No further right of appeal.

*The Residency Program Committee (RPC) may delegate decision making to the Competence Committee (CC).

GROUNDINGS FOR APPEAL

Grounds for Appeal (1):

1. the RPC did not take into consideration relevant information when it made its' decision,
2. the RPC's decision cannot be supported on the information that was before the RPC when it made its' decision, or
3. that in making the decision the RPC failed to follow this policy and that such failure could reasonably be seen to cast doubt on the correctness of that decision.

Grounds for Appeal (2):

1. the Associate Dean (AD) PGME did not take into consideration relevant information in making the decision
2. the AD PGME's decision cannot be supported on the information that was before them or
3. in making the decision the AD PGME failed to follow this policy and that such failure could reasonably be seen to cast doubt on the correctness of the decision.

Grounds for Appeal (3):

1. that the RPC or Associate Dean (AD) PGME did not take into consideration relevant information in making the decision
2. that the decision made by the RPC or AD PGME cannot be supported on the information that was before the RPC or AD PGME at the time the decision was made or
3. in making the decision the RPC or the AD PGME failed to follow this policy and that such failure could reasonably be seen to cast doubt on the correctness of the decision.

Grounds for Appeal (4):

There was a significant procedural error by the Schulich Postgraduate Appeal Committee that was prejudicial to the resident and casts doubt on the fairness of those procedures.