

**Recommendation #2:** Revised UME Academic Appeals Policy

**Action/Motion:**

MOVED that the Senate herein approves the revisions to the content of the UME Academic Appeals Policy as presented.

**Rationale:**

Track change version included in package

This document has been revised to reflect streamlining of submission of appeal document by students to only one email address to remove ambiguity and potential for lost, misdirected, or delayed appeal requests.

## UME ACADEMIC APPEALS POLICY

Responsible Office(s): UME  
Responsible Officer(s): Associate Dean UME  
Director, Assessment and Program Evaluation  
Version: 5.0 draft changes  
Approved by: Lakehead Senate pending  
Laurentian Senate pending

### 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 (UMEC), which is a standing committee of the Northern Ontario School of Medicine (NOSM) Academic Council.
- 1.2 The Student Assessment & Promotion Committee (SAPC), a standing committee of the UMEC, in consultation with the Theme Committees, Phase Committees, and the Office of Learner Affairs, 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. APPEALS OF A COMPONENT OF A THEME GRADE OR OTHER ASSESSMENT

- 2.1 A student requesting a review of a grade or other assessment must initiate the request for informal review in writing within ten (10) working days of receiving the grade.

**The appeal letter and all supporting documentation should be sent via email to the following email address: [UMEappeals@nosm.ca](mailto:UMEappeals@nosm.ca)**

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 addressed 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 Promotion & Remediation Plan, the request for appeal should be addressed 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 addressed to the Director of Assessment & Program Evaluation.

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

- 2.2 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 adjudicator(s) and the student concerning the student's fulfillment of the 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.
- 2.4 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.

**The appeal letter and all supporting documentation should be sent via email to the following email address: [UMEappeals@nosm.ca](mailto:UMEappeals@nosm.ca)**

- 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.

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<b>-- This document will be reviewed October 2016 --</b>		
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V5.0	08 Oct 2015	Revised to specify one UME appeals point of contact. Approved SAPC 08 Oct 2015
	03 Dec 2015	Approved by UME Committee after two readings
		Sent forward for vote on approval at Feb 11 2016 Academic Council meeting





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