



Joint and Stipendiary Faculty Appeal Procedure

Approved by: Academic Council
Responsible Office(s): Faculty Affairs
Responsible Officer(s): Associate Dean, Faculty Affairs

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Supercedes: n/a

Amended: n/a

Introduction

This document establishes the appeal process for Joint and Stipendiary Faculty Appeals for Promotion.

Appeals against the denial of promotion may be launched on one or more of the following grounds:

- a) that the established process was not properly followed on grounds of a procedural irregularity,
- b) that promotion criteria were incorrectly applied, or
- c) that natural justice was denied

Appeals must be filed in writing to the Dean within 10 working days of receipt of the notice of denial of promotion. All relevant documentation must be attached.

The Dean or delegate will review the letter of appeal to determine whether the appeal is based on one of the grounds of appeal set out in this document. If the Dean or delegate, determines that the appeal is not based on a ground of appeal set out in the NOSM Policy and Procedures Governing Joint and Stipendiary Faculty Promotions and the Joint and Stipendiary Faculty Appeal Procedure then the Dean or delegate may dismiss the appeal.

If the Dean, or delegate, determines that the appeal is based on one or more of the permissible grounds of appeal, then the Dean will refer the appeal to an advisory committee to hear the appeal ("Appeal Advisory Committee"). The Dean or delegate shall establish an Appeal Advisory Committee within 20 working days of the receipt of the written intention to appeal by the appellant.

Membership

Membership shall be composed of three members of NOSM Faculty at the rank of Associate Professor or above two of which must be stipendiary faculty from at least two different divisions. The appointments shall be conducted by the Associate Dean Faculty Affairs.

The faculty members must not have been members of the Joint and Stipendiary Faculty Promotions Committee that reviewed the promotion application. For cases in which the appellant is a senior administrator, faculty members holding an appointment in senior administration are ineligible to serve on the Appeal Advisory Committee.

One member of the committee shall be appointed Chair and this person shall have the primary responsibility for the orderly conduct of the proceedings.

Functions

The work of the Appeal Advisory Committee shall be conducted according to the principles of natural justice and due process. It is also in the interest of all parties to have the appeal process concluded as swiftly as is reasonable.

Subject to the agreement of the appellant, a Physicians Clinical Teachers Association (PCTA) or NOSM Faculty and Staff Association (NOSMFSA) representative shall be permitted to be present.

The following information will be made available to the members of the Appeal Advisory Committee and to the appellant:

- the promotion application originally submitted to the Division Head;
- the procedures that guided the Promotions Committee;
- the applications reviewed by the Promotion Committee;
- the recommendations made by the Promotions Committee.

The Appeal Advisory Committee may also interview other individuals who were involved in the process.

The Appeal Advisory Committee will submit a report of its decision to the Dean or delegate. The written report must include:

- a. the membership of the committee
- b. the background of the appeal and/or review
- c. a summary of the case of the appellant and the respondent
- d. the findings of fact
- e. the decision, recommendations (if any) and the reasons for its decision.

The Dean or delegate will inform the appellant in writing of the outcome within 10 working days of the appeal meeting.

In the event that the Appeal Advisory Committee denies the appeal, the appellant shall have no further right of appeal against the original decision of the Joint and Stipendiary Faculty Promotions Committee.

In the event that the Appeal Advisory Committee upholds the appeal, the Dean or delegate shall appoint a specially constituted review committee. The original promotion application will be reconsidered by this committee, which shall consist of five members, three of which shall be from the appellant's division. The faculty members must not have been members of the original Joint and Stipendiary Faculty Promotions Committee or Appeal Advisory Committee. Consideration by the specially constituted Committee shall commence within 20 working days of notification of the appellant of the decision of the Appeal Advisory Committee. The Review Committee shall follow the procedures outlined in NOSM Policy and Procedures Governing Joint and Stipendiary Faculty Promotions and this document.

The decision in this regard shall be final and binding.

Getting Assistance

Queries regarding interpretations of this document and resolution of issues should be directed to:

Office of Faculty Affairs
Northern Ontario School of Medicine
Telephone 1-877-678-7358

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Version	Date	Authors/Comments
V1.0	June 4, 2014	Expanded as procedural process document for Joint and Stipendiary Faculty Appeals