

## **Program level appeal process**

The Residency Training Program in Orthopedic Surgery wishes to ensure that there is a fair and transparent assessment system, including an appeal mechanism for postgraduate trainees (residents) enrolled in the Residency Training Program in Orthopedic Surgery at the College of Medicine, University of Saskatchewan.

The Residency Training Program in Orthopedic Surgery determines at its sole discretion what criteria will be used to determine unsatisfactory or marginal performance for the purpose of assessment.

The following process applies to the decisions that can be appealed on program level by the residents:

### **I. Appealable decisions**

Resident can appeal:

- i. Rotational assessments (*e.g. ITER*)
- ii. *Other program specific assessments (eg. oral exams, OSCE, surgical evaluation)*

### **II. Grounds for appeal**

An appeal by a resident may be based on one or more of the following grounds:

- i. The resident believes that procedural errors in the application of regulations regarding his/her academic assessment (*program-specific assessment and promotion policies, relevant accreditation standards, rotation-specific objectives, etc.*) have occurred;
- ii. The resident believes that the process of his/her assessment has been biased or different/unfair when compared to other students in the program;
- iii. The resident believes that there were extenuating circumstances (*e.g. medical, compassionate, etc.*) having a bearing on his/her performance that were not known;
- iv. The resident believes that all factors relating to his/her performance were not adequately considered.

### **III. Initiating an appeal**

The resident must submit written notice of appeal to the Program Director within **14 days** of receiving written notification of the assessment, in paper or electronic format. It is the responsibility of the resident to review on-line evaluations in a timely manner.

The written notice of appeal may be submitted by email or in hard copy.

The written notice must have an explanation why the resident disagrees with the assessment, and the ground(s) of the appeal. Documentation in support of the grounds for appeal must be submitted, where relevant. *Examples of documentation that could be provided include: medical documentation, a death certificate, evidence of primary care of a family member, or letters of support from other supervisors he/she worked with during that same rotation who could speak on his/her behalf, etc.*

Program Director should forward the written notice and any documentation submitted to the preceptor who signed the decision/evaluation being appealed.

#### IV. Pre-appeal resolution

Where appropriate, after the appeal has been filed by a resident, Program Director, preceptor who signed the evaluation and the resident are encouraged to meet and attempt to resolve the issue.

The outcome of this meeting, or the fact the meeting was not requested or held, should be clearly documented and placed in the resident's file. If the preceptor revises the evaluation, the revised evaluation will become official and will replace the earlier one. If the preceptor does not revise the original evaluation, the resident may proceed further with the appeal procedure.

The meeting should occur as soon as possible, and its outcome should be known to the resident no later than **14 days** after filing a written notice of appeal.

#### V. Procedure

Program level appeals must be heard by the Program Appeal Committee which is a sub-committee of the Residency Program Committee of the Residency Program in Orthopedic Surgery.

- i. Upon receipt of the notice of appeal from the resident (and if the pre-appeal resolution meeting was not requested, held, or led to any change), the Residency Program Director will ask the Department Head to strike a Program Appeal Committee. The Program Appeal Committee will have the following membership:
  - a. two faculty members from the Residency Program in Orthopedic Surgery who have had no direct involvement in the assessment of the resident in relation to the rotation at issue, one of whom shall be appointed Chair of the Program Appeal Committee.
  - b. a resident member of the Residency Program Committee, unless declined by the resident who is appealing; in the event that the resident who appealed elects not to have a resident appointed to the Committee, then the Department Head will appoint a third faculty member to the Committee.

When the ground for the appeal is bias and/or different treatment in comparison to other residents in the program, the membership of the Program Appeal Committee should reflect the impartiality of the program (e.g. faculty and members should be from different site if program operates in more than one site).

- ii. The appeal must be scheduled by the Chair of the Program Appeal Committee within **14 days** of receipt of the written notice of the appeal to the Residency Program Director.
- iii. Resident will provide written account of the basis for the appeal, forwarded by the Residency Program Director to the Chair of the Program Appeal Committee. The Residency Program Director will provide the resident and the members of the Program Appeal Committee access to documentation related to the resident's performance on the assessment in issue (evaluation and correspondence), when requested by the Chair of the Program Appeal Committee, but prior to the meeting of the Program Appeal Committee. Chair of the Program Appeal Committee can contact any of the faculty named on the appealed assessment, if further information is required.

- iv. Both the preceptor who signed the decision/evaluation being contested, and the resident should attend the hearing, and will be provided the opportunity to make oral statements. The preceptor and the resident may be accompanied by support person. The Residency Program Director should not participate in the hearing of an appeal of unless he/she was one of the supervisors of the resident during the rotation being contested. The preceptor and the resident appear before the Committee and withdraw simultaneously. The meeting is informal and non-confrontational.
- v. The Program Appeal Committee will then deliberate *in camera*. The Program Appeal Committee may review whether:
  - a. The assessment was conducted fairly;
  - b. The assessment was conducted accurately so that it reflects the knowledge, skills and attitudes of the resident on the rotation in question;
  - c. In the preceptor's opinion, there was adequate time and exposure to evaluate performance;
- vi. The decision of the Program Appeal Committee with regard to the resident's appeal will be made on the basis of a majority vote.
- vi. Minutes will be kept of the appeal meeting. Minutes for Program Appeals Committee meeting should include the final decision and a brief rationale for the decision, but will not become part of the resident file.

## VI. Decisions available

The Program Appeal Committee can reach one of following decisions:

- i. Deny the appeal on the grounds that the appropriate process (including consideration of relevant information) for assessment has been followed and the evaluation will remain in the resident's file;
- ii. Deny the appeal on the grounds that there had been some procedural deficiency of a minor nature identified, but the Program Appeal Committee is satisfied that this procedural error could not have resulted in an inaccurate assessment;
- iii. Grant the appeal on the grounds that there had been a procedural deficiency, which could have resulted in an inaccurate assessment, in which case the evaluation will be corrected or a new evaluation will be completed and placed in the resident's file.
- iv. Grant the appeal on the grounds that there are compelling extenuation circumstances that warrant an additional period of assessment, after which the resident will undergo new evaluation, which will be placed in the resident's file.

The Program Appeal Committee will prepare a written decision, including reasons. The decision will be forwarded to the Residency Program Director, who will share it with the resident, and the preceptor who signed the appealed evaluation. The written decision must be provided to the resident within **14 days** from the day of the Program Appeal Committee meeting.

**VII. Further appeal**

The entire process from the notice of appeal to the Residency Program Director to communicating the decision to the resident must not exceed 6 weeks.

If the outcome of this appeal process is not satisfactory to the resident, the resident may submit a further appeal to the Standing Committee for Appeals, College of Medicine, according to Part D of the [Assessment of Postgraduate Trainees: Guiding Principles](#). The resident initiates the College level process by submitting a signed notice of appeal to the Associate Dean, PGME, no later than 30 calendar day of receiving written notice of the decision of the program appeal process.

