



GUIDELINES FOR PROCEDURE - FACULTY OF MEDICINE APPEALS COMMITTEE

Membership

Chair, 2 Vice-Chairs; 11 faculty members, 3 students - one each from the Undergraduate Medical Program, Medical Radiation Sciences Program, and Postgraduate Medical Programs.

Quorum

The Chair or a Vice-Chair, and seven (7) members, at least one of which will be a student.

Function

- a) To hear appeals of Undergraduate students, Postgraduate students and students in the Medical Radiation Sciences Programs in the Faculty of Medicine against decisions of the Faculty Council and its committees and Boards, and to make rulings on such appeals that are binding and final as far as this Faculty is concerned.
- b) To generate and disseminate recommendations arising from appeals.
- c) To report annually to Faculty Council with respect to its activities.

Grounds for Appeal

The decision was unreasonable because:

- a) Faculty regulations and procedures were not followed; or
- b) Relevant evidence was not taken into consideration when the decision was made; or
- c) It could not be supported by the evidence which was considered when the decision was made.

Procedures to File an Appeal and Pre-Appeal Procedures

a) *Notice of Appeal*

Any student wishing to appeal a decision of a Board of Examiners in the Faculty must notify the Faculty Affairs Officer in writing of her/his intention to do so ("the Notice of Appeal") within a maximum of **two weeks (10 working days) after receiving written notice of the decision to be appealed.**

b) *Independent Informal Review*

Prior to filing the Statement of Appeal, the student must meet with either the appropriate Vice-Dean or Radiation Sciences Program Director, or a designate of the Vice-Dean or Program Director acceptable to the student and who is familiar with the student's program, to discuss the proposed appeal in an effort to resolve the matter. The student has the choice of meeting with either the Vice Dean/Program Director or acceptable designate. The meeting is confidential to the student and its content will not be disclosed subsequently. **The meeting should take place as soon as mutually convenient after filing a Notice of Appeal.**

c) **Confirmation of Appeal**

After meeting with either the Vice Dean/Program Director or acceptable designate for an Informal Review the student has a maximum of two weeks to **confirm** with the Faculty Affairs Officer, in writing, if he/she intends to proceed with the appeal.

d) **Statement of Appeal**

The student must provide the Faculty Affairs Officer with a written Statement of Appeal, setting out the grounds for the appeal, together with any supporting documentation. **The Statement of Appeal must be filed within 3 months after filing the Confirmation of Appeal. Failure to file within 3 months will be considered abandonment of the appeal, and the appeal will not be considered further. The Chair or a Vice-Chair may, in his/her discretion, extend this time limit at the request of the student.**

e) **Faculty Response**

The Faculty Affairs Officer will provide a copy of the Statement of Appeal and supporting documentation to the Faculty Representative (who is the Vice Dean, Undergraduate Medical Education, in the case of appeals by undergraduate medical students; the Vice Dean, Postgraduate Medical Education, in the case of appeals by postgraduate medical students in the Faculty of Medicine and the relevant Program Representative, in the case of appeals by students in the Medical Radiation Sciences Program). In response to the student's Statement of Appeal the Faculty Representative will be invited to provide a Responding Statement and supporting documentation. This material should be filed with the Faculty Affairs Officer no later than two weeks prior to the date of the hearing, who will forward a copy to the student.

f) **Scheduling of Appeal**

Following the receipt of the Statement of Appeal, the Faculty Affairs Officer will schedule the appeal in consultation with the student and the Faculty Representative. The Chair or a Vice-Chair will review the Statement of Appeal and determine a time allocation for the hearing, including the time allocation for the student and Faculty representative within the course of the hearing.

g) Once the appeal is scheduled, and time allocated, the Faculty Affairs Officer will write to the student to:

- i. Acknowledge receipt of the statement of appeal,
- ii. Inform the student of the date, time and place of the hearing of the appeal, and the time allocated for the hearing;
- iii. Inform the student that he/she may appear in person with or without legal counsel, call evidence, examine witnesses and present arguments in person or by counsel if he/she so desires;
- iv. Inform the student that if the student wishes to appear with legal counsel, he/she must advise notify the Faculty Affairs Officer at least two weeks prior to the date of the hearing; and,
- v. Inform the student that, should she/he decide not to attend the hearing on the date and at the time and place aforesaid, the Committee may proceed in her/his absence, and the student will not be entitled to any further notice of the proceedings, except for notice of the decision of the Committee.

h) **Faculty Representation**

The Faculty Representative will be invited to attend or send a representative to the hearing, who will not be the designated person who met with the student for the purposes of Informal Resolution. The

Faculty Representative has the right to be represented by legal counsel and may call evidence and present arguments in person or by counsel if he/she so desires.

i) **Material for Hearing**

The Faculty Affairs Officer will distribute, on a confidential basis, a copy of the Statement of Appeal and any other material provided on behalf of the student and the Responding Statement to each member of the Appeals Committee, to the student and her/his counsel, and to the Faculty Representative and her/his counsel, at least seven days prior to the hearing.

j) **Conflict of Interest**

Members of the Appeals Committee are responsible for reviewing the material for the hearing in advance of the hearing, and, if appropriate, notifying the Faculty Affairs Officer and Chair or Vice-Chair in the event of a potential conflict of interest.

k) **Powers of Chair or Vice-Chair**

The Chair or a Vice-Chair is responsible for determining any pre-hearing issues that arise, including any dispute as to scheduling or pre-hearing compliance with the guidelines in this section. Any request for such a determination will be made in writing to the Faculty Affairs Officer.

The Chair or a Vice-Chair may, with the approval of the Dean, request a legal opinion on any matter relating to an appeal prior to the conclusion of the appeal.

Conduct of Hearing

- a) The purpose of the hearing is to assist the Appeals Committee in understanding the facts relevant to the appeal, and the basis for the appeal. It is not an adversarial trial between the student and Faculty.
- b) The hearing will be held in camera unless the student elects to have it in an open session. In an open session the testimony of any witness may, at her/his request, be taken in camera.
- c) The hearing will be chaired by the Chair or a Vice-Chair ("the Hearing Chair"). The Hearing Chair will decide any issue as to procedure or evidence at the hearing.
- d) At the commencement of the hearing, the Hearing Chair will summarize the procedure for the hearing, and reaffirm the allocation of time provided for the hearing among the student and Faculty Representative.
- e) The student will make any statements relevant to the appeal and/or call any evidence and introduce arguments in support of the appeal.
- f) The members of the Committee, the Faculty Representative and her/his counsel, will be given the opportunity to question the student and any witnesses called by the student.
- g) After the presentation by the student, the Faculty Representative will present the evidence upon which the decision was made.
- h) The members of the Committee, the student and her/his counsel, will be given the opportunity to question the Faculty Representative and any witnesses called by the Faculty. The student will be provided the opportunity to lead the reply.
- i) Members of the Committee will be given a final opportunity to question the student, the Faculty Representative, and any witnesses.
- j) The student, or the student's counsel, will be given the opportunity to make a final statement. The Faculty Representative or counsel will be given an opportunity to respond. The hearing will then be concluded.

- k) The Committee will proceed to consider and determine its decision on the appeal in closed session during which time all persons, other than the Secretary and the members of the Committee present at the hearing, are excluded and will withdraw. Where possible, the Committee's consideration and decision will take place immediately following the conclusion of the hearing.

Decision of the Committee

The Appeals Committee may:

- a) Uphold an appeal in whole or in part
- b) Reject an appeal, or
- c) Refer the case back to the Board or committee concerned.

The decision of the Committee will be by a show of hands, and will be determined by a majority of the members present. The Hearing Chair will vote in the event of a tie. The decision of the Committee will be recorded in the minutes of the meeting of the committee. The Hearing Chair will, in consultation with the Committee, prepare reasons for the Committee's decision.

Notice of Decision and Reasons

The decision will be sent to the student and/or counsel 24 hours after the day on which the decision is made. The reasons for the decision will be sent to the student within two weeks of the date of the decision. Copies of the decision and reasons will be sent to the Chair of the Board or committee whose decision was appealed, and to the Faculty Representative.

Decisions of the Appeals Committee are final and binding as far as the Faculty is concerned. In the event that the appeal is rejected, the Chair will advise the student of their right to appeal to the Academic Appeals Board of the Governing Council, and advise the student of an appropriate resource to obtain information on the process to appeal the Academic Appeals Board of the Governing Council.

Minutes

The minutes of the Appeals Committee will record only the date and time of the appeal, those present, a brief summary of the appeal, and the Committee's decision.

Report to Faculty Council

The Chair of the Appeals Committee will prepare annually a written report to be presented at Faculty Council summarizing the activities of the Committee and its decisions, without disclosing the name(s) of the student(s) involved, and any recommendations.

Appeal of Committee's decision

A student may appeal the decision of the Faculty Appeals Committee to the Academic Appeals Committee of the Academic Board of the Governing Council. To do this the student should consult the Secretary, Academic Appeals Committee, Office of the Governing Council concerning the preparation and submission of such an appeal.

Approved by Faculty Council
June 22, 2009