UNIVERSITY OF OTTAWA, FACULTY OF MEDICINE
POSTGRADUATE MEDICAL EDUCATION
POLICY FOR POSTGRADUATE TRAINEE APPEALS

Policy for: Postgraduate Trainee Appeals	
Responsible Educational Unit: Postgraduate Medical Education	
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INTRODUCTION

This policy establishes a fair, transparent, and consistent process for trainees enrolled in postgraduate residency, AFC trainees and clinical fellowship training programs at the University of Ottawa Faculty of Medicine to appeal assessment-related decisions.

This policy applies to all postgraduate trainees registered with the PGME office at the University of Ottawa. This policy does not apply to trainees registered in postgraduate training programs at other institutions who are accepted for electives in a postgraduate program at the University of Ottawa.

This policy is in compliance with the accreditation standards of the Royal College of Physicians and Surgeons of Canada (RCPSC) and the College of Family Physicians of Canada (CFPC). It is consistent with relevant institutional policies, regulatory standards, professional codes, sector guidance, and collective agreements, including the following:

a. The University of Ottawa Faculty of Medicine Professionalism Policy;
b. The College of Physicians and Surgeons of Ontario (CPSO) Policy on Professional Responsibilities in Postgraduate Medical Education;
c. The Canadian Medical Association Code of Ethics (CMA);
d. Council of Ontario Universities (COU/COFM)
e. Professional Association of Residents of Ontario – Ontario Teaching Hospitals (PARO-OTH) Collective Agreement

PURPOSE

The purpose of this policy is to outline processes and standards for appeals of assessment decisions for postgraduate trainees registered in PGME residency, AFC trainees and clinical fellowship programs at the University of Ottawa Faculty of Medicine.

SCOPE

Academic appeals are conducted based on procedural errors, alleged bias/unfairness, substantive claims of inaccurate assessment, and/or failure of appropriate accommodation (previously recognized).

Trainees, Residency Program Committees, and Competence Committees are responsible for becoming familiar with this policy.

DEFINITIONS
For the purposes of this Policy,

Accommodation: an individualized arrangement which adjusts, reduces, or removes organizational or physical barriers that may limit the ability of trainees with **functional limitations** to fully participate in the program and meet the essential requirements of postgraduate medical education (PGME).

Assessment: the process of gathering and analyzing information to measure a trainee's competence or performance and compare it to defined criteria.

Assessment Verification Period (AVP): a period of assessment to determine if an International Medical Graduate (IMG), who entered through the Canadian Resident Matching Service (CaRMS), or an IMG with Canadian legal status, can function at their appointed level of training prior to full acceptance into the residency program to which they have been accepted. Successful completion is a requirement to obtain a postgraduate medical education certificate of registration (educational licence) from the College of Physicians and Surgeons of Ontario. A successful AVP should be credited towards residency training time. An extension of an AVP, which may be accompanied by a remediation, may or may not be credited towards residency training.

College of Physicians and Surgeons of Ontario (CPSO): health regulatory body of Ontario responsible for ensuring that physicians (including trainees) provide health services in a safe, professional, and ethical manner. This includes, among other things, setting standards of practice for the profession, investigating complaints about members of the profession and, when appropriate, disciplining them.

Competence Committee (CC): as defined by the RCPSC and the CFPC, is a subcommittee of the Residency Program Committee (RPC) responsible for recommendations regarding resident promotion and/or needed academic support to the RPC and the program director. Recommendations are made using highly integrative data from multiple observations and other sources of data, as well as feedback from clinical practice. All recommendations must be reviewed and approved by the RPC and the Program Director.

Designated assessment tools: assessment tools approved by the RPC of each program for inclusion in the assessment plan of residents which are appropriately tailored to the specialty, level or stage of training, and the national training standards.

Educational experience: the activity or setting in which the residents have the experiences that allows them to achieve pre-defined goals and objectives and/or Entrustable Professional Activities (EPAs), milestones and competencies. Examples of words commonly used to describe discrete clinical training experiences include rotation, longitudinal clinics, call, etc.

Entrustable Professional Activity (**EPA**): an authentic task of a discipline.

Faculty Council Appeals Committee (FCAC): a standing committee of the Faculty of Medicine's Faculty Council responsible for hearing academic appeals from students and postgraduate trainees. It reports its

activities to the Dean, who informs Faculty Council, and its decisions may be further appealed through the University's Senate Appeals process.

Fellow: a postgraduate medical trainee who undertakes additional, post-certification training outside the core residency requirements of the Royal College of Physicians and Surgeons of Canada (RCPSC) or the College of Family Physicians of Canada (CFPC), which does not count toward national certification.

International Medical Graduate (**IMG**): an individual who has graduated from a non-Liaison Committee on Medical Education/Committee on Accreditation of Canadian Medical Schools (non-LCME/CACMS) accredited medical school, and who meets the criteria of an IMG as defined by the CPSO.

Milestone: an observable marker of an individual's ability along a developmental continuum.

PGME: Postgraduate Medical Education at the University of Ottawa.

Pre-Entry Assessment Program (PEAP): a period of assessment that evaluates IMGs to determine whether they can function at the appointed level of training. It is normally between four to twelve weeks in duration (two weeks for elective appointments). It is mandatory for all international medical graduates entering residency training outside of a CaRMS process, as well as IMGs entering fellowship training who have not previously completed postgraduate medical training in Canada. Successful completion is a requirement to obtain a postgraduate medical education certificate of registration (educational licence) from the College of Physicians and Surgeons of Ontario. A successful PEAP should be credited towards residency or fellowship training time.

Program Director (PD): the Faculty member responsible for the overall conduct of the residency program in a discipline and reports to the Chair of the University department concerned and to the Vice Dean, PGME.

Residency Program: the RCPSC or CFPC postgraduate residency training program.

Residency Program Committee (RPC): assists the Residency Program Director in the planning, organization, and supervision of the residency training program and includes representation from the residents in the program and other major stakeholders in the residency training program.

Resident: a physician registered in a residency training program accredited by the RCPSC or the CFPC and who is registered with the Postgraduate Medical Education Office at the Faculty of Medicine of the University of Ottawa.

Senate Appeals Committee: a University-level committee that renders final decisions on academic appeals after faculty-level review, including matters related to admissions, promotions, degree requirements, and disciplinary sanctions. It may also recommend policy or regulatory changes and reports to the Senate or its Executive Committee.

Stages of Training: in RCPSC competency based medical education terminology, refer to four developmental stages:

a. transition to discipline,
b. foundations of discipline,
c. core of discipline and

d. transition to practice.

Each stage has its own set of markers for learning and assessment, and as trainees move through the stages, increasing supervisory tasks may be delegated to them.

Summative "assessment": a formal written summary of a resident's performance against established expectations which is carried out at specified intervals within each program and across assessment plans.

Supervisor: a faculty member who has direct responsibility to oversee the work of postgraduate medical trainees in a particular practice or service. The Supervisor may be:

a. The Most Responsible Physician (MRP)
b. Consultant supervisor
c. On-call physician

Trainee: resident, clinical fellow, research fellow.

Undergraduate/Postgraduate Professionalism Committee: a subcommittee of the Faculty Council that handles all learner/trainee level 3 and some level 2 professionalism breaches that occur in the undergraduate and postgraduate medical education environment.

VISA trainee: an individual, typically not a Canadian citizen or permanent resident of Canada, who is training in a residency or fellowship program under a temporary visa/work permit, with financial sponsorship from an international government, institution, or sponsoring agency.

Vice Dean, PGME: the senior academic leader responsible for oversight, governance, and quality of postgraduate medical education programs within the Faculty of Medicine, including policy development, accreditation, and trainee affairs. In this document, the Vice Dean, PGME, will be referred to as the Vice Dean.

APPEALS

1. Trainees must have access to fair, equitable and timely procedures for requesting and hearing of appeals related to assessment decisions.

2. Grounds for academic appeal include process and procedural errors, alleged bias or discrimination and failure to implement previously recognized accommodations.

3. Trainees are strongly encouraged to communicate their concerns with their clinical supervisor and/or Program Director.

4. In any appeal, trainees have the responsibility to demonstrate how an injustice or error has occurred at the level of the decision being appealed.

5. Trainees and the committee responsible for the level of appeal must comply with timelines outlined in this policy. If the responsible individual and/or committee is unable to provide a response (assuming reasonable effort) within the specified period, they must inform all parties and provide the new anticipated date no more than 10 business days from the original date.

6. Each program must develop its own procedures for handling reviews at RPC and comply with the policy outlined in this document. The program-specific process must be known to the members of the program committee and the trainees.

7. An assessment or disciplinary decision remains in effect unless and until it is overturned on appeal, except where the decision conflicts with an approved accommodation or where extenuating circumstances warrant otherwise. The submission of an appeal does not suspend or delay implementation of the decision, and the trainee must continue to comply with all conditions, requirements, restrictions, or terms of any remediation, probation, suspension, dismissal, or other assessment or disciplinary measure pending the outcome of the appeal. If the trainee declines to comply with these conditions, PGME may place the trainee on an unpaid leave of absence pending resolution of the matter. If the appeal is upheld for the trainee, they will receive credit for the period of training in question to the extent possible.

8. **Decisions Not Subject to Appeal**
   The following decisions are generally considered part of routine educational assessment and progression and are not subject to formal appeal by a resident or fellow, as they do not in themselves constitute final or binding academic decision:
   - **Workplace-based assessments** including EPAs, field notes, daily encounter cards, or other formative assessments
   - **Individual assessment outcomes** that are low-stakes and formative in nature
   - **Determination of the need for additional support measures**, such as informal remediations/learning plans, coaching or feedback requirements, increased supervision or monitoring.
   - **Assignment of clinical rotations or schedules**
   - **Routine CC recommendations** that do not result in a formal academic status decision (e.g., promotion, probation, or dismissal)
   - **Content of a reassessment, remediation, or probation plan** (not the decision for the plan); this will be addressed through the Level 1 Program level review by the RPC and is not grounds for an appeal before the FCAC or University of Ottawa Senate Appeals Committee (SAC).
   - **Reintegration/Reassessment period** as outlined in the Policy for Assessment of Postgraduate Residents

9. **Levels of Appeal:**
   - **Level 1**: **Program level review** conducted by Residency Program Committee (RPC)
   - **Level 2**: **Faculty of Medicine level appeal** reviewed by the Faculty Council Appeals Committee (FCAC)
   - **Level 3: University level appeal** reviewed by the SAC

10. **Level 1**: **Program level review conducted by RPC;** trainees may request a review of a CC decision at the program level by making a request for review to their RPC including:
    - Unsatisfactory evaluations (e.g., ITERs, rotation outcomes)
    - Decisions regarding remediation, probation, suspension, dismissal
    - Promotion or academic standing decisions (e.g. failure to progress through stages of training, training extension, reclassification)
    - Decisions affected by procedural errors, lack of fairness, or perceived bias

- Decision for Behavioural Contract
- Denial of eligibility for certification examination (i.e. Certificate of Completion of Training (CCT))
- Unsatisfactory assessment at the end of the Pre-Entry Assessment Program (PEAP) or the Assessment Verification Period (AVP) leading to dismissal from the program

10.1. Decisions within the trainee's program: the trainee's home RPC review process will apply.

10.2. Decisions outside the trainee's program: the trainee's home RPC review process will apply; however, the program director/delegate will consult the clinical supervisor and/or the program director of that training experience, along with other appropriate individuals.

10.2.1. The trainee seeking review of a CC recommendation must submit a written request to the Chair of their RPC within ten (10) business days of receiving written notification of the CC recommendation. The request must clearly identify the decision(s) to be reviewed and the reasons supporting the request for review. The Chair may extend this time limit at their discretion and upon request from the resident where exceptional circumstances exist.

10.2.2. The Chair will review the request to determine eligibility for review. The Chair will notify the trainee of the decision to bring the review to the RPC within ten (10) business days.

10.2.3. If the request for review has been approved, the Chair will arrange for the trainee to present in person, in writing, or both at an ad hoc RPC meeting, or the next scheduled RPC meeting.

10.2.4. The Chair will gather documentation relevant to the review from both the trainee and the program. All documentation will be provided to the trainee and the members of the RPC before the meeting. No information that has not been disclosed to the resident may be relied upon unless the resident is provided with a reasonable opportunity to respond.

10.2.5. The trainee must be invited to attend the meeting, along with any other appropriate individuals, as determined by the Program Director. Attendance by the trainee is optional. If the trainee chooses to attend, they may request that a support person accompany them; however, the support person may not speak on behalf of the trainee during the proceeding. A support person may not attend in the trainee's place.

10.2.6. Any RPC member who participated in the decision under review, or whose impartiality may reasonably be questioned, shall not participate in the reconsideration.

10.2.7. The trainee will be notified of the decision within ten (10) business days of the meeting with the reasons. If, after reasonable effort, the decision and/or written reasons cannot be provided within that timeframe, the trainee must be notified with an estimate of the earliest date for receipt of the decision and written reasons.

10.2.8. The decision of Level 1 RPC review on assessment outcomes is final on their academic merits (e.g. failed rotations, ITERs, failure to progress, reclassification, behavioural contract, eligibility for certification exam, failed AVP/PEAP), but allegations of procedural error, discrimination, accommodation failures, or bias may be appealed. A decision regarding rotation failure, where the consequence is limited to repeating the rotation, is eligible only for a Level 1 review by the RPC and is not eligible for appeal to the FCAC.

11. **Level 2**: **Faculty of Medicine level appeal conducted by the Faculty Council Appeals Committee (FCAC);** trainees may appeal a ratified RPC decision by formally appealing to FCAC:
    11.1. A trainee has the right to appeal a final decision regarding extension of training, reclassification to a lower training level, suspension or dismissal as ratified by the PGME Vice Dean (or delegate) to the FCAC.
    11.2. Program decisions regarding remediation or probation must be brought to the PGME Evaluation Subcommittee for ratification on behalf of the Vice Dean, PGME. Once ratified, these decisions may be appealed to the FCAC.
    11.3. Decisions made by the UG/PG Professionalism Committee may also be appealed to the FCAC.
    11.4. Level 1 RPC decisions may be appealed only on the basis of procedural error, discrimination, accommodation failures, or bias.
    11.5. The FCAC reports to the Dean of the Faculty of Medicine. Trainees will be informed in writing of their right to appeal decisions that are eligible for review by the FCAC. Upon receipt of a request for appeal by the Chair of the FCAC, the Vice Dean, PGME will be notified that the appeal process has been initiated. An appeal is not an opportunity for the trainee to repeat the information provided previously during the process leading up to the final decision. The trainee's right to an appeal is not automatic and an appeal will only be considered by the Faculty Council Appeals Committee if it meets the following requirements:
        - The appeal to the FCAC must be made in writing and within ten (10) business days after the date of the final decision that is the subject of the appeal. The Chair may extend this time limit at their discretion and upon request from the resident where exceptional circumstances exist; and
        - The appeal must include the reasons for the appeal, supporting arguments, supporting documents and the outcome sought; and
        - The trainee must demonstrate that,
            - there has been a fundamental procedural error in the making of the final decision and that such error has caused or will cause actual prejudice to the person seeking the appeal (for example: policies and procedures were not followed, or the decision-maker did not consider evidence relevant to the final decision); or
            - there are new facts relevant to the final decision that were not available and could not have been provided during the process leading up to the final decision; or
            - that the appeal is based on alleged bias or other form of discrimination.

    11.6. The following is a list of some additional examples of situations where an appeal would not meet the requirements:
        - The appeal asks for review of a consequence or measure that has not yet been finally decided or approved.
        - The appeal repeats arguments previously made during the process leading up to the final decision and does not provide any new information relevant to the final decision.
        - The appeal is based only on a disagreement with a finding of fact, including findings made about the credibility of witnesses.
        - The appeal amounts to a mere speculation or a statement of a procedural error causing prejudice and does not provide detailed and convincing information to establish the error and to establish a link between the error and actual prejudice or a reasonable expectation of prejudice to the trainee.

11.7. The trainee should consult the Faculty Council Appeals Committee procedures (section 9.3 of the Faculty of Medicine bylaws) concerning the preparation and submission of an appeal and the applicable deadlines.

11.8. While a trainee may appeal a final decision regarding extension of training, reclassification, remediation or probation as ratified by the Vice Dean, PGME, or delegate, or a UG/PG Professionalism Committee decision to the FCAC, the trainee is required to undertake the period of extension, reclassification, remediation or probation plan pending the results of the Appeal. Failure to do so will result in the trainee being placed on an unpaid leave from training for the duration of the appeal process. If the appeal is upheld for the trainee, the trainee will receive credit for the period of training, to the extent possible, and salary will be reinstated for any trainee who elected not to continue training during the appeal process.

11.9. While a trainee may appeal a final decision regarding suspension or dismissal, as ratified by the Vice Dean, PGME, or delegate, or a UGME/PGME Professionalism Committee decision to the Faculty Council Appeals Committee, the trainee will remain on leave from training pending the results of the Appeal.

11.10. Decisions of the FCAC may be appealed in accordance with the University's Senate appeals procedures.

12. **Level 3: University level appeal reviewed by the University Senate Appeals Committee (SAC);** trainees may appeal a FCAC decision by formally appealing to SAC:

PGME trainees may appeal the decision of the Faculty Council Appeals Committee to the University of Ottawa Senate Appeals Committee. The trainee should consult the Office of the Secretary-General concerning the preparation and submission of such an appeal and the applicable deadlines. Trainees are required to follow the procedure for an appeal to the University of Ottawa Senate Appeals Committee.

- The Senate Appeals Committee is the final level of appeal for PGME trainees within the University.
- An appeal may only be submitted after all PGME and Faculty-level processes have been exhausted, including a final decision by the FCAC.
- Appeals are limited to matters involving the application of academic regulations, such as decisions related to academic standing, promotion, or disciplinary sanctions.
- The Committee does not have jurisdiction over individual assessment outcomes, including EPAs, ITERs, or examination content, and cannot re-evaluate academic judgments.

The rights and responsibilities of trainees seeking to appeal a decision of the FCAC to the SAC are set out in the Procedure for an Appeal to the Senate Appeals Committee. Trainees should consult that procedure to understand the final appeal mechanisms available during their training at the University.