

## Senate Appeal Committee

Approval Authority: Senate

Established: 2006 06 15

Amendments: 2014 01 30, 2018 04 05, 2022 12 15

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### Function

The Senate Appeal Committee hears appeals based on academic decisions, relating to a promotion or withdrawal decision, or findings of unprofessional behaviour, rendered by any NOSM University program or committee under the purview of Senate.

All defined terms in this document shall, unless otherwise indicated, have the same meaning as in the Senate Appeals Policy.

The Senate Appeal Committee is to:

- be an impartial adjudicative appeal body for learners on academic matters, whose decisions are final and without further appeal;
- hear appeals, through Senate Appeal Panels, only after other appeal processes have been exhausted and will not hear matters that are concurrently before other University bodies;
- report on decisions of the Panels to the Senate (on an annual basis, or whenever the Senate requests a report) and to other appropriate bodies (in all cases personal identifying Appellant shall be withheld) for informational purposes and, in the case of reports to the Senate, for the purpose of receiving any feedback the Senate considers appropriate;
- prepare for Senate approval and thereafter operate under the Senate Academic Appeals Policy, including the detailed procedures thereunder as necessary and appropriate; and
- where appropriate, draw to the attention of relevant University bodies or individuals any regulations, policies or practices that are giving rise to learner appeals so that they may be examined.

\* Any relief offered to learners in programs leading to a regulated profession may be constrained by professional accrediting bodies or placement agencies. The SAC and the Panels may not grant relief that would contravene or undermine externally determined standards or requirements that apply to learners.

### Membership

The SAC shall be composed of the following individuals:

- 7 faculty (representation across the University\*) of which 3 shall be members of Senate and 4 at large.
- 1 learner appointed from each NOSM program<sup>1</sup> or subset of NOSM University programs
- University Secretary (Senate) (non-voting)

SAC Members shall be appointed by Senate on the recommendation of the Senate Executive Committee and in accordance with procedures determined by Senate.

The SAC Chair and Vice-Chair shall be chosen by Senate from among the faculty members on the SAC. The terms of the SAC Chair and Vice-Chair will be two academic years, running from July 1 to June 30. Both the SAC Chair and Vice-Chair are eligible for appointment to multiple successive terms. In addition, the Senate may extend the terms of the Chair and/or Vice Chair for any period it deems advisable in the circumstances. To maintain continuity, the Chair will normally be succeeded by the Vice-Chair then in office.

Appeals shall be heard by a Panel of Committee Members chosen by the SAC Chair. Each Panel shall be made up of:

- The SAC Chair or in the event of a conflict or otherwise at the SAC Chair's discretion, a designate, who shall serve as Panel Chair.
- Four (4) additional members of the SAC selected by the SAC Chair as follows:
  - One (1) faculty member from the Senate
  - Two (2) faculty member at large
  - One (1) learner from a program other than the one in which the appeal is being heard.

A Panel is intended to provide a balanced consideration of the appeal. Where possible, it should be representative of the whole University, including this diverse nature of the University. The Chair may take action to ensure this is applied.

### **Resource Individuals**

The following shall serve as ex officio non-voting resource members of the SAC and at the discretion of the SAC Chair, one or more may serve as non-voting resource members of a Panel:

- 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
- Assistant Dean, Graduate Studies, 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

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<sup>1</sup> NOSM 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).

Other non-voting resources from Vice Deans, Associate Deans or Directors responsible for other degree or certificate granting programs may be included as required and at the discretion of the SAC Chair.

### **Terms of Appointment**

Voting members of the SAC shall be appointed for a term of two academic years, running from July 1 to June 30. Voting members are eligible for appointment to multiple successive terms. In addition, the Senate may extend the term of any voting member for any period it deems advisable in the circumstances.

The term of any member which would otherwise expire during the time that they are serving on a Panel, will automatically be extended to allow the member to complete the appeal the Panel is considering.

### **Conflict of Interest**

1. Members of the SAC are responsible for recognizing and avoiding circumstances that may give rise to, or give the appearance of giving rise to, a conflict of interest between a member's direct or indirect interests and the member's obligations in conducting the business of the SAC.
2. Members who have been asked to serve on a Panel must identify and disclose to the SAC Chair (or in the case of a conflict on the part of the SAC Chair to the Vice-Chair) any direct or indirect conflict of interest relating to a matter being appealed at the earliest possible time.
3. In appropriate circumstances, as determined by the SAC Chair or a Panel Chair as the case may be, a member of the SAC or a 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 Panel Chair shall raise the question of whether any member of the Panel has a conflict of interest or an appearance of conflict of interest with the Panel members and, in consultation with the SAC Chair or the SAC Vice Chair if the Chair has a conflict, shall determine how the matter should proceed.

### **SAC Meetings and Panel Deliberations**

1. The SAC shall meet as a whole to consider general matters such as planning, policy review and reporting obligations as required by the SAC Chair or as directed by Senate.
2. Panels shall meet as required after they have been constituted.
3. For the purpose of a final decision on the hearing of an appeal by a Panel:
  - (a) Quorum shall be all the members of the Panel;
  - (b) A majority of votes is required for an appeal to be granted;

### **Confidentiality**

1. Much of the information obtained by members of the SAC or of a Panel, as the case may be, in connection with the business and proceedings of the SAC or of a Panel is confidential. SAC and Panel members are required to maintain the confidentiality of all such information and not to use

the information for any purpose other than the business of the SAC. Confidential information includes but is not limited to:

- a. Information concerning the personal affairs of learners;
  - b. Information concerning the business, operations and governance of the University
  - c. Information concerning the personal and professional affairs of staff and faculty.
  - d. For greater certainty all information obtained by a member of the SAC during the course of their service on the SAC shall be treated as confidential. All questions about the disclosure of information obtained by a member of the SAC during the course of their service on the SAC must be raised with the SAC Chair who shall have final authority on the question of disclosure.
  - e. The obligation of SAC and Panel members to maintain confidentiality shall continue after the conclusion of the member's tenure on SAC or any Panel.
2. Members of SAC and all Panels may only disclose confidential information where such disclosure is necessary for the fulfillment of SAC's or a Panel's obligations, or where otherwise required by law and then only to the extent necessary or required.
  3. Meetings of SAC and deliberations of a Panel are closed to the public.
  4. All communications about the work of the SAC shall be made by the SAC Chair.
  5. All communications about the work of a Panel shall be made by the Panel Chair.
  6. The SAC Chair is responsible for ensuring that each SAC member is aware of their confidentiality obligations.

A breach of confidentiality obligations will be considered to be misconduct of the highest order and in addition to any other sanction available to the University may result in the immediate removal of the member from the SAC.

**Related Policies/Documents**

- Related Program Appeals Policies
- Senate Academic Appeal Policy
- Request for Appeal Form