

## 21.0 FACULTY APPEALS COMMITTEE

### 21.1 ROLE

The purpose of the Faculty Appeals Committee is to hear any academic ~~or disciplinary~~ appeal by an undergraduate student, graduate student, physician assistant student or postgraduate trainee registered within the Faculty of Medicine in accordance with the jurisdiction and procedures approved by the Faculty of Medicine.

The Faculty Appeals Committee is a Standing Committee of the Faculty of Medicine and shall operate as per the terms and conditions outlined in Section 3.0 – “Standing Committees” of the Faculty’s procedural framework unless otherwise stated in these terms of reference. Section 3.0 provides information on the establishment of standing committees, accountability to Faculty Council, delegation to sub-committees, membership, etc. The Chair is responsible for ensuring the procedural framework is followed.

### 21.2 MEMBERSHIP

#### i. Elected Voting Members:

- i) Chair, appointed by Faculty Council for a three-year term (renewable once);
- ii) ~~Three~~ (32) Vice Chairs, appointed by Faculty Council for a three-year term (renewable once);
- iii) ~~Five Six (65)~~ faculty members, appointed for a three-year term (renewable once), who provide a broad representation of the clinical and basic science departments, which shall include one member of Faculty whose primary geographic appointment is in New Brunswick and who participates in the Dalhousie Medical Education Program in New Brunswick and one member of Faculty whose primary geographical appointment is in Cape Breton and who participates in the Dalhousie Medical Education Program;
- iv) ~~Two-Three (32)~~ undergraduate medical students in different years and representing the different campuses, nominated by the Dalhousie Medical Student Society and approved by the Associate Dean, Undergraduate Medical Education; and,
- v) ~~Two (2)~~ postgraduate trainees from different training programs in different Departments nominated by Maritime Resident Doctors and approved by the Associate Dean, Postgraduate Medical Education,
- vi) ~~Two (2)~~ physician assistant students in different years nominated by the Dalhousie Master Physician Assistant Studies Student Society and approved by the Assistant Dean, Master of Physician Assistant Program;
- ~~vii)~~ One undergraduate student nominated by the Medical Sciences Society of Dalhousie University (MSSDU) and one graduate student nominated the Faculty of Medicine Graduate Student Society (FMGSS) and approved by the Associate Dean Academic, Basic Sciences.

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#### ii. Ex Officio Non-Voting Members:

- i) Associate Dean, Postgraduate Medical Education (or designate); ~~and,~~
- ii) ~~Associate Dean, Undergraduate Medical Education (or designate);~~
- iii) ~~Assistant Dean, Master of Physician Assistant Program; and~~
- ~~iv) Associate Dean Academic, Basic Sciences.-~~

#### iii. Recruitment: Committee members are selected from volunteers and appointed by Faculty Council. Efforts will be made to ensure that the principles of equity, diversity and inclusion are incorporated in the selection process.

#### iv. Committee Succession: For the purposes of succession planning, appointments may be extended for one year, on the approval of Faculty Council, to ensure adequate continuity of experience on the Committee. Similarly, following completion of the Chair’s term, one of the Vice

Chairs will normally be appointed as Chair. In the case where neither of the Vice Chairs is able or willing to serve as Chair, then a Chair will be elected from among faculty members on the Committee with at least one year of experience.

### 21.3 RESPONSIBILITIES

The Faculty Appeal Committee is responsible for the following:

- a) Receiving appeals from any student or a trainee registered within the Faculty of Medicine, who has had a decision rendered against them that can be appealed under the UGME, ~~or~~ PGME, or MPAS policies, or on the grounds of appeal set out below, as applicable;

- b) Appointing panels from among its members to hear and decide appeals brought by a student or trainee in accordance with these terms of reference and the respective UGME, ~~and the~~ PGME and Master of Physician Assistant Studies (MPAS) Appeal Regulations, as applicable. In all cases, the Panel will include two faculty members and one student or trainee (who will have the same status (student or trainee) as the appellant). For appeals brought by UGME, PGME and MPAS students, at least one of the faculty members on the Panel will be a clinician;
- c) Regularly reviewing the UGME ~~and~~ PGME and MPAS Appeal Regulations, and making recommendations regarding amendments or changes in policy and practices to Faculty Council;
- d) Meeting no less than twice annually to receive training concerning the jurisdiction and procedures established by Faculty Council for this Committee, the proper conduct of a hearing, and other relevant legal principles. Meetings can also be arranged to review the Committee's operation or to address emerging policy issues as required. Minutes of all meetings of the Faculty Appeals Committee will include the date and time of the meeting, a list of those present, and a brief summary of the discussion.
- e) Undertaking other tasks related to its role as may be assigned by Faculty Council from time to time.

#### 21.4 REPORTING

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

#### 21.5 SPECIAL PROCEDURES

- a) **Conflict of Interest.** The Committee will be governed by Dalhousie's Conflict of Interest Policy. Additionally, a member of the Committee appointed to a hearing panel shall recuse themselves when the appeal relates to a matter for which the member was: (i) materially involved in the completion of an evaluation and/or made a recommendation and/or rendered a decision in the matter which is the subject of the appeal; or (ii) where they feel that, in the circumstances, they are not sufficiently objective to evaluate the appeal; or (iii) a member of the same primary department (in the case of faculty members), year of study (in the case of a student), or training program (in the case of a trainee) to which the appeal relates.
- b) **Further Appeal to Senate Appeals Committee.** Decisions of the Faculty Appeals Committee are final and binding as far as the Faculty of Medicine is concerned. A student or trainee may appeal the decision of the Faculty Appeals Committee to the University's Senate Appeals Committee. To do this, the student or trainee should consult the Senate Office concerning the preparation and submission of such an appeal and the applicable deadlines.
- b)c) **Accommodation Appeals.** The Committee does not hear appeals related to accommodations, as such matters are appealable via the processes set out in the Student Accommodation Policy or the Postgraduate Medical Education Accommodation Policy, as applicable.
- e)d) **Retention of Documents.** A copy of all documents provided to the Committee, including panels appointed by the Chair of the Committee, at meetings or in relation to hearings shall be retained by the Faculty of Medicine. All deliberations of the Committee and all information received by the Committee shall be confidential except for such disclosure as is necessary for the Committee's Reports.

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#### 21.6 GROUNDS OF APPEAL – GRADUATE AND UNDERGRADUATE (BASIC SCIENCES)

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21.6(1) A student enrolled in a course or program in the Faculty of Medicine, outside of UGME, PGME or MPAS may appeal a decision, or the refusal to make a decision, by a faculty member or academic administrator regarding academic matters on the grounds of unfairness, including bias or the misapplication or failure to follow applicable rules, regulations or policy in a way that impeded the student's right to a fair process in decision making.

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## 21.621.7 APPEAL PROCESS

### Submission of Appeal

**21.76 (1) Notice of Appeal.** A student or trainee may appeal a decision in writing to the Chair of the Committee ([appeals.medicine@dal.ca](mailto:appeals.medicine@dal.ca)) within **30 calendar days** of the decision being sent to the student or trainee. To appeal the decision, the student or trainee must deliver to the Chair of the Faculty Appeals Committee a Notice of Appeal. The Notice of Appeal must be signed by the student or trainee (who then becomes the appellant) and include the following information:

- a) the grounds of appeal and any supporting arguments and evidence;
- b) any other relevant considerations;
- c) supporting documentation, if applicable;
- d) the requested outcome; and
- e) the names of the advocate and/or support person who will the hearing.

### Action by Chair of the Faculty Appeals Committee Upon Receipt of Appeal

**21.76 (2)** Upon receipt of the student or trainee's appeal materials, the Chair of the Committee will:

- a) appoint three members of the Committee (two faculty and one student or trainee depending on the status of the appellant) to serve as the Hearing Panel for that appeal;
- b) appoint one of the faculty members of the Hearing Panel as the Hearing Chair;
- c) provide a copy of the appeal materials to the program or faculty representative whose decision is the subject of the appeal and require a written response within **14 calendar days** of sending those appeal materials (which deadline may be extended at the Chair of the Faculty Appeal Committee's discretion where exceptional circumstances exist); and
- d) inform both parties of:
  - i. the date, time, location, and format (in-person, virtual, hybrid) of the hearing;
  - ii. the names of the Hearing Panel members;
  - iii. their right to be accompanied by one advocate (including a representative from the Dalhousie Students Advocacy Service), and in the case of the student also by no more than one support person;
  - iv. their obligation to notify the Chair of the Faculty Appeals Committee no less **10 calendar days** prior to the hearing if they intend to attend with legal counsel; and
  - v. the fact that, should they decide not to attend the hearing, the Hearing Panel may proceed in their absence, and the appellant will not be entitled to any further notice of the proceedings, except for notice of the decision of the Hearing Panel.

The Chair of the Committee may grant an extension to any deadline in these procedures if such request is made prior to the expiration of the deadline and where:

a) there is a reasonable basis to do so; and

b) doing so will not unduly prejudice the other party.

**Response to the Appeal from the Program or Faculty Representative**

**21.76 (3)** The written response by the program or faculty representative must include the following information:

- a) confirmation of the nature of the decision under appeal
- b) response to the grounds of appeal and any supporting arguments and evidence;  
and
- c) any other relevant considerations.

### **Materials for Hearing**

- 21.76 (4)** The Chair of the Faculty Council Appeals Committee will distribute, on a confidential basis, a copy of the Statement of Appeal, the Responding Statement, and all supporting documents submitted by the parties, to each member of the Hearing Panel, at least **7 calendar days** prior to the hearing. The Chair of the Committee will also ensure that the appellant and the program or faculty representative have copies of all submissions provided to the Hearing Panel.

### **Hearing of the Appeal**

- 21.76 (5)** The Chair of the Faculty Council Appeals Committee 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 Chair of the Faculty Council Appeals Committee.
- 21.76 (6)** The hearing will be chaired by the Hearing Chair. The Hearing Panel will decide any issue as to procedure or evidence at the hearing.
- 21.76 (7)** The parties to the appeal are the student or trainee bringing the appeal and the program or faculty representative. Each party has the right to be present at the hearing, hear all of the evidence presented, and challenge any evidence presented.
- 21.76 (8)** The hearing will be closed and will not be recorded without the approval of the Hearing Chair.
- 21.76 (9)** At the commencement of the hearing, the Hearing Chair will summarize the procedure for the hearing.
- 21.76 (10)** The appellant (or their advocate) will make their presentation, which is not to exceed thirty minutes, after which the members of the Hearing Panel will be given the opportunity to ask questions of the appellant (or to their advocate).
- 21.76 (11)** The program or faculty representative (or their advocate) will then make their presentation, which is not to exceed thirty minutes, after which the members of the Hearing Panel will be given the opportunity to ask questions of the program or faculty representative.
- 21.76 (12)** The appellant (or their advocate) will be given an opportunity to reply to the presentation of the program or faculty representative. Any such reply will be limited to new matters raised during the program or faculty representative's presentation that could not have been anticipated when they made their presentation.
- 21.76 (13)** Members of the Hearing Panel will be given a final opportunity to ask questions of the appellant and of the program or faculty representative (or their respective advocates).
- 21.76 (14)** The appellant and the program or faculty representative (or their advocates) will be given the opportunity to make brief closing statements.
- 21.76 (15)** Any information gathered in any appeal, including information presented at the hearing,

is confidential except to the extent that disclosure is necessary to implement these procedures or to carry out a decision made by the Hearing Panel.

**Deliberation and Decision of the Hearing Panel**

- 21.76 (16)** Following the hearing, the appellant and program or faculty representative (and any advocates) will leave and the Hearing Panel will deliberate in camera. The decision will be by simple majority and the Hearing Panel will prepare written reasons for that decision.
- 21.76 (17)** The Hearing Panel may make any decision that is permitted under UGME's *Promotion, Assessment, and Appeal Regulations* and PGME's *Appeal Regulations*, as applicable.
- 21.76 (18)** The Chair of the Hearing Panel will make best efforts to provide the Hearing Panel's decision, including the written reasons for the decision, to the Chair of the Appeal Committee within **10 calendar days** of the hearing. The Chair of the Committee will then provide the decision to the parties, to the Dean, and to the Associate Dean, UGME in the case of an appeal brought by a student or to the Associate Dean, PGME in the case of an appeal brought by a trainee.
- 21.76 (19)** Hearing Panel decisions will form part of a student or trainee's academic record held at the Faculty of Medicine though will not be released as part of verifications of training or transfer, except where required by law or by permission of the student or trainee.