

Departmental Po-94 TFicy

Departmental Procedure

- a) "Accommodation Assessment Committee" means the body established in accordance with the *PGME Medical Learner Accommodation Process*.
- b) "Accommodation Plan" means the plan for a Reasonable Accommodation developed by the Accommodation Assessment Committee in response to a request for Accommodation pursuant to the *PGME Medical Learner's Accommodation Process*.
- c) "Advisor" means an individual who will assist the Resident or the Respondent during an appeal. Individuals who may be an Advisor include: legal counsel; the Student Ombuds; a peer or a family member.
- d) "Assessment" means a systematic collection and interpretation of performance feedback data about a Resident to support and document the progressive development of competence. "Evaluation" is used interchangeably with Assessment in some Programs.
- e) "Associate Dean" means the Associate Dean of Postgraduate Medical Education in the Cumming School of Medicine at the University of Calgary. The Associate Dean is the Faculty member responsible for the overall conduct and supervision of PGME within the faculty.
- f) "Business Days" means days that the University is open for business, excluding weekends and holiday closures.
- g) "CBME" means Competency Based Medical Education; a medical curriculum paradigm that focuses on outcomes.

- k) "Educational Experiences" means an experience in a particular environment or

- u) "PGY level" means postgraduate year and is used interchangeably with residency year.
- v) "Preceptor" means a physician directly responsible for a period or segment of the Resident's professional medical training, teaching and instruction and who contributes to the assessment process. "Supervisor" may be used interchangeably with "Preceptor".
- w) "Probation" means a formal program of individualized educational support, assessment, and monitoring that requires a Resident to demonstrate sufficient improvement in described areas in order to continue in the Program. Refer to

- ee) "Resident's Home Program" means the Program the Resident is registered in.
- ff) "Respondent" means a person or persons who responds to an appeal. This is often, but not universally, the Program Director for the relevant Program.
- gg) "Rotation" is defined by each Program as a required element of training and may consist of one or more four (4) week blocks.
- hh) "RPC" means Residency Program Committee and is the committee that assists the Program Director in the planning, organization, and supervision of the Program. "REC" (Residency Education Committee) or "RTC" (Residency Training Committee) are equivalent terms in use by some Programs. This also means the Family Medicine Postgraduate Education Committee and includes the Resident Performance Subcommittee in CFPC Programs.
- ii) "Stages of Training" in RCPSC CBME means four developmental stages: transition to discipline, foundations of discipline, core of discipline, and transition to practice. Each stage has its own set of markers for learning and assessment.

f) An end of Rotation ITER decision which is “marginal” or “satisfactory” but with specific performance deficiencies.

- 4.4 Pending the disposition of an appeal, the RPC, or relevant delegated Program Committee, will determine if a Resident may continue with regularly scheduled rotations or whether alternative arrangements such as a leave of absence are necessary. Any leave of absence may be unpaid. Credit granted for continuing training pending the disposition of the appeal will be at the discretion of the RPC and based on rotation requirements. Decisions of the RPC, or relevant delegated Program Committee, pursuant to this section, cannot be appealed.
- 4.5 The University of Calgary and the Cumming School of Medicine does not have the ability to produce patient health records or health information that may be relevant to a Resident’s appeal. If the Resident wishes to rely on these documents in their appeal, the Resident must request these documents from the relevant Custodian as defined by Alberta’s *Health Information Act*.

5 PGME Appeals

- 5.1 An appeal to the PGME Appeals Committee must be submitted by email to pgmeappeals@ucalgary.ca no later than 11:59 PM (MT) on the 10th Business Day following receipt of the decision to be appealed.
- 5.2 A Resident may make a request to extend the deadline in Section 5.1 if a request for extension is made to pgmeappeals@ucalgary.ca prior to the expiration of the deadline. Extension requests must include a copy of the decision being appealed, the reason the extension is required and the length of extension being requested.
- 5.3 Extension requests made by a Resident pursuant to Section 5.2 are decided by the Associate Dean or delegate.
- 5.4 An appeal to the PGME Appeals Committee must include the following:
- a) the Resident’s UCID number;
 - b) a copy of the decision being appealed;
 - c) a list and full explanation of the

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- d) any other ground.
- 5.6 The following are not reasons a Resident can appeal and will result in the Resident's request being rejected:
- a) ignorance of the University of Calgary, CSM or Program policies, regulations, procedures, course outlines or expectations;
 - b) mere dissatisfaction or disagreement with the decision, the assessment criteria, or performance expectations;
 - c) achievement in other courses, assessments, programs, or Rotations;
 - d) the CSM did not approve a requested accommodation pursuant to the *Post Graduate Medical Learning Accommodation Process*; or
 - e) extenuating circumstances that could have been previously disclosed to the CSM.
- 5.7 The Chair will respond to a request for an appeal within fourteen (14) Business Days of its receipt indicating whether

amendments to the hearing dates only if a written request is made and only if there are exceptional circumstances that necessitate an amendment.

- 5.11 If necessary, the PGME Appeals Committee members, the Resident or the Respondent may be offered the opportunity to attend a hearing over teleconference, videoconference, or some other electronic means. The Chair has the authority to decide that an oral hearing will take place over teleconference, videoconference, or some other electronic means.
- 5.12 Both the Resident and the Respondent have the right to have a person of their choice appear with them at the hearing as an Advisor. Unless otherwise decided by the Chair, persons attending as an Advisor are not allowed to present evidence, to ask questions or to address the parties or the PGME Appeals Committee during the hearing.
- a) The parties must notify the Chair of their intent to be accompanied by an Advisor at least seven (7) Business Days prior to the hearing date. This notification should include the Advisor's name and if the Advisor is legal counsel.
 - b) Any applications to the Chair to have an Advisor present evidence, ask questions, address the parties or otherwise take on a greater role than contemplated in section 5.10, must also be made at least seven (7) Business Days prior to the hearing date.
- 5.13 Both the Resident and the Respondent have the right to challenge the membership of the PGME Appeals Committee who is hearing and deciding the appeal. Challenges may only be made where it is claimed that a PGME Appeals Committee member has a conflict of interest.

- c) assessments and other materials determined to be relevant by the Respondent and/or RPC regarding the Resident;
 - d) information regarding the process used in making the decision under appeal; and
 - e) other information that the Respondent feels is relevant to the appeal or the Chair requests.
- 7.3 The Resident and the Respondent must provide a list of all witnesses they intend to call at the hearing, as well as a summary of their anticipated evidence, no later than seven (7) Business Days prior to the hearing.
- 7.4 The Chair may request that the parties provide a summary of anticipated evidence of the witnesses.
- 7.5 The Chair may also request the inclusion of relevant documentation.
- 8 PGME Appeals Committee Hearing**
- 8.1 If either party attends the hearing with documentation not previously submitted, they must make a request from the Chair that they be included in the hearing.
- a) There must be enough copies for the PGME Committee and opposing party.
 - b) The opposing party may request an adjournment in order to review and address the new documentation.
- 8.2 The Chair has the discretion to run the hearing in the manner they feel is appropriate and may set time limits for presentations.
- 8.3 Witnesses are not permitted in the hearing room except during the time they are giving evidence and answering questions with the exception of the Respondent and Resident.
- 8.4 The decision of the PGME Appeals Committee will be based on all written and oral submissions presented at the hearing.
- 8.5 If the Resident or the Respondent do not attend the oral hearing, the PGME Appeals Committee may proceed with the hearing in the absence of the Resident or Respondent and may accept the written documentation submitted by the non-attending party in lieu of oral submissions made in person.
- 8.6 Following the hearing, the PGME Appeal Committee will meet *in camera* to consider the evidence and make a decision. Legal Counsel to the PGME Appeals Committee, if any, and any support personnel for the PGME Appeals Committee may attend deliberations.
- 8.7 The PGME Appeals Committee written decision will normally include a brief description of the history of the appeal, a summary of the evidence, the reasons for the decision and the resulting outcome. The decision letter will also inform the Resident that they may have a further right of appeal. The PGME Appeals Committee decision will not record any dissenting opinions.

