



**STUDENT PROMOTION AND APPEALS POLICY**

**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** Committee and 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.

**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 **UMEC 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**.

**3. APPEALS OF A COMPONENT OF A COURSE/THEME GRADE**

- 3.1 A student requesting a review of a grade for a component of a **course/theme** must initiate the request for review in writing with the Chair of the **Course/Theme** Committee within twelve (12) days of receiving the grade. The Chair of the **Course/Theme** Committee or one or more members of the **Course/Theme** Committee as selected by the Chair 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 and the student concerning the student's fulfillment of the **course/theme** requirements. The Chair 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 of the student for that component of the **course/theme**.
- 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

- 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.
- 4.2 The SA&PC will decide if a student has met the requirements for promotion and, in doing so, will take into consideration the following:
- a) summative ~~end of module~~ assessments for the students;
  - b) input from faculty members;
  - c) the marks obtained by the student in the course work;
  - d) evaluation from hospital supervisors and health care providers, if involved in the course of learning;
  - e) the recommendations of the **Course/Theme** Committee;
  - f) any information deemed relevant concerning the personal conduct and professionalism of the student; and
  - g) 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:
- 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.
- 4.4 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.
- 4.5 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**

- 5.1 If the student does not agree with the decision of the SA&PC, the student shall have the right, within ten (10) 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 its decision in a formal hearing. When submitting the request, the student shall specify the grounds for the review and shall provide the SA&PC with all necessary supporting documents.
- 5.2 Within seven (7) 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 (40) 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.
- 5.4 The review hearing shall be conducted by the SA&PC or a subcommittee of the SA&PC duly established for this purpose.
- 5.5 The following procedure shall apply with respect to the hearing before the SA&PC:
- 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 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") through its designated representative or legal counsel and the SA&PC 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 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 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, deems 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.

The SA&PC shall have the right to alter this order in the interests and fairness to any or all of the parties.

- j) The SA&PC may consider and grant a recess or an adjournment at any time during the hearing to ensure a fair hearing.
- k) A person appearing before the SA&PC may be required to give evidence under affirmation or oath.
- l) 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.
- m) Parties are responsible for producing their own witnesses and for paying the costs associated with their appearance before the SA&PC.
- n) The SA&PC shall have the power to require production of written or documentary evidence by the parties or by any other source.
- o) The SA&PC has the power to rule on the admissibility of evidence.
- p) Following the formal hearing, the SA&PC shall deliberate in a closed session and shall reach a decision.
- q) The SA&PC shall supply a written report of its decision to the student, the Respondent c/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;
  - 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.

- 5.6 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 shall be final and binding.

## **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 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.
  - o) 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 JSCs findings of fact;
  - v. the JSCs decision and the reasons for its decision.

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

## **7. MISCELLANEOUS**

- 7.1. 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 and any other day specified as a holiday under the *Interpretation Act* (Ontario).
  
- 7.2 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.



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