

**Level 1 Appeals Committee
McMaster University - Orthopedic Surgery
Terms of Reference**

Mandate:

The Program/Department Appeals Committee will hear Level 1 trainee assessment appeals in accordance with the Postgraduate Medical Education (PGME) *Policy on Appeal of Assessment Decisions*. Decisions made at the Program/Department Appeals Committee are final at the program level. Trainees have access to both Level 2 (PGME) and Level 3 (FHS) appeals processes.

Academic appeals are conducted based on procedural errors, alleged bias/unfairness, substantive claims of inaccurate assessment, failure of appropriate accommodation (previously recognized), or new information not available and/or reviewed at the time of the assessment decision, including, but not limited to, the need for accommodation.

According to the PGME policy, trainees may appeal the following summative assessment decisions at Level 1:

- Unsatisfactory ITAR
- Failure to Progress summative assessment by the Competence Committee (CC) in CBD programs
- Unsatisfactory assessment at the end of the Pre-Entry Assessment Program (PEAP) or the Assessment Verification Period (AVP) leading to dismissal from the program
- Remediation, Probation, Suspension or Dismissal
- Denial of eligibility for certification examination
- Denial of completion of training certification

Note: Decision for Remediation, Probation, Suspension or Dismissal must be communicated with the Associate Dean, PGME, as defined in the *Policy on Assessment of PGME Trainees*.

Membership:

Members of the Program Appeals Committee will be appointed by the Residency Program Committee and consist of the following members:

- **Chair**
- **Faculty members (2)**
- **Trainee representatives (2)**
- **Site representatives**

Note:

- The program director may chair the Level 1 Committee or be a committee member only if there is no conflict of interest (i.e., no role in the assessment decision, aside from membership on the CC).
- The program may wish to identify term appointments for faculty members.

Specific meetings will also be attended by:

- The trainee appellant
- The associated faculty member/site director
- Up to two additional support persons/representatives, at the trainee's request

Note: The trainee must indicate if they will be bringing legal support as the University will also appoint legal representation

Meeting Frequency:

At the call of the Chair, when a trainee appeal request comes forward. Meetings should be scheduled within ten (10) days of receiving the request for appeal.

Process for Appeals:

Trainee decides to appeal for the summative assessment decisions outlined above:

1. The trainee will submit a written formal request for appeal within ten (10) days of receiving the assessment decision in writing, detailing their concerns to the program director.
2. The program director (or delegate) will review the request for appeal to determine if appealable and notify the resident of the decision within five (5) business days.
3. If the appeal request is accepted, the program director will notify the Chair of the Appeals Committee, if applicable, to organize a meeting within ten (10) business days.
4. The program director or delegate will assist in investigating the issues brought forward and obtain input from the faculty member completing the evaluation and other relevant parties to ensure a full understanding of the issue at the appeal hearing.
5. All documentation will be available to the trainee and the members of the Appeals Committee.
6. At the appeal hearing:
 - The Committee Chair will oversee the process and be a resource regarding PGME Assessment Policy/Procedure.
 - The program director/delegate will introduce the trainee and brief the committee regarding the educational history and the background of the assessment decision. Additional information may be presented by the faculty supervisor if present at the meeting.
 - The trainee will present their appeal to the committee and remain to answer any questions from the committee members. The trainee will then leave the meeting during deliberations. The trainee is invited to bring up to two additional support persons/representatives to the meeting should they wish.
 - The committee will deliberate and may hear additional information from the program director and/or Unit Coordinator regarding faculty input.
 - The voting members of the committee will recommend a decision:
 - i. Appeal granted
 - ii. Appeal granted, with recommendations/follow-up/educational plan
 - iii. Appeal denied
 - iv. Require more information

7. The Committee Chair will provide the trainee with a written report of the findings and recommendations of the committee within five (5) business days and will also advise the resident of further appeal options, as appropriate.
 - A copy of the report will be sent to the Associate Dean, PGME, and placed in the resident's file.
 - Confidential minutes will be kept as the official record of the hearing.

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