Appeals Policy – Residency Program

General

The Department of Psychiatry is committed to providing the highest level of education and support for residents. We recognize, however, that from time to time situations may arise in which residents do not feel that these standards have been met. The following document outlines the steps that are available in the instance that a resident wishes to appeal a situation that they feel may be unfair or irregular.

All psychiatry residents may dispute substantive (essential/relating to the substance of something) or procedural decisions made with respect to their training and to their evaluations including, but not limited to rotation assignments, call assignments, workload assignments and evaluations (e.g. ITERs, STACERS etc.).

All resident disputes with faculty are governed by the Faculty of Medicine Postgraduate Medical Education procedural policy Resolution of Resident Disagreement with Attending Physician or Supervisor. http://www.pgme.utoronto.ca/policies/supervision/disagreement.htm

Any retaliation for a resident appeal or complaint that was offered in good faith is completely unacceptable and will be viewed as resident intimidation.

Informal & Confidential Consultation

At any stage prior to filing an appeal with the Residency Program Director, a resident may consult with the Psychiatry Resident Advisor in order to obtain confidential advice and/or clarification with respect to any dispute that they experience within the Department of Psychiatry.

Steps (also see table below)

Step 1 – Informal

In the case of dispute, residents should first attempt to resolve the matter with the supervisor or other person whose decision/ruling is in question (i.e. chief resident in the case of call assignments). If the matter is not resolved with the supervisor, and the resident wishes to pursue the matter further, the resident should discuss the matter with the Site Coordinator or with the Hospital Psychiatrist-in-Chief. NB: Disputes arising from rotation assignments should be addressed directly with the Residency Program Director.
Step 2 – Departmental-Level Appeal

Should such discussions fail to resolve the matter, the resident may make a formal appeal in writing to the Residency Program Director and the Psychiatry Residency Program Committee (PRPC). This formal written appeal is to be submitted prior to the end of the rotation in which the dispute occurred. Every effort will be made to resolve the issue within four weeks of receiving the written appeal. If the issue cannot be resolved within four weeks, the resident will be informed in writing that this is not possible and a date for resolving the issue will be provided to the resident. In general, a resident appeal should follow the chain described in the table below.

Table

<table>
<thead>
<tr>
<th>Issue</th>
<th>Step 1 - Informal</th>
<th>Step 2 - Departmental-level</th>
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</thead>
<tbody>
<tr>
<td>Call Assignment</td>
<td>Chief Resident -&gt; Site Coordinator</td>
<td>Residency Program Director &amp; PRPC -&gt; Vice Chair of Education -&gt; Chair of Psychiatry -&gt; Postgraduate Vice Dean</td>
</tr>
<tr>
<td>Evaluations (except STACER)</td>
<td>Supervisor -&gt; Site Coordinator</td>
<td>Residency Program Director &amp; PRPC (NB: Failing rotations generally require a presentation to the Resident Evaluation Subcommittee and then the Faculty of Medicine Postgraduate Board of Examiners. This specific process is described in the Terms of Reference for the Resident Evaluation Subcommittee.) <a href="http://www.utpsychiatry.ca/Education/PostGraduate/termsref.asp">http://www.utpsychiatry.ca/Education/PostGraduate/termsref.asp</a></td>
</tr>
<tr>
<td>General Supervision Issues</td>
<td>Supervisor -&gt; Site Coordinator</td>
<td>Residency Program Director &amp; PRPC -&gt; Vice Chair of Education -&gt; Chair Psychiatry -&gt; Postgraduate Vice-Dean</td>
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<tr>
<td>Rotation Assignments</td>
<td>n/a</td>
<td>Residency Program Director &amp; PRPC-&gt;Vice-Chair of Education-&gt;Chair of Psychiatry -&gt;Postgraduate Vice Dean</td>
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<tr>
<td>STACER</td>
<td>n/a</td>
<td>STACER Examination Chair &amp; Residency Program Director-&gt;Vice-Chair of Education -&gt;Chair of Psychiatry-&gt; Postgraduate Vice Dean</td>
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Faculty of Medicine Appeals Protocol (Postgraduate Board of Examiners)

Any consideration for remediation that would involve substantial alteration of a resident’s program would be referred to the Faculty of Medicine Postgraduate Board of Examiners and therefore any appeals would be dealt with at that level.
Residents appeal the decisions of the Department of Psychiatry Resident Evaluation Subcommittee to the Postgraduate Board of Examiners (BOE).

Guidelines for the BOE are:

1. To provide minimum guidelines for the evaluation practices throughout the postgraduate medical education programs in the Faculty of Medicine.
2. To provide guidelines for the remediation, probation, suspension, dismissal of residents and
3. To ensure that evaluation practices are consistent with the University of Toronto University Grading Practices Policy, with the Standards of Professional Behaviour for Medical Undergraduate and Postgraduate Students of the Faculty of Medicine of the University of Toronto and with the requirements of the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada.

It is the responsibility of the Postgraduate Medical Education Advisory Committee (PGMEAC) to establish and supervise evaluation, promotion and dismissal of residents in all postgraduate medical education training programs.

The Board of Examiners for Postgraduate Programs is appointed by Faculty Council to:

1. Adjudicate on behalf of Council recommendations of Residency Training Program Committees and / or the Vice Dean, Postgraduate Medical Education concerning dismissal, failure, suspension and remediation of postgraduate medical students,
2. Consider the performance of any student whose name has been referred to the Board by a Residency Training Program Committee, or by the Vice Dean, Postgraduate Medical Education, and
3. Adjudicate on behalf of Council student promotion, failure and supplemental privileges in relation to the Certificate and Diploma Programs of the Faculty of Medicine.

The Vice Dean, Postgraduate Medical Education may bring to this Board the names of students/residents in difficulty. A student whose performance is being considered by the Board may make a written submission to the Board through the Vice Dean, Postgraduate Medical Education. Decisions of the Board are final and binding on the Faculty and the Residency Training Program Committees and Directors. Decisions of the Board may be appealed by students to the Faculty of Medicine Appeals Committee. All meetings of the Postgraduate Programs Boards will be held in camera.

The membership of the Appeals Committee includes the Chair, Vice-Chair, 11 faculty members, one undergraduate student, one student from Occupational Therapy/Physical Therapy programs, one student from the Radiation Sciences program, and one postgraduate
student. The Chair or Vice-Chair and seven members constitute a quorum, of which one must be a student.

Any student wishing to appeal a decision of the Board of Examiners – Postgraduate Programs must notify the Faculty Secretary in writing of her / his intention to do so within a maximum of two weeks (10 working days) after receiving written notice of the decision to be appealed, setting out the reasons for the appeal.

If an appeal is to be made to the Faculty Appeals Committee, the student must provide the Faculty Secretary with a formal Statement of Appeal, together with any supporting documentation. The Faculty Secretary will write to the student. This letter will:

1. Acknowledge receipt of the appeal;
2. Inform the appellant of the date, time and place of the hearing of the appeal;
3. Inform the appellant that he / she may appear in person with or without legal counsel, call evidence, examine witnesses and present arguments in person or by the counsel if he / she so desires, and so notifies the Faculty Secretary one week prior to the day of the hearing; and
4. Inform her/him that, should he/she decide not to attend the hearing on the date and at the time and place foresaid, the Committee may proceed in her/his absence. The appellant will not be entitled to any further notice concerning the proceedings, except the decision of the Committee.

If an appeal to the Faculty Appeals Committee is to be made, the Faculty representative (i.e., the Vice-Dean, Postgraduate Medical Education in the case of appeals by postgraduate medical students and students in the Certificate and Diploma Programs in the Faculty of Medicine) will be invited to provide a statement and supporting documentation in response to the student’s Statement of Appeal. This material should be filed with the Faculty Secretary who will forward a copy to the appellant. The Chair is empowered to seek a legal opinion on behalf of the Committee (subject to approval of the Vice-President and Provost). The appeal will be heard as soon as possible after assembling the necessary documentation.

1. The relevant Faculty representative will be invited to attend or send a representative to the hearing to provide information concerning the case, and to present the evidence upon which the decision was made. The Faculty Representative has the right to be represented by legal counsel (subject to approval of the Vice-President and Provost) and may call evidence and present arguments in person or by counsel if he / she so desires.

2. The Faculty Secretary will distribute – on a confidential basis – a copy of the appeal and any other material provided on behalf of the student or the Faculty to each member of the Appeals Committee, to the student and her / his counsel, and to the relevant Faculty representative and her/his counsel. The members of the Appeals Committee will read the material prior to the hearing.
A student may appeal the decision of the Faculty Appeals Committee to the Academic Appeals Committee of the Academic Board of the Governing Council. To do this the student should
consult the Secretary, Academic Appeals Committee, Office of the Governing Council concerning the preparation and submission of such an appeal. An appeal to the Academic Appeals Committee shall, except in exceptional circumstances, be commenced by filing a notice of appeal with the Secretary of the Committee, no later than ninety (90) days after the decision from which the appeal is being taken has been communicated in writing to the appellant.