

PG FM Appeal Process: Brief Overview for Residents and Respondents

This is a guide and not intended to replace the relevant policy documents. Please be sure to refer directly to the related policy documents in full:

- PGME Policies for Resident Appeals
- Urban Residency Program Appeals Policy

“Resident” = resident launching appeal

“Respondent” = faculty who made, or represents the group which made, the decision being appealed

Nature of Appeals*

Appeals may be launched on the basis of:

1. Substantive claim (that the content of the decision is inaccurate)
2. Claims of bias
3. Claims of procedural unfairness

A. REQUESTING an Appeal

Step 1: Informal Review Meeting

(Refer to Urban Residency Program Appeals Policy Paragraph 5; 5.1-5.5)

- The Resident submits, in writing (hard copy or electronic), a **Letter of Appeal**, to the FM Program Director, **within 14 days of receiving notification of decision under appeal (e.g. the ITER or the RPS decision that formal remediation required)**. The Letter of Appeal must contain:
 - a. An explanation of why the Resident disagrees with the rating.
 - b. Whether the grounds of the appeal are with respect to accuracy of rating (substantive claim) or fairness of the evaluation process (procedural claim or claim of bias).
 - c. Any evidence or documents that the resident believes are relevant to the appeal
- Pre-Appeal Review Meeting of the FM Program Director, the Respondent, the Resident, and their Faculty Advisor to discuss appeal, **within 14 days of the Letter of Appeal**
- If the Resident is not satisfied with the outcome of the Pre-Appeal Review Meeting, they may proceed to Step 2 and request a Formal Appeal Hearing

Step 2: Formal Appeal Hearing

(Refer to Urban Residency Program Appeals Policy Paragraph 7; 7.1-7.6)

- The Chair of the Formal Appeal Hearing will set **the date of the Formal Appeal Hearing** within 30 days of the Pre-Appeal review or within 40 days of the written request for appeal, if no informal review occurs.

- The Chair will **notify the Resident and Respondent of the date of the hearing at least 14 days prior to the hearing**

B. PREPARING for the Formal Appeal Hearing

(Refer to Urban Residency Program Appeals Policy Paragraph 7; 7.1.4 – 7.4)

- The Chair of the Formal Appeal Hearing will ask the Resident and the Respondent to submit copies of **all written material relevant to the appeal to the Chair ASAP and no later than 10 days prior to the hearing date.**
 - This includes copies of **any documentation (e.g. Field Notes), referenced** in the **Letter of Appeal** or subsequent written submissions.
 - **Written statements** from any individual that either party requests, for consideration at the hearing.

- The Respondent is asked to prepare a written **Response to the Letter of Appeal** and **submit this to the Chair no later than 10 days prior to the Appeal hearing date.** The following information should be considered for inclusion:
 1. A description of the evaluation procedure used to arrive at the decision that is being appealed (e.g. Unsatisfactory ITER)
 2. The steps taken in this particular instance to inform the Resident that performance was unsatisfactory, counsel the Resident regarding deficiencies, provide opportunity for remedial activity, and convey the results of the remedial activity to the resident
 3. Evaluations and other relevant materials regarding the Resident's performance (e.g. Field Notes, mid-point and final ITER's, any other written communication with Resident about their performance)
 4. Information about the process used in making the decision under appeal
 5. Minutes or notes from the Pre-Appeal review meeting
 6. Other information that the Respondent feels relevant to the decision under appeal or that the Chair of the Formal Appeal Hearing requests

- The Chair will strike an Appeal Committee and **notify the Resident of Committee membership, at least 7 days prior to the hearing.** The Resident may object to any individual scheduled to hear the appeal; however, the Chair shall judge the merits of the challenge. If the Resident objects to the Chair, the Associate Dean of PGME shall judge the merits of the challenge.

- The Resident is encouraged to be accompanied by a ***Support Person and must notify the Chair at least 7 days prior to the hearing.*** The Chair will determine the level of participation of the support person and will communicate this prior to the hearing. The Support person may present the Resident's case if requested to do so by the Resident and granted authorization by the Committee.

- The Chair may invite other persons with knowledge of the circumstances, or experts in particular areas, to appear at the hearing. The Resident will be notified of the names of any such individuals prior to the hearing.

- The Chair of the Formal Appeal Hearing will compile all written submissions by the Resident and the Respondent and create the **Appeal File**. The Chair may also include **any additional documentation they deem relevant**.
- The Chair will distribute the **Appeal File to all parties and Appeal Hearing Committee members, at least 7 days prior to the hearing.**

C. Formal Appeal Hearing PROCESS

(Refer to Urban Residency Program Appeals Policy Paragraph 7; 7.6 – 7.13)

Step 1 Introductions & brief process overview.

Step 2 Submission of new documents-Chair may permit either party to submit documents not previously submitted in time for distribution as part of the Appeal File but either party may request postponement.

The Chair will determine the duration of each party's presentation (not more than 20 minutes) and when any other invited individuals will present and have questions asked of them by the Appeals Committee.

Step 3 The Resident presents their position and the advocate speaks on the Resident's behalf, followed by questions from the Appeals Committee.

Step 4 The Respondent presents their position, followed by questions from the Appeals Committee.

Step 5 If time permits, both the Resident and the Respondent will have opportunity to make brief closing remarks. The Resident, the Respondent, and any Support Person or other invited individuals will be excused.

Step 6 The Appeals Committee will deliberate upon all written and oral submissions presented at the hearing. A closed ballot vote will be held, either in support of upholding the appeal or denying the appeal. Ballots will be counted by the Chair and one other delegated committee member. In the event of a tie, the Chair will vote.

Step 7 The Chair will notify the resident of the result of the Appeal Committee's decision and relevant next steps.

If the Resident is not satisfied, they may pursue eligible appeals to the PGME Appeals Subcommittee (see Triple C Assessment & Appeals Policy and PGME Resident Appeals Policy).

Drafted Oct 31, 2013 L Nixon

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