

Recommendation #2: NOSM Undergraduate Medical Education (UME) Academic Appeals Policy

Action/Motion:

MOVED that the Senate approve the NOSM Undergraduate Medical Education (UME) Appeals Policy (formerly known as "Student Promotion and Appeals Policy") as presented.

Background/Rationale:

This document has undergone revision to align and ensure consistency with the direction Academic Council has taken in the NOSM Policy regarding Academic Appeals, approved by AC on October 25, 2013 and presented to the JSC for approval.

The document was formerly called "Student Promotion and Appeals Policy". This is a document that has historically required approval by Academic Council, the Joint Senate and the Senates. The current Senates approved version was created in May 2009, substantive revisions have been necessary to ensure alignment with the October 25, 2013 version of the NOSM Policy regarding Academic Appeals.

Briefly, the major changes are:

1. The paragraphs around setting standards for promotion and promotion decisions per se are removed, as these are already part of the SAPC Regulations themselves, and duplication here is undesirable.
2. Section 3 on "Appeals of a Component of a Theme Grade" has been expanded to include program requirements not falling under the auspices of a particular Theme. The relevant Phase Chair (as the equivalent of a Theme Chair) has been identified as the person adjudicating such decisions.
3. The part of Section 3 indicating the involvement of a Division Head in appeals has been stricken.
4. Section 4 makes provision for a student to appeal a decision of a Theme/Phase Chair under Section 3 to a subcommittee of the SAPC. With respect to these kinds of matters, the decision of the SAPC Subcommittee is final and binding, with no further appeal.
5. Section 5 directs a student who has not been promoted to appeal such a decision to the Academic Council Appeals Committee. The SAPC will no longer hear appeals of its own promotion decisions.
6. The old Section 6, defining the procedures for a JSC appeal, has been stricken. The JSC will have its own Appeals Policy
7. **Legal representation language [section 6.3 of original track change document] was re-added as 5.4 in the proposed document based on the request at the March 2014 Lakehead Senate meeting.**



IMPLICATIONS:

Academic Council approval is needed so that this Policy can be in place for implementation of the NOSM Policy regarding Academic Appeals on May 1, 2014 and the beginning of the next academic year which begins (for Year 4) on May 12, 2014.

CONSULTATION:

There has been broad consultation on these revisions at the Student Assessment and Promotion Committee (SAPC), UME Committee levels and Academic Council. Learners, Theme Committee Chairs, Faculty members are represented on these Committees. This document has been approved at both the SAPC and at UMEC. It was reviewed by the Governance and Nominations Committee and approved at the January 30, 2014 Academic Council.

Attached:

Undergraduate Medical Education (UME) Appeals Policy clean version for approval
Undergraduate Medical Education (UME) Appeals Policy black-lined version for information only
(separate document from package)

- (a) The original assessment of the student shall stand;
 - (b) The assessment of the student shall be altered in some way (for example, a specific comment stricken) without overturning the pass/fail determination;
 - (c) The pass/fail determination shall be altered.
- 2.4 The adjudicator(s) shall advise the student in writing as to the change, if any, in its decision concerning the grade or assessment within four (4) working days of their meeting, with copies to the Director of Assessment & Program Evaluation, the SAPC Chair, the Associate Dean – UME, the Assistant Dean – Learner Affairs, and other responsible parties as appropriate.

3. APPEALS TO THE STUDENT ASSESSMENT AND PROMOTION COMMITTEE (SAPC)

- 3.1 If the student does not agree with the decision after an appeal under Section 2, the student shall have the right, within ten (10) working days of receiving notice of the decision to request a review of the decision by the SAPC in a formal hearing. When submitting the request to the SAPC Chair, the student shall specify the grounds for the review and shall provide the SAPC with all necessary supporting documents.
- 3.2 Within seven (7) working days of receiving the notice from the student requesting a formal review, the SAPC shall notify the student in writing of the date for the hearing. If the student has any problems with respect to the proposed date for the hearing, the student shall notify the Chair of the SAPC as soon as possible thereafter and every reasonable effort will be made to re-schedule the hearing to a date with a reasonable lead time. All hearings can be accommodated by video and/or telecommunication. In addition, every reasonable effort shall be made by both parties to have the hearing held within ten (10) working days of the date of receipt of the written notice from the student requesting the review hearing.
- 3.3 The review hearing shall be conducted by a subcommittee of the SAPC duly established for this purpose, comprised of 3 faculty members of the SAPC not involved with the previous deliberations under Section 3, Chaired by the SAPC Chair or their designate.
- 3.4 The following procedure shall apply with respect to the hearing before the SAPC subcommittee:
- a) The hearing shall commence on the date and time appointed for the hearing;
 - b) The student will make an opening statement containing a brief description of the student's grounds for appeal including what the student believes was unfair, unjust or unreasonable about the decision of the Theme Chair or Phase Committee Chair and what remedy the student seeks.
 - c) The student shall have the right to supplement the opening statement with any or all of the following:
 - i. oral testimony of the student;
 - ii. oral testimony of any witness supporting the position of the student; and
 - iii. documents or other written evidence in support of this testimony.

- d) The Respondent (the adjudicator who made the decision in Section 2) and the SAPC Subcommittee Members will have the right to question the student and/or the student's witnesses at the close of each person's testimony.
 - e) Following the completion of the student's case, the Respondent shall present its case. The Respondent shall complete an opening statement containing a brief reply to the student's claims and the main arguments justifying the action or decision that was made. In support of its position, the Respondent may submit any or all of the following:
 - i. oral testimony of a representative of the Respondent;
 - ii. oral testimony of any witnesses selected by the Respondent; and
 - iii. documents or other written evidence in support of this testimony.
 - f) The student and the SAPC Subcommittee members will have the right to question the Respondent's witnesses at the close of each person's testimony.
 - g) The student shall have the right to offer testimony or other evidence in reply to the issues raised in the Respondent's case.
 - h) After the testimony of each witness, the SAPC Subcommittee members may, in addition to asking questions of the witness as noted above, request copies of such documents mentioned in the testimony as deemed appropriate.
 - i) At the conclusion of the evidence, the parties shall be entitled to make closing arguments and to summarize briefly the main points of their respective cases in the following order:
 - A. student;
 - B. respondent; and
 - C. student.
- 3.5 Parties are responsible for producing their own witnesses and for paying any costs associated with their appearance before the SAPC Subcommittee.
- 3.6 The Subcommittee Chair shall have the following discretion with respect to the conduct of the hearing:
- a) To alter the order of the proceedings in the interests and fairness to any or all of the parties.
 - b) To consider and grant a recess or an adjournment at any time during the hearing to ensure a fair hearing.
 - c) To require that a person appearing before the SAPC Subcommittee may be required to give evidence under affirmation or oath.
 - d) To limit the testimony in questioning of witnesses to those matters it considers relevant to the disposition of the case.
 - e) To require production of written or documentary evidence by the parties or by any other source.

- f) To rule on the admissibility of evidence.
 - g) To order that the hearing before the SAPC Subcommittee shall be conducted by video or teleconferencing to accommodate the requirements of the student or those of the members of the SAPC Subcommittee, utilizing the video or teleconferencing facilities available at the Sudbury and Thunder Bay campuses of NOSM or other NOSM sites.
- 3.7 Following the formal hearing, the SAPC Subcommittee shall deliberate in a closed session and shall reach a decision.
- 3.8 The SAPC Subcommittee shall supply a written report of its decision to the student, the Respondent, and to such other individuals as the SAPC deems appropriate and/or necessary. The report shall include:
- i. the membership of the tribunal;
 - ii. the background of the appeal;
 - iii. a summary of the case of the student and the Respondent;
 - iv. the SAPC's findings of fact;
 - v. the SAPC's decision and the reasons for its decision.

The SAPC will record the process by which the hearing was conducted.

- 3.9 The decision of the SAPC in regard to Theme or Program requirements shall be final and binding.

4. APPEALS OF A PROMOTION DECISION

- 4.1 For promotion at the end of the academic year, a student must have:
- a) completed the course/theme work as described in the current regulations of NOSM for the year of the program and passed all prescribed academic and professional examinations; and
 - b) exhibited a strong sense of professionalism in personal conduct in relationships with peers, patients, hospital personnel, faculty and staff.

The SAPC will decide if a student has met the requirements for promotion as defined in the Student Assessment & Promotion Regulations, and communicate the decision to the student.

- 4.2 Where a student has received notice from the SAPC that the student has failed to meet the requirements for promotion, the student shall have the right to meet with the Associate Dean, Undergraduate Medical Education and the Associate Dean, Learner Affairs of NOSM to discuss the decision of the SAPC in this regard. These individuals are not empowered to overturn committee decisions.
- 4.3 The decision of the SAPC made under Section 4.1 shall prevail and remain in effect until altered by the decision of the Academic Council Appeals Committee in its review or the decision of the Joint Senate Committee for NOSM (the "JSC") in its review. The SAPC

will not hear appeals of its own promotion decisions; as such, a student wishing to appeal a promotion decision must do so in writing to the Academic Council Appeals Committee according to the terms of the NOSM Policy Regarding Academic Appeals.

5. MISCELLANEOUS

- 5.1 Where the time limited by this policy for a proceeding or for doing anything under its provisions expires or falls upon a holiday, the time so limited extends to and the thing may be done on the day next following that is not a holiday. "Holiday" shall be deemed to include Saturday, Sunday, the NOSM Winter Recess, and any other day specified as a holiday under the Interpretation Act (Ontario).
- 5.2 Any notice to be sent by any party under this policy to another party shall be sufficiently given if sent by email as follows:
- i. in the case of notice to a student, to the student's email address assigned by NOSM to the student while at NOSM;
 - ii. in the case of notice to any other person related to NOSM, to that person's email address as assigned by NOSM;
 - iii. in the case of a committee, to the email address assigned by NOSM to the Chair of that committee; or
 - iv. in the case of notice to any other not directly associated with NOSM, to that person's email address as provided by the person.

Any notice duly sent in this manner shall be deemed delivered on the day next following the date of the sending of the email.

- 5.3. All evidence and information provided by the student to the SAPC Subcommittee shall be kept confidential by members of the SAPC Subcommittee.
- 5.4 Appellants have the right to seek legal counsel and to be represented by another person or legal counsel in any aspect of these appeals processes. Parties are responsible for paying their own costs associated with any such representation or consultation.

DO NOT REMOVE THIS DOCUMENT HISTORY RECORD		
-- This document will be reviewed October 2015 --		
Version	Date	Authors/Comments/Amendments/Approvals
V1.0	April 2005	Original Student Promotion and Appeals Policy approved by Lakehead and Laurentian Senates
V2.0	June 2007	Revised – approved by Lakehead and Laurentian Senates
V3.0	May 2009	Revised – approved by Lakehead and Laurentian Senates
V4.0 pending	30 Oct 2013	Student Promotion and Appeals Policy revised to align with the new Academic Council Appeals Policy; also document name change to UME Academic Appeals Policy
	12 Dec 2013	Approved by SAPC
	20 Dec 2013	Emailed to UMEC members for 1 st reading
	09 Jan 2014	Approved by UMEC
		Approval by Academic Council – pending (30 January 2014)

		Approval by Joint Senate - pending
		Approval by Lakehead Senate - pending
		Approval by Laurentian Senate - pending

proposed

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UME ACADEMIC APPEALS POLICY

Approved By: Lakehead and Laurentian University
Senates

Responsible Office(s): Academic Council, UME

Responsible Officer(s): AD UME, ...

Effective date:

Supersedes: May 15 & 19, 2009 version

Revised:

STUDENT PROMOTION AND UNDERGRADUATE MEDICAL EDUCATION APPEALS POLICY

Effective: April 2005

Revised 1: June 2007

Revised 2: May 15 & 19, 2009

1. INTRODUCTION

1.1 Subject to the approval of the Senates of Lakehead University and Laurentian University, the overall policy on assessment and the planning of programs of study leading to the MD degree is the responsibility of the Undergraduate Medical Education Committee (~~the "UMEC"~~), which is a standing committee of the Northern Ontario School of Medicine ("NOSM") Academic Council.

1.2 The Student Assessment & Promotion Committee (~~the "SA&PC"~~), a standing committee of the UMEC, in consultation with the Course/Theme Committees, and Phase Committees, and the Office of Learner Affairs, module coordinators will throughout the academic year monitor the progress of students and, where required, provide guidance and direction for the students to assist them in attaining promotion to the next level of their medical school education.

Comment [KB1]: From SAPC 17 Nov 2011

2. COURSE/THEME WORK

2.1 ~~The Course/Theme Committee, in conjunction with the SA&PC, will set standards and expectations for students to pass each course/theme and will communicate them to the students through the Associate Dean of the UME at the beginning of each module course/theme. At the end of the academic year, the Course/Theme Committee shall decide with the SA&PC whether a student has passed or failed a course/theme together with any recommendations in respect thereof.~~

2.2 ~~Each student will be informed by the SA&PC in writing as to whether the student has passed or failed the course/theme.~~

Comment [SR2]: All of this is in the Regulations.

23. APPEALS OF A COMPONENT OF A COURSE/THEME GRADE OR OTHER ASSESSMENT

23.1 A student requesting a review of a grade or other assessment for a component of a course/theme must initiate the request for informal review in writing with the Chair of the Course/Theme Committee within ~~twelve (12)~~ten (10) working days of receiving the grade.

2.1.1 Where the grade or assessment being appealed is part of the Theme Requirements in the Promotion & Remediation Plan, the request for appeal should be made to the Chair of the appropriate Theme Committee. Where the grade or assessment being appealed is listed as part of the Program Requirements in the

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Promotion & Remediation Plan, the request for appeal should be made to the Chair of the appropriate Phase Committee. If the Theme or Phase Chair is the faculty member who provided the grade or assessment that is being appealed, the request for appeal should be made to the Director of Assessment & Program Evaluation.

~~2.1.2~~ The person Chair to whom the appeal is directed in 2.1.1 may delegate the adjudication of the appeal to ~~of the Course/Theme Committee or~~ one or more members of the appropriate Course/Theme/Phase Committee.

~~2.2~~ ~~as selected by the Chair~~The adjudicator(s) (ie. the Chair, Director, or delegates as identified in 2.1.2) will meet with the student to hear and respond to any concerns raised by the student. This meeting will allow dialogue between the Committee members/adjudicator(s) and the student concerning the student's fulfillment of the course/Theme or Program requirements.

2.2.1 At their discretion, the adjudicator(s) may choose to meet with the faculty member(s) responsible for the grade or assessment being contested to convey the concerns raised by the student, and to hear and respond to the faculty member(s)'s reply to the student's concern.

~~2.3~~ ~~After conferring with the student and faculty member (if required), the adjudicator(s)~~ shall make one of the following determinations:

(a) The original assessment of the student shall stand;

(b) The assessment of the student shall be altered in some way (for example, a specific comment stricken) without overturning the pass/fail determination;

(c) The pass/fail determination shall be altered.

~~2.3.4.1.~~The Chair/adjudicator(s) of the Course/Theme Committee shall at the end of that meeting or within four (4) days thereafter advise the student in writing as to the change, if any, in its ~~earlier~~ decision concerning the grade or assessment of the student for that component of the course/theme within four (4) working days of their meeting, with copies to the Director of Assessment & Program Evaluation, the SAPC Chair, the Associate Dean – UME, the Assistant Dean – Learner Affairs, and other responsible parties as appropriate.

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~~2~~

~~3.2~~ If the student is not satisfied with the decision of the Course/Theme Committee, the student shall have the right within ten (10) days of the latest decision of the

~~Course/Theme Committee to provide written notice to the Division Head that the student wishes a further reconsideration of this matter by the Division Head. After receipt of such notice, the Division Head will consult with the Course/Theme Committee Chair. Within fourteen (14) days of receipt of such notice from the student, the Division Head will hold a meeting with the student to review and discuss the decision of the Course/Theme Committee. This meeting will also be one where there will be dialogue between the student and the Division Head concerning the student's fulfillment of the course/theme requirements. The Division Head shall have the right to amend the decision of the Course/Theme Committee in this regard. Within four (4) days of that meeting, the Division Head shall provide the student and the Chair of the Course/Theme Committee with written notice of the decision of the Division Head on the component of the course/theme grade under review and that decision shall be final and binding.~~

4.

~~PROMOTION AT THE END OF THE ACADEMIC YEAR~~

~~5.1 For promotion at the end of the academic year, a student must have:~~

- ~~a) completed the course/theme work as described in the current regulations of NOSM for the year of the program and passed all prescribed academic and professional examinations; and~~
- ~~b) exhibited a strong sense of professionalism in personal conduct in relationships with peers, patients, hospital personnel, faculty and staff.~~

~~4.1 The SA&PC will decide if a student has met the requirements for promotion and, in doing so, will take into consideration the following:~~

~~4.2 summative assessments for the students;~~

- ~~a) input from faculty members;~~
- ~~b) the marks obtained by the student in the course work;~~
- ~~c) evaluation from hospital supervisors and health care providers, if involved in the course of learning;~~
- ~~d) _____~~
- ~~e) the recommendations of the Course/Theme Committee;~~

~~any information deemed relevant concerning the personal conduct and professionalism of the student; and~~

~~such other information as the SA&PC deems appropriate.~~

~~4.3 As soon as possible after the end of the academic year, the SA&PC will inform the student in writing of its decision as to whether the student has met the requirements for promotion and, if the decision is that the student has failed to do so, then the SA&PC shall also confirm to the student one of the following:~~

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- a) ~~for promotion, the student must successfully complete the required remediation;~~
- b) ~~for promotion, the student must successfully repeat the academic year; or~~
- c) ~~the student must withdraw from the program.~~

~~5.2 Where a student has received notice from the SA&PC that the student has failed to meet the requirements for promotion, the student shall have the right to meet with the Associate Dean, Undergraduate Medical Education and the Associate Dean, Learner Affairs of NOSM to discuss the decision of the SA&PC in this regard. These individuals are not empowered to overturn committee decisions.~~

~~5.3 The decision of the SA&PC made under Section 4.2 shall prevail and remain in effect until altered by the decision of the SA&PC in its review under Section 5 or the decision of the Joint Senate Committee for NOSM (the "JSC") in its review under Section 6.~~

5. REVIEW BY STUDENT ASSESSMENT AND PROMOTION COMMITTEE

34. APPEALS TO THE STUDENT ASSESSMENT AND PROMOTION COMMITTEE (SAPC) OF A COMPONENT OF A THEME GRADE OR OTHER ASSESSMENT

~~5.134.1~~ If the student does not agree with the decision after an appeal of the SA&PC under Section 2, the student shall have the right, within ten (10) working days of receiving notice of the decision of the SA&PC, to request in writing addressed to the SA&PC that the SA&PC review of the its decision by the SAPC in a formal hearing. When submitting the request to the SAPC Chair, the student shall specify the grounds for the review and shall provide the SA&PC with all necessary supporting documents.

~~5.134.2~~ Within seven (7) working days of receiving the notice from the student requesting a formal review of its earlier decision, the SA&PC shall notify the student in writing of the date for the hearing. If the student has any problems with respect to the proposed date for the hearing, the student shall notify the Chair of the SA&PC as soon as possible thereafter and every reasonable effort will be made to re-schedule the hearing to a date with a reasonable lead time. All hearings can be accommodated by video and/or telecommunication. In addition, every reasonable effort shall be made by both parties to have the hearing held within ~~forty ten~~ (41) working days of the date of receipt of the written notice from the student requesting the review hearing.

~~5.3~~ ~~The student shall have the right to be represented by another person or legal counsel at the hearing. However, the student shall notify the Chair of the SA&PC at least fourteen (14) days prior to the date of the hearing that the student will be represented at the hearing by another person or legal counsel.~~

~~5.134.3~~ The review hearing shall be conducted by the SA&PC or a subcommittee of the SA&PC duly established for this purpose, comprised of 3 faculty members of the SAPC not involved with the previous deliberations under Section 3, Chaired by the SAPC Chair or their designate.

~~5-534.4-~~ The following procedure shall apply with respect to the hearing before the SA&PC subcommittee:

- a) ~~¶~~The hearing shall commence on the date and time appointed for the hearing;
- b) ~~¶~~The student will make an opening statement containing a brief description of the student's grounds for appeal including what the student believes was unfair, unjust or unreasonable about the decision of the SA&PC Theme Chair or Phase Committee Chair and what remedy the student seeks.
- c) ~~¶~~The student shall have the right to supplement the opening statement with any or all of the following:
 - i. oral testimony of the student;
 - ii. oral testimony of any witness supporting the position of the student; and
 - iii. documents or other written evidence in support of this testimony.
- d) ~~NOSM (¶The "Respondent") (the adjudicator who made the decision in Section 2) through its designated representative or legal counsel~~ and the SA&PC Subcommittee Members will have the right to question the student and/or the student's witnesses at the close of each person's testimony.
- e) Following the completion of the student's case, the Respondent shall present its case. The Respondent shall complete an opening statement containing a brief reply to the student's claims and the main arguments justifying the action or decision that was made ~~by the SA&PC~~. In support of its position, the Respondent may submit any or all of the following:
 - i. oral testimony of a representative of the Respondent;
 - ii. oral testimony of any witnesses selected by the Respondent; and
 - iii. documents or other written evidence in support of this testimony.
- f) The student and the SA&PC Subcommittee members will have the right to question the Respondent's witnesses at the close of each person's testimony.
- g) The student shall have the right to offer testimony or other evidence in reply to the issues raised in the Respondent's case.
- h) After the testimony of each witness, the SA&PC Subcommittee members may, in addition to asking questions of the witness as noted above, request copies of such documents mentioned in the testimony as ~~the SA&PC, in its discretion,~~ deemed eds appropriate.
- i) At the conclusion of the evidence, the parties shall be entitled to make closing arguments and to summarize briefly the main points of their respective cases in

the following order:

- A. student;
- B. respondent; and
- C. student.

34.5 ~~Parties are responsible for producing their own witnesses and for paying any costs associated with their appearance before the SAPC Subcommittee.~~

3.6

The ~~SA&PC~~ Subcommittee Chair shall have the following discretion with respect to the conduct of the hearing:

- a) ~~Right to~~ alter this order of the proceedings in the interests and fairness to any or all of the parties.
- b) ~~The SA&PC may~~ To consider and grant a recess or an adjournment at any time during the hearing to ensure a fair hearing.
- c) ~~To require that A~~ a person appearing before the SA&PC Subcommittee may be required to give evidence under affirmation or oath.
- d) ~~The SA&PC shall have the discretion to~~ limit the testimony in questioning of witnesses to those matters it considers relevant to the disposition of the case.
- ~~e) Parties are responsible for producing their own witnesses and for paying the costs associated with their appearance before the SA&PC.~~
- ~~f)e) The SA&PC shall have the power to~~ require production of written or documentary evidence by the parties or by any other source.
- f) ~~The SA&PC has the power to~~ rule on the admissibility of evidence.
- g) ~~To order that the hearing before the SAPC Subcommittee shall be conducted by video or teleconferencing to accommodate the requirements of the student or those of the members of the SAPC Subcommittee, utilizing the video or teleconferencing facilities available at the Sudbury and Thunder Bay campuses of NOSM or other NOSM sites.~~

3.7 Following the formal hearing, the SA&PC Subcommittee shall deliberate in a closed session and shall reach a decision.

3.8 The SA&PC Subcommittee shall supply a written report of its decision to the student, the Respondent, ~~e/o the UMEC~~ and to such other individuals as the SA&PC deems appropriate and/or necessary. The report shall include:

- i. the membership of the tribunal;
- ii. the background of the appeal;

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- iii. a summary of the case of the student and the Respondent;
- iv. the SA&PC's findings of fact;
- v. the SA&PC's decision and the reasons for its decision.

The SA&PC will record the process by which the hearing was conducted.

~~5.634.9~~ Subject to the further right of review by the JSC as set out in Section 6.1 hereof,
~~†~~ The decision of the SA&PC in this regard to Theme or Program requirements shall be final and binding.

45. APPEALS OF A PROMOTION DECISION

4.1 For promotion at the end of the academic year, a student must have:

- a) completed the course/theme work as described in the current regulations of NOSM for the year of the program and passed all prescribed academic and professional examinations; and
- b) exhibited a strong sense of professionalism in personal conduct in relationships with peers, patients, hospital personnel, faculty and staff.

The SAPC will decide if a student has met the requirements for promotion as defined in the Student Assessment & Promotion Regulations, and communicate the decision to the student.

4.2 Where a student has received notice from the SAPC that the student has failed to meet the requirements for promotion, the student shall have the right to meet with the Associate Dean, Undergraduate Medical Education and the Associate Dean, Learner Affairs of NOSM to discuss the decision of the SAPC in this regard. These individuals are not empowered to overturn committee decisions.

4.3 The decision of the SAPC made under Section 4.1 shall prevail and remain in effect until altered by the decision of the Academic Council Appeals Committee in its review or the decision of the Joint Senate Committee for NOSM (the "JSC") in its review. The SAPC will not hear appeals of its own promotion decisions; as such, a student wishing to appeal a promotion decision must do so in writing to the Academic Council Appeals Committee according to the terms of the ~~Academic Council Appeals Policy~~. NOSM Policy Regarding Academic Appeals.

6. REVIEW BY JOINT SENATE COMMITTEE

~~6.1 If the student does not agree with the decision of the SA&PC on its review of its earlier decision, then the student shall have the right within ten (10) days of receiving the latest decision of the SA&PC to request in writing addressed to the Chair of the Joint Senate Committee for NOSM (the "JSC") that it review the decision of the SA&PC. The notice shall specify the grounds for the review and shall include all supporting documents that~~

Comment [SR3]: The JSC shall have its own procedure.

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are deemed relevant together with a copy of the decision of the SA&PC. The grounds for review and the JSCs review of the decision of the SA&PC will be limited to the following:

- a) whether the SA&PC followed the procedural requirements for the hearing set out in Section 5 hereof and, if not, whether its failure to do so resulted in the student not being given a fair hearing; and
- b) whether the SA&PC adhered to the principles' of natural justice in its conduct at the hearing.

Upon receipt, a copy of the notice from the student shall be sent by the Chair of the JSC to the Chair of the SA&PC.

6.2 Within ten (10) days of receiving the notice from the student requesting a formal review of the decision of the SA&PC by the JSC, the JSC shall notify the student in writing of the date for the hearing. If the student has any problems with respect to the proposed date for the hearing, the student shall notify the Chair of the JSC as soon as possible thereafter and every reasonable effort will be made to reschedule to a date with reasonable lead time. All hearings can be accommodated by video and/or telecommunications. In addition, every reasonable effort shall be made by both parties to have the hearing before the JSC held within forty (40) days of the date of receipt of the written notice from the student requesting the review hearing.

6.3 The student shall have the right to be represented by another person or legal counsel at the hearing. However, the student shall notify the Chair of the JSC at least fourteen (14) days prior to the date of the hearing that the student will be represented at the hearing by another person or legal counsel.

6.4 The hearing shall be heard by the JSC or a subcommittee of the JSC duly established for this purpose.

6.5 The following procedure shall apply with respect to the hearing before the JSC:

- a) The hearing shall commence on the date and time appointed for the hearing;
- b) The evidence submitted by the student and the Respondent will be restricted to the issues before the JSC (as set out in Section 6.1 hereof) since the hearing before the JSC shall not be a re-hearing of the evidence presented at the hearing before the SA&PC.
- c) The student will make an opening statement containing a brief description of student's grounds for the JSC to review the decision of the SA&PC and a short summary of the evidence that the student relies on in support thereof;
- d) The student shall have the right to supplement the opening statement with any or all of the following:
 - i. oral testimony of the student;

- ii. ~~documents or other written evidence in support of this testimony.~~
- e) ~~NOSM (the "Respondent") through its designated representative or legal counsel and the JSC will have the right to question the student at the close of the student's testimony.~~
- f) ~~Following completion of the student's case, the Respondent shall present its case. The Respondent shall complete an opening statement containing a brief reply to the student's claims and a short summary of the evidence that the Respondent relies upon in support thereof. In support of its position, the Respondent may submit any or all of the following:~~
 - i. ~~oral testimony of a representative of NOSM; and~~
 - ii. ~~documents or other written evidence in support of this testimony.~~
- g) ~~The student and the JSC shall have the right to question the representative of NOSM at the close of testimony.~~
- h) ~~The student shall have the right to offer testimony of the student in reply to the issues raised in the Respondent's case.~~
- i) ~~After the testimony of each witness, the JSC may, in addition to asking questions of the witness as noted above, request copies of such documents mentioned in the testimony as the JSC, in its discretion, deems appropriate.~~
- j) ~~At the conclusion of the evidence, the parties shall be entitled to make closing arguments and to summarize briefly the main points of their respective cases in the following order:~~
 - A. ~~student;~~
 - B. ~~respondent; and~~
 - C. ~~student~~

~~The JSC shall have the right to alter this order in the interest and fairness of any or all of the parties.~~
- k) ~~The JSC may consider and grant a recess or adjournment at any time during the hearing to ensure a fair hearing.~~
- l) ~~A person appearing before the JSC may be required to give evidence under affirmation or oath.~~
- m) ~~The JSC shall have the discretion to limit the testimony and questioning of witnesses to those matters it considers relevant to the disposition of the case.~~
- n) ~~The parties are responsible for producing their own witnesses and for paying the costs associated with their appearance before the JSC.~~

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- ~~e) The JSC shall have the power to require production of written or documentary evidence by the parties or by any other source.~~
- ~~p) The JSC has the power to rule on the admissibility of evidence.~~
- ~~q) Following the formal hearing, the JSC shall deliberate in a closed session and shall reach a decision.~~
- ~~r) The decision of the JSC shall be restricted to either of the following:
 - ~~i. that there are no grounds for altering the decision of the SA&PC and that the decision of the SA&PC shall stand; or~~
 - ~~ii. the SA&PC did not meet the requirements set out in Section 6.1 hereof and, as a result, the matter shall be referred back to the SA&PC for re-hearing.~~~~
- ~~s) The JSC shall supply a written report of its decision to the student, the Respondent and the UMEC and to such other individuals as the JSC deems appropriate and/or necessary. The report shall include:
 - ~~i. the membership of the tribunal;~~
 - ~~ii. the background of the appeal;~~
 - ~~iii. a summary of the case of the student and the Respondent;~~
 - ~~iv. the JSC's findings of fact;~~
 - ~~v. the JSC's decision and the reasons for its decision.~~~~

~~The decision of the JSC in this regard shall be final and binding.~~

756. MISCELLANEOUS

- 756.1.** Where the time limited by this policy for a proceeding or for doing anything under its provisions expires or falls upon a holiday, the time so limited extends to and the thing may be done on the day next following that is not a holiday. "Holiday" shall be deemed to include Saturday, Sunday, the NOSM Winter Recess, and any other day specified as a holiday under the Interpretation Act (Ontario).
- 756.2** Any notice to be sent by any party under this policy to another party shall be sufficiently given if sent by email as follows:
 - i. in the case of notice to a student, to the student's email address assigned by NOSM to the student while at NOSM;
 - ii. in the case of notice to any other person related to NOSM, to that person's email address as assigned by NOSM;

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- iii. in the case of a committee, to the email address assigned by NOSM to the Chair of that committee; or
- iv. in the case of notice to any other not directly associated with NOSM, to that person's email address as provided by the person.

Any notice duly sent in this manner shall be deemed delivered on the day next following the date of the sending of the email.

~~7.3 The Chair of the SA&PC and the Chair of the JSC shall have the right to order that the hearing before the SA&PC or JSC respectively, shall be conducted by video or teleconferencing to accommodate the requirements of the student or those of the members of the SA&PC or JSC respectively, utilizing the video or teleconferencing facilities available at the Sudbury and Thunder Bay campuses of NOSM.~~

~~7.456.3. All evidence and information provided by the student to the SA&PC Subcommittee and to the JSC shall be kept confidential by members of the SA&PC and JSC respectively. Subcommittee.~~

Date	Document history	Approval(s)
April 2005	Origin: Student Promotion and Appeals Policy effective	Senates - April 2005
June 2007	Revised 1	Senates - June 2007
May 2009	Revised 2	Senates - 15 + 19 May 2009
30 October 2013	Alignment of existing appeals policies with the new Academic Council Appeals Policy; name change to Undergraduate Medical Education Academic Appeals Policy	SAPC – 12 Dec 2013 UMEC – 09 Jan 2014 AC - pending Joint Senates – pending Senates-pending