

School of Medicine
Postgraduate Medical Education: Level 2 Appeals
Academic Review Board: Terms of Reference and Rules of Procedure

Academic Review Board function

The Academic Review Board (ARB) is a special committee convened by the Associate Dean, Postgraduate Medical Education (PGME) to hear Level 2 appeals from a postgraduate medical student or an International Medical Graduate in the Assessment Verification Period (hereafter referred to as “residents” or “appellants”) from the decision of a RPC (RCPSC programs) or PGEC (CFPC program) or a requirement to withdraw for academic reasons. The ARB makes a formal recommendation to the Associate Dean, Postgraduate Medical Education about whether to deny or grant the appeal with or without conditions.

The ARB also conducts investigations under section 11.

Academic Review Board Membership

Membership of the ARB, including the designation of chair status is recommended by the Associate Dean, Postgraduate Medical Education and approved by the Vice-Dean Education on a case-by-case basis. All proposed members must be from outside the residency program of the appellant.

The ARB will normally consist of no less than three members including:

- A Designated Chair
- One faculty member
- One resident

Note: This number may be expanded at the discretion of the Associate Dean, PGME in consultation with the Vice-Dean Education should circumstances warrant.

Administrative support (secretarial) will be provided by the Postgraduate Medical Education Office.

Procedure for an Investigation

1. In the event of an investigation, pursuant to section 11.3b, the Associate Dean, PGME, convenes the Academic Review Board (ARB) to conduct an investigation, which will include a review of the Resident’s academic file, interviews with anyone with information relevant to the investigation, meetings with the Program Directors and Resident to discuss the concerns.
2. All material before the ARB in an investigation will be made available to the Program Director and the Resident in advance of their meeting time with the ARB.
3. The ARB will commence the investigation as soon as reasonably possible.

4. The Resident may have an advisory and/or support person (e.g., PARO representative, or legal counsel) present, but the Resident is expected to address the questions of the ARB.
5. The ARB will make a recommendation to the Associate Dean about the ongoing status of the trainee in the program, which may include:
 - (a) maintaining the suspension with or without conditions;
 - (b) removing the suspension with or without conditions; or,
 - (c) recommending that the Resident be required to withdraw.

Procedure for an Appeal

1. A Resident appealing to the ARB must file the appeal in writing explaining the reasons for the appeal and the remedy sought 15 business days after the decision being appealed. The grounds for appeal are extenuating circumstances or a breach of procedural fairness. Academic judgments are not subject to appeal.
2. In advance of the hearing, the Resident may file with the ARB documents that are relevant to the appeal.
3. The ARB will give the individual whose decision is being appealed (the decision maker) notice of the appeal and forward any documents received from the Resident to the decision maker. The decision maker will be asked to provide a response and all relevant documentation.
4. The ARB will set a date for the hearing as soon as reasonably possible. Any ARB member who is unable to be present for the entire hearing may not participate in the final decision.
5. The Resident, the decision maker, and other relevant witnesses will be invited to appear before the ARB to make submissions. The Resident may be accompanied by a representative and/or support person; however, it is expected that the Resident will be prepared to respond to questions from members of the ARB.
6. After hearing first from the Resident, the ARB will ask the decision maker to make submissions in response. The Resident will then be given the opportunity to reply to any new issues raised by the decision maker.
7. The members of the ARB may ask questions of the Resident, the decision maker, and witnesses and may ask for additional information to assist in understanding all the issues.
8. After the hearing, the ARB will meet in camera and render a formal recommendation. The recommendation and the reasons for the recommendation will be delivered to the Associate Dean, PGME.
9. The Associate Dean, PGME will render a final decision and notify the Resident and decision maker of the outcome. In the event that the Associate Dean, PGME, has concerns about the

recommendation of the ARB and is considering not adopting the recommendation(s), the Associate Dean, PGME, will advise the Resident of the concerns (in writing) and provide the Resident with an opportunity to respond (in writing, within 10 business days) prior to the final decision being rendered.