

Faculty of Medicine & Dentistry Practicum Intervention Appeals Policy

1.0 Overview

Practicum Interventions are a means by which, because of public interest, public safety or public health considerations, a student can be denied placement in a Practicum; be withdrawn from participation in a practicum; or have participation in a practicum suspended or varied through the imposition of conditions which must be met prior to or as part of the Student taking up, continuing, or returning to a Practicum. (Overview, University of Alberta Practicum Intervention Policy-hereinafter referred to as the Practicum Intervention Policy,

The Practicum Intervention Policy can be found at:

<http://www.governance.ualberta.ca/en/StudentAppeals.aspx>

1.1 Purpose

The Faculty of Medicine & Dentistry is responsible to ensure its Students do not place public interest, public safety or public health concerns (including the working and learning environment) in jeopardy or harm's way. The Practicum Intervention Policy gives the Faculty the mechanisms necessary to protect the public, other health professionals, and colleagues from actions and behaviours that are perceived to be causing harm.

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1.3 Definitions:

Definitions listed below apply to this document only with no implied or intended institution-wide use:

1. "Academic Standing" means any matter covered in a Faculty's academic standing regulations as approved by GFC, its Executive or the GFC Academic Standards Committee (ASC) and as published in the University calendar. Academic Standing comprises such matters as continuation in a program, promotion, graduation, and the requirement for a student to withdraw. Unless stated otherwise, changes to academic standing regulations affect new students, continuing students, and students readmitted to a program or Faculty. Students should refer annually to the University calendar for the Academic Standing regulations governing their degree programs." (University Calendar, Section 23.6)
2. "Advisor" means a person who will assist the Appellant or the Respondent during the appeal process. Assistance may be provided by the Student OmbudService, Office of Learner Advocacy and Wellness (LAW), Student Legal Services, legal counsel or another advisor of the Appellant's or Respondent's choice.
3. "Appellant" means a Student appealing a decision of the Faculty of Medicine & Dentistry.
4. "Chair" means the Chair of the Faculty Practice Review Committee (FPRC).
5. "Dean" means the Dean or any delegate acting on behalf of the Dean who invokes a Practicum Intervention. In cases where a Student is required to withdraw from his/her program, "dean" shall be interpreted as the Dean (or delegate) of the Faculty in which the Student is enrolled.
6. "Faculty" means the Faculty of Medicine & Dentistry and includes any person or body who has exercised, is exercising, or will exercise any power of the Faculty ("faculty" used in the lower case means full-time academic staff).
7. "FPRC" means the Faculty Practice Review Committee.
8. "GFC" means General Faculties Council. The University's governing body that has statutory authority over academic matters and student affairs.
9. "GFC PRB" means the General Faculties Council Practice Review Board.
10. "LAW" means Learner Advocacy and Wellness office in the Faculty of Medicine & Dentistry.
11. "Panel" means, the FPRC members constituted to hear an appeal as set out in Section 4.5 of this policy.
12. "Panel Member" means the Chair, or a member of the Panel of Faculty Members or the Panel of Students, as set out in Section 5.4 of the *Faculty of Medicine & Dentistry Academic Appeals Policy*

for Undergraduate and Graduate Students, as well as, the Faculty of Medicine & Dentistry Academic Appeals Policy for Postgraduate Medical Education Students.

13. “PME Student” is a Postgraduate Medical Education “Resident” or “Fellow” or “Diplomate” defined as follows:

Resident: A post-M.D. trainee registered in an approved postgraduate training program whose training for that contract term is credited towards certification by the Royal College of Physicians and Surgeons (RCPSC) or the College of Family Physicians of Canada (CFPC).

Fellow: A post-M.D. trainee registered with the Postgraduate Medical Education (PGME) Office who is pursuing supervised clinical and/or research training which is not credited towards fulfilling certification eligibility requirements of existing residency programs recognized by the RCPSC or the CFPC.

Diplomate: A post-M.D trainee who is certified in a primary specialty of a certifying college and whose training for the contract term is credited towards a diploma from the RCPSC.

14. “Practicum” means any placement (volunteer or otherwise) which is part of a student’s professional program and which places or may place the Student in contact with the public.
15. “Practicum Intervention” See Section 87.1.b. of the Practicum Intervention Policy.
16. “Student” means an undergraduate Student, as defined in Section 21.1 of the University of Alberta Calendar; a graduate Student, as defined in Section 203.4 of the University of Alberta Calendar; or a Postgraduate Medical Education Student as defined in this policy.
17. “Respondent” means a person designated by the Dean, or delegate, who responds to an appeal on behalf of the Faculty.
18. “University” means the University of Alberta.
19. “University Supervisor” means the faculty member, clinical co-ordinator and/or program co-ordinator or equivalent, directly responsible for supervising a Student who is assigned to a Practicum.
20. “Vice-Dean, Education” means the senior faculty officer responsible for all facets of education in the Faculty of Medicine & Dentistry. The Vice-Dean, Education, acts under delegated authority from the Dean to oversee Faculty of Medicine & Dentistry student appeals.
21. “Working Day” is defined as a day on which University administrative offices are open. The day preceding the Christmas holiday period shall not be considered a Working Day for appeal deadlines.
22. “Written Reasons” is a brief written summary of the arguments and evidence presented at the FPRC hearing along with the reasons for the decision.

2.0 Practicum Intervention

The Faculty of Medicine & Dentistry takes its responsibilities to protect public interest, public safety and public health concerns (including the work and learning environment) seriously. A Dean, or a delegate of the Dean, including a University Supervisor, may intervene in the Practicum of a student where there are reasonable grounds to believe that this is necessary because of public interest, public safety, or public health concerns. In making a decision to intervene, third parties may be consulted. Any person acting as a delegate of the Dean in initiating a Practicum Intervention shall take steps to immediately inform the Dean of any actions taken under the delegated authority. The intervention shall take effect immediately upon verbal or written notification by the Dean or delegate (Section 87.1, Practicum Intervention Policy).

2.1 Practicum Intervention Notice - Responsibilities of the Dean or Delegate

Within ten (10) **Working Days** of a student being verbally notified of a decision to intervene, the Dean shall provide the student with notice in writing:

- i) of the nature of and the reasons for the Practicum Intervention and, if applicable, any adverse effect to the student's Academic Standing or upon the student's professional program as a result of the Practicum Intervention; or. any effect to the grade assigned in the course;
- ii) of any conditions applicable to the Practicum Intervention, including those which must be met by the student before the student will be permitted to take up, continue or return to a Practicum (if applicable);
- iii) of the student's first right of appeal of the Practicum Intervention to the Faculty Practice Review Committee (FPRC) **within 15 Working Days** of the deemed receipt of the Dean's written decision;
- iv) any Faculty procedures;
- v) where on-campus assistance is available;
- vi) that any conditions imposed must be appealed at the time they are set out by the Faculty. Should the student not appeal and subsequently fail to fulfill the required conditions, further appeal rights are waived (both at the Faculty level and at the level of the GFC Practice Review Board);
- vii) that, where applicable, the student is not permitted to go to the placement site for any reason without the Dean's written permission. (Section 87.2 of the Practicum Intervention Policy).

2.2 Practicum Intervention - Students' Right of Appeal

Students have the right to appeal a Practicum Intervention decision of the Dean to the FPRC. All matters surrounding the Practicum Intervention shall be heard by the FPRC at the same time. When a Student has been charged under the Code of Student Behaviour and has been sanctioned the restrictions set out in Section 30.5.1 of the Code of Student Behaviour, and Section 87.4. of the Practicum Intervention apply. In such cases, the FPRC does not have jurisdiction to hear matters arising from the Code of Student Behaviour charge(s) and sanction(s).

<http://www.governance.ualberta.ca/CodesofConductandResidenceCommunityStandards.aspx>

<http://www.governance.ualberta.ca/en/StudentAppeals/PracticumInterventionPolicy.aspx>

2.3 Practicum Intervention Appeal Procedure

2.3.1 Initiation of an Appeal

A Student who wishes to appeal a Practicum Intervention decision must submit a written appeal to the FPRC within **15 Working Days of the deemed receipt** of the Dean's decision. To initiate a formal appeal to the FPRC the Student must submit his or her written appeal along with any and all supporting documentation to the **Vice-Dean, Education, in the Faculty of Medicine & Dentistry, 2J2 Walter C Mackenzie Health Sciences Centre**, by fax to 780-492-7303, or by email.

2.3.2 Appeal Content - Elements of the Appeal

The following information must be included with all Practicum Intervention appeals to the FPRC.

1. The Appellant must:
 - a. indicate whether he or she is appealing any conditions imposed and, if applicable, any adverse effect to their grade or Academic Standing resulting from the Practicum Intervention.
 - b. state the full grounds of appeal;
 - c. state the relief requested;
 - d. include a statement of relevant information and details, including a timeline of any specific event(s);
 - e. include applicable supporting documentation;
 - f. name any person who will speak on behalf of the Appellant, should the Appellant be unable to attend the hearing;
 - g. if known, name of Advisor and any witnesses (including witness credentials) who will be called;
 - h. state the Appellant's preferred location to send official correspondence (mailing address or fax number) that the Appellant will be responsible to monitor regularly; and
 - i. be signed by the Appellant.

3.0 Appeals to the Faculty Practice Review Committee (FPRC)

Upon receipt of an appeal, the Faculty level appeal process is initiated as noted in Section 5.0 of this policy. Section 4.0 of this policy sets out information regarding the FPRC.

3.1 Information on the Preparation and Submission of Appeals

Information on the submission of appeals, associated deadlines, and other process related matters is available from the **Office of the Vice Dean Education, 2J2.07 Walter C Mackenzie Health Sciences Centre**. Students wishing to consult the Vice-Dean, Education, should make an appointment, and may do so by contacting the executive assistant to the Vice Dean at 780-492-5995.

Advice and assistance in the preparation and submission of appeals is available from the LAW office in the Faculty of Medicine & Dentistry, Student OmbudService, Student Legal Services or any other Advisor a Student may choose.

4.0 Faculty Practice Review Committee

4.1 Authority

The Faculty of Medicine & Dentistry Faculty Council have established a Practicum Intervention Appeal Policy. The FPRC shall hear and determine appeals from Students who have been subject to a Practicum Intervention and who have exercised his or her right to appeal the Dean (or delegate's) decision. The University's Practicum Intervention Policy is the source of the FPRC's powers and jurisdiction which allows each Faculty to establish additional rules and procedures for the actual hearing of FPRC appeals.

4.2 Jurisdiction of the FPRC

1. The FPRC shall hear and determine appeals from Students who have been subject to a Practicum Intervention and who have exercised his or her right to appeal the Dean (or delegate's) decision.
2. A defect in procedures shall not warrant the quashing of the decision being appealed.
3. In determining whether and what actions are necessary to protect the public interest in specific cases, the FPRC may seek and rely upon expert advice and third party assessment. In addition, the FPRC may hear from expert witnesses, and may have a resource person(s) attend any or all portions of a hearing.
4. Since the circumstances surrounding the Practicum Intervention may result in the failure of the course and may also affect Academic Standing the entire matter shall be heard at the same time by the FPRC in a single appeal hearing except as noted in Section 2.2 of this policy.

4.3 Powers of the FPRC

1. The FPRC have the powers set out in Section 87.1.b of the Practicum Intervention Policy, and may confirm, reverse or vary the Practicum Intervention decision of the Dean and in all cases, the FPRC may establish conditions, as set out in Section 87.1.d. of the Practicum Intervention Policy, for entry, continuation or re-entry to the Practicum, and vary any terms or conditions previously imposed by the Dean or delegate.
2. The decision of the FPRC shall be either:
 - a. to uphold (grant) the Student's appeal, in whole or in part, and grant relief;
 - b. to deny the appeal.
3. A Student can appeal the FPRC decision to the GFC Practice Review Board. The Student would need to appeal **within fifteen (15) Working Days of the deemed receipt of the FPRC decision**, to the GFC Practice Review Board (PRB) as set out in the Practicum Intervention Policy.

4.4 Composition of the FPRC

1. The members of the FPRC will be the same individuals as for the Faculty Academic Appeals Committee (FAAC). The membership of the FAAC is set out in the *Faculty of Medicine & Dentistry Academic Appeals Policy for Undergraduate and Graduate Students*, as well as, the *Faculty of Medicine & Dentistry Academic Appeals Policy for Postgraduate Medical Education Students*.
2. The Chair of the FPRC will be the same individual(s) as the Chair of the FAAC.

4.5 Constituting the Panel to Hear an Appeal

1. For each appeal hearing the Chair constitutes the hearing panel.
2. A hearing panel shall consist of the Chair, two clinical academic staff members of FPRC, normally from the same Health Profession as the Appellant, and two student members of FPRC (as outlined below). No Panel member shall have been involved previously in the matter under appeal:
 - a. If the Appellant is a student in the MD program, one of the student members of the FPRC shall, normally, be from the MD program;
 - b. If the Appellant is a student in the Medical Laboratory Sciences program, one of the student members of the FPRC shall, normally, be from the Medical Laboratory Sciences program;
 - c. If the Appellant is from the DDS program, one of the student members of the FPRC shall, normally, be from the DDS program;
 - d. If an appeal is from a Dental Hygiene Student, at least one (1) student member on the Panel should be from the Dental Hygiene program;
 - e. If the Appellant is from a post-MD program, the student members (resident/fellow/diplomate) shall, normally, be post-MD students registered with the Postgraduate Medical Education (PME) office.
 - f. If an appeal is from the Radiation Therapy program, at least (1) student member on the Panel should be from the Radiation Therapy program.
3. If no faculty members are available, the Chair of the FPRC or the Vice-Dean, Education, may appoint other faculty members to constitute the Panel. In such cases, both parties will be given the opportunity to challenge potential members of the Panel.
4. If no student members are available, the Chair of the FPRC or the Vice-Dean, Education, may appoint other student members to constitute the Panel. In such cases, both parties will be given the opportunity to challenge potential members of the Panel.
5. Any Panel Member who has been called to serve on the FPRC for a particular case may complete his or her service on that case even if his or her term expires or, in the case of student members, a student graduates or changes status (for example from undergraduate to postgraduate).

6. Panel members will be asked in advance of a hearing to declare any possible bias. If a Panel member declares such a bias, a member from the same category will be selected from the members that both parties were given an opportunity to challenge.

5.0 FPRC Procedures

5.1 Procedures Prior to an FPRC Hearing

1. Upon receipt of an appeal, the Vice-Dean, Education, shall:
 - a. provide the name of the Chair to the Appellant and Respondent, and to the extent possible, provide the date being considered by the Chair for the hearing;
 - b. provide the Appellant and Respondent with a written acknowledgement of the appeal;
 - c. provide a copy of the appeal and all documents provided by the Appellant;
 - d. provide the Appellant and Respondent with a list of On-Campus Sources of Assistance available at <http://www.governance.ualberta.ca/StudentAppeals/Resources.aspx>;
 - e. advise the Respondent that his or her response must include the following minimum information:
 - i. response to the Appellant's grounds for appeal;
 - ii. any documentation that the Respondent plans to refer to at the hearing.
 - f. advise the Respondent that a response is required **within fifteen (15) Working Days** of the deemed receipt of the material;
 - g. provide the Appellant and the Respondent with the FAAC membership list.
2. The Appellant and Respondent will have **five (5) Working Days** after receipt of the FAAC membership lists to lodge any challenge requesting that a Chair or a panel member not serve on the appeal. Challenges may only be made on the grounds that the Chair or panel member may have a bias that would prevent a fair hearing. The challenge must include written reasons to support the challenge. The Chair shall consider and rule upon the challenge. The decision of the Chair will be made without receiving further submissions and shall be final and binding.
3. Neither party shall have independent direct contact with the Chair prior to the hearing about the appeal. In the event that a procedural issue is raised before the hearing, the Vice-Dean, Education, will refer the matter to the Chair. The Chair will make a decision on the issue and before doing so may consult with the Vice-Dean, Education, and may consult with members of the Panel. At the request of the Vice-Dean, Education, or one of the parties, the Vice-Dean, Education, may ask the Chair to speak with both parties, and/or their advisors, directly and together. The decision of the Chair shall be final and binding.
4. Once the appeal has been received, either the Appellant or the Respondent may request in writing an extension of any future time limits. The Chair may extend any of the time limits where he or she is of the opinion that the Appellant or Respondent has reasonable grounds for requesting such extension. The decision of the Chair may be made without a hearing and shall be final and binding.
5. The Appellant and Respondent must notify the Vice-Dean, Education, immediately upon selecting an Advisor for purposes of representation at the FAAC hearing. This information will be provided to the Chair, the other party, and the Panel, if constituted.
6. If either the Appellant or Respondent plans to call witnesses, then that party must provide a witness list to the Vice-Dean, Education, at least five (5) Working Days prior to the hearing date. The Vice-Dean, Education, shall ensure that as witnesses become known, the other party and the Panel are

informed as to the identity of the witnesses. Each party is responsible for securing the attendance of their witnesses at the hearing.

5.2 The FPRC Hearing Date

1. The Chair shall set a time and place for the hearing of the appeal.
2. The Faculty shall, normally, establish pre-set hearing dates. The Chair will normally select a hearing date from the preset hearing dates, taking into account the need for parties to be provided with reasonable notice of the hearing date.
3. The Chair shall provide the Panel Members, the Appellant, the Respondent and their respective Advisors with:
 - a. the date, time and place of the appeal hearing; and
 - b. the appeal, the response, and any documentation received from the parties.

5.3 Procedures at the FPRC Hearing

1. The quorum for the Panel shall be the Chair, one faculty member, and one student.
2. Decisions of the Panel shall be by majority vote, with the Chair casting a vote in all cases.
3. Prior to hearing the case the Panel shall:
 - a. determine whether the appeal falls within its jurisdiction; and
 - b. take the necessary steps to familiarize themselves with the relevant regulations that govern the Student's program.
4. If the Appellant or Respondent does not appear on the date set for the hearing of the appeal, the Panel may, in its discretion, reschedule the hearing or proceed with the hearing in the absence of the Appellant or the Respondent.
5. The Appellant and Respondent may each be accompanied by one Advisor.
6. The Appellant, Respondent and Panel may call and question witnesses.

5.4 FPRC Suggested Hearing Procedures

The FPRC shall conduct hearings in a manner which, in its sole discretion, it considers proper. All determinants of process shall be made by the Chair. The hearing will normally follow these procedures, which the FPRC may vary:

- a. The Chair shall make an opening statement to introduce the parties to the appeal;
- b. The Chair shall explain the rules of decorum, review the procedures to be followed, and confirm the jurisdiction of the FPRC. The Appellant and Respondent may make statements, present evidence and ask questions as noted in this section. All questions should be directed through the Chair unless the Chair decides otherwise. The Chair shall ensure that everyone has sufficient opportunity to ask questions;
- c. The Chair shall invite the Appellant (and/or Advisor) to make an opening statement and present his or her case;

- d. The Chair shall invite the Respondent (and/or Advisor) to question the Appellant.
- e. The Panel may question the Appellant;
- f. The Appellant's witnesses shall be called by the Chair one at a time and shall be present only while they are providing evidence. The witnesses shall be questioned first by the Appellant (and/or Advisor), then by the Respondent (and/or Advisor), and finally by the Panel. The Appellant (and/or Advisor) may then re-question the witness but only on matters that have arisen in the course of the previous questioning by the aforementioned parties;
- g. When questioning is concluded, the witness shall be dismissed by the Chair. The questioning procedures shall be repeated for each witness;
- h. The Chair shall invite the Respondent (and/or Advisor) to make an opening statement and present the case;
- i. The Chair shall invite the Appellant (and/or Advisor) to question the Respondent.
- j. The Panel may question the Respondent;
- k. The Respondent's witnesses shall be called by the Chair one at a time and shall be present only while they are providing evidence. The witnesses shall be questioned first by the Respondent (and/or Advisor); next by the Appellant (and/or Advisor); and finally by the Panel. The Respondent (and/or Advisor) may re-question the witnesses but only on matters that have arisen in the course of the previous questioning by the aforementioned parties;
- l. When questioning is concluded, the witness shall be dismissed by the Chair. The questioning procedures shall be repeated for each witness;
- m. The Chair shall invite the Appellant (and/or Advisor) to present any evidence he or she may have by way of rebuttal. Such evidence shall be subject to questioning by the Respondent (and/or Advisor), followed by the Panel;
- n. The Chair shall invite the Appellant (and/or Advisor) to make a brief closing statement which is not subject to questioning;
- o. The Chair shall invite the Respondent (and/or Advisor) to make a brief closing statement which is not subject to questioning;
- p. The Chair shall adjourn the hearing for the Panel's deliberation; the Appellant and Respondent (and Advisors) shall leave the hearing; and
- q. The Panel shall deliberate and reach a decision by majority vote.

5.5 Communicating the Decision of the FPRC

1. Where practical, the Chair of the FPRC will communicate the decision to the Vice-Dean, Education. The Vice-Dean, Education, will relay the decision to the Appellant (and Advisor) and the Respondent (and Advisor).
2. The Chair shall submit the Written Reasons of the FPRC, normally, within ten (10) Working Days of the decision being reached. The Written Reasons shall be signed by the Chair and provided to the Vice-Dean, Education. The Vice-Dean, Education, shall then send a copy of the decision to the Appellant (and Advisor), the Respondent (and Advisor), and the Dean.
3. If the appeal of a Student to the FPRC is unsuccessful, in whole or in part, the Vice-Dean, Education, shall:
 - a. inform the Student of his or her right to appeal the FPRC decision to the GFC PRB;
 - b. provide the applicable GFC PRB appeal deadline and procedures;
 - c. state where sources of on-campus assistance are available;
 - d. provide the name and contact information of the Appeals Coordinator; and

- e. provide the FPRC's Written Reasons.

5.6 Confidentiality of Hearing and Material

1. Subject to existing University rules and/or regulations governing the confidentiality of information, all documents related to the appeal shall be made available to the Panel, both parties, and their respective Advisors.
2. Hearings are closed and all materials related to the hearings are confidential.
3. At the discretion of the Chair, incoming members of the FAAC may attend the hearing as observers. Observers play no active role in the hearing. The Faculty allows for their attendance as part of the training process for Chairs and FAAC members.

6.0 Service and Notice

1. Notices, decisions and other appeal materials sent by the Faculty may be hand-delivered, sent by e-mail, courier, or by any method of delivery offered by Canada Post. In cases where Appellants have an official campus address, material may be sent to that address by campus mail. Alternatively, at the Appellant's request, the Appellant may pick up the material, decision or notice at an arranged place. If the Appellant fails to do so the Faculty will decide which method of delivery will be used.
2. When sent by Canada Post, campus mail or courier, notices, decisions and appeal materials shall be sent to the last address provided by the Appellant to the University.
3. Delivery is deemed to have been effected on the date of pick-up, receipt of hand or courier delivery, or five (5) Working Days after being sent by Canada Post to Canadian addresses, and seven (7) Working Days after being sent by Canada Post to International addresses, or two (2) Working Days after being sent by campus mail. In accordance with the *University's Electronic Communication Policy for Students*, (University Calendar, Section 20.3), electronic communications sent by the University will be deemed received the next University business day (Working Day) after the e-mail was sent.

7.0 Amendment of the Policy

Changes to this policy proceed directly to the Dean's Executive Committee for approval. Normally, the Vice-Dean, Education, strikes a small *ad hoc* committee to review changes first, consulting as necessary with key stakeholders.

Policy approved by Faculty Council June 18, 2013
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