



Northern Ontario  
School of Medicine  
École de médecine  
du Nord de l'Ontario  
ᑭᑦᑎᑦᑭᑦ ᑭᑦᑎᑦᑭᑦ  
ᑭᑦᑎᑦᑭᑦ ᑭᑦᑎᑦᑭᑦ

## Academic Council Appeal Committee Terms of Reference

<b>Academic Council Appeal Committee Terms of Reference</b>					
<b>Approved By:</b>	Academic Council				
<b>Approval Date:</b>	2018 04 05	<b>Effective Date:</b>	2006 06 15	<b>Review Date:</b>	3 years
<b>Responsible Portfolio/Unit/ Committee:</b>	Academic Council/Governance and Nominations Committee				
<b>Responsible Officer(s):</b>	Secretary/Chair of GNC				

### **Function**

Appeal Committees drawn from a Committee Panel will be convened to hear learner appeals based on an academic decision rendered by any Northern Ontario School of Medicine (“NOSM” or “School”) program or committee under the purview of the Academic Council (the “Council”) making a promotion, withdrawal decision or finding of unprofessional behaviour.

The Committee Panel is to:

- Report on decisions of Appeal Committees, for informational purposes, to the Academic Council and applicable bodies. The name of the appellant shall be withheld in such reports.
- Advise and report to the Academic Council from time to time with respect to NOSM policies on academic appeals and appeal procedures throughout the School.
- Operate under the NOSM Policy Regarding Academic Appeals, and determine detailed procedures thereunder as necessary and appropriate.

### **Membership**

A Committee Panel shall be composed of the following individuals:

- The Chair of the Joint Senate Committee (or designate), who shall serve as Chair of the Committee Panel
- 2 additional members of the Joint Senate Committee
- 2 non-learner members from the Academic Council
- 3 faculty members at large (one from each Division – Clinical Sciences, Human Sciences and Medical Sciences Division)

- 1 learner appointed from each NOSM program<sup>1</sup> or subset of NOSM programs
- The Secretary to the Academic Council

Members of the Committee Panel shall be appointed by NOSM's Academic Council on the recommendation of the Governance and Nominations Committee and in accordance with procedures determined by the Academic Council.

To hear any appeal, an Appeal Committee shall be convened by the Secretary. The Appeal Committee shall consist of:

- The Chair or, in the event of a conflict, their designate, who shall serve as Chair of the Appeal Committee.
- One (1) member from each of the following, selected by the Chair of the Appeal Committee in accordance with these Terms of Reference and the NOSM Policy Regarding Academic Appeals from among the membership of the Committee Panel:
  - One (1) member of the Joint Senate Committee.
  - One (1) non-learner member from the Academic Council.
  - One (1) faculty member at large.
  - One (1) learner from a program other than the one in which the appeal is being heard.

An Appeal Committee is intended to be representative of the School and aimed at providing a balanced consideration of the appeal. The selection of the membership for an Appeal Committee should provide for a diverse representation when available. The Chair or designate shall take appropriate action to ensure such diversity on an Appeal Committee.

### **Resource Individuals**

- Associate Dean, Undergraduate Medical Education, non-voting and resource only
- Associate Dean, Postgraduate Medical Education, non-voting and resource only
- Assistant Dean, Learner Affairs, non-voting and resource only
- Program Manager, Northern Ontario Dietetic Internship Program (NODIP), non-voting and resource only
- Director of Planning and Risk, non-voting and resource only

### **Terms of Appointment**

Membership on the Committee Panel shall be for a period of two academic years, running from July 1 to June 30. Certain terms of service may survive beyond a member's term of appointment.

### **Conflict of Interest**

1. Members of the Committee Panel are responsible for recognizing and avoiding circumstances that may give rise to, or give the appearance of giving rise to, a conflict of

---

<sup>1</sup> NSOM Policy Regarding Academic Appeals Program Definition: "Program" means any combination of courses and/or other study requirements that, upon successful completion, lead to the award of a formal qualification such as a university degree (MD or MMS) or health professional certification (CCFP, FRCPSC or RD).

- interest between a member's direct or indirect interests and the member's obligations in conducting the business of the Committee Panel.
2. Members of the Committee Panel must identify and disclose to the Committee Panel any possible direct or indirect conflict of interest relating to a matter being appealed at the earliest possible time. The disclosure shall be sufficient to disclose the nature and extent of the member's interest. Once made, a disclosure of a conflict of interest that continues to exist shall be considered a continuing disclosure and shall be sufficient to fulfill the member's obligations of disclosure without the member having to make any additional disclosure regarding the matter, provided that the member must identify and disclose to the Committee Panel any material change that would impact on the nature or extent of the conflict.
  3. In appropriate circumstances, as determined by the Chair, a member of the Committee Panel may be required to abstain from proceedings and discussions on an identified matter being appealed and shall not attempt in any way to influence the voting on such matter.
  4. Prior to considering the merits of any appeal, the Committee Panel shall determine if any member chosen to serve on an Appeal Committee has a conflict of interest in the matter being appealed.

### **Meetings**

1. The Committee Panel and Appeal Committees will meet as required, including for planning and policy review purposes, based on the call for appeals or as directed by the Academic Council.
2. In the hearing of any appeal by an Appeal Committee:
  - (a) A quorum shall compose all five (5) voting members of the selected Appeal Committee.
  - (b) Each voting member of the Appeal Committee will have one vote. The Chair shall only cast a vote in the event of a tie.
  - (c) A simple majority of votes (i.e., more than 50% of votes cast) is required for an appeal to be granted.

### **Confidentiality**

1. Information learned by members of the Committee Panel in connection with the business and proceedings of the Committee Panel and its Appeal Committees are highly confidential and members are expected to maintain the strict confidentiality of such information, which includes without limitation:
  - a) Information concerning the personal affairs of students;
  - b) Information concerning the business, operations and governance of the School;
  - c) Information concerning the personal and professional affairs of School staff and faculty.(the "Confidential Information")

2. The duty of Committee Panel members to maintain the strict confidentiality of the Confidential Information applies both during and subsequent to their tenure of membership on the Committee Panel.
3. Disclosure of the Confidential Information must not be made by members of the Committee Panel except where required for the fulfillment of the Committee Panel’s purposes and where otherwise required by law and only to the extent thus required.
4. Meetings of the Committee Panel and its Appeal Committees are closed to the public.
5. On conclusion of the term of their appointment, all Appeal Committee’s members must return to the Chair of the Committee Panel or designate, without demand, any correspondence, documents, papers and property belonging to the Committee Panel, including memoranda or other written matter emanating from his/her appointment with the Committee Panel.
6. On conclusion of the term of their appointment, all Committee Panel members shall not publish or otherwise reproduce, by any means, any of the above-mentioned matters for possible use against the best interests of the Committee Panel or any student of the School.
7. The Chair of the Committee Panel will be responsible for advising the members on the following policy of confidentiality:
  - (a) prevention of unauthorized release of information from the Committee Panel is only possible through the goodwill and integrity of the individual members;
  - (b) strict confidentiality must be maintained regarding all information presented to and considered by the Committee Panel and its Appeal Committees;
  - (c) the official spokesperson for the Committee Panel and its Appeal Committees will be the Chair.

**Related Policies/Documents**

- Related Program Appeals Policies
- NOSM Policy Regarding Academic Appeals
- Request for Appeal Form
- Appeal Process Overview Chart

<b>DO NOT REMOVE THIS VERSION RECORD FROM THIS DOCUMENT</b>		
<b>Version</b>	<b>Date</b>	<b>Authors/Comments</b>
V1.0	June 15, 2006	Original document
V2.0	January 30, 2014	Complete revision based on new Appeals Policy and other requirements
V3.0	April 5 2018	BLG Legal Opinion / Full Review /Updated JSC Recommendation to list Divisions and footnote on Programs