PRACTICUM INTERVENTION POLICY (Approved Faculty Council October 5, 2009)

FACULTY OF MEDICINE & DENTISTRY

FACULTY PRACTICUM REVIEW COMMITTEE

STUDENT PRACTICUM INTERVENTION APPEAL PROCEDURES

I. Overview and background

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of public interest, public safety or public health considerations, a student can be denied placement in a practicum; be withdrawn from participation in a practicum; or have participation in a practicum suspended or varied through the imposition of conditions which must be met prior to or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, section 87 of the GFC Policy Manual). For the purposes of this policy, as the Academic Appeals Policy, residents and fellows are considered “students”.

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 a Delegate of the Dean (Section 87.1, University of Alberta Practicum Intervention Policy).

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;

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 FPRC;

iv) of the FPRC appeal deadline under paragraph 2.1, below and of any additional Faculty appeal deadlines and procedures;

v) where on-campus assistance is available;

vi) that any conditions imposed must be appealed at the time they are imposed and that if the student subsequently fails to meet the conditions imposed there is no further right of appeal;

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 University of Alberta Practicum Intervention Policy).
Students have the right to appeal a practicum intervention decision of the Dean to the Faculty Practice Review Committee ("FPRC"). This document of the Student Practicum Intervention Appeal Procedures is meant to satisfy the requirement (prescribed in Section 87 of the GFC policy manual, effective July 1, 2008) to have a Faculty-level procedure for hearing appeals to practicum interventions. The University's Practicum Intervention Policy is the source of the Faculty Practice Review Committee's jurisdiction.

II. GENERAL INFORMATION

1. Definitions

1.1. Advisor*: A person who will assist the Student or a Faculty during the appeal process. Assistance may be provided by the Student OmbudService, Student Legal Services, legal counsel or some other advisor;

1.2. Appellant: The student launching the appeal;

1.3. Dean's decision: The written decision, described above, in which the Dean of the Faculty of Medicine & Dentistry indicates the nature, reasons, and conditions of the practicum intervention;

1.4. Deemed receipt: delivery is deemed to have been effected with one of the following:
   1.4.1. On the date of pick-up;
   1.4.2. Personal receipt of hand or courier delivery;
   1.4.3. Five working days after being sent by Canada Post to Canadian addresses, and seven working days after being sent by Canada Post to International addresses;
1.5. Practicum*: 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;

1.6. Respondent: The Dean Faculty of Medicine & Dentistry or designate;

1.7. Witness: A person who can present evidence or information to support an appellant or a respondent at a hearing;

1.8. Working Day*: A day on which University administrative offices are open.

*definitions taken from GFC Policy Manual section 87, the Practicum Intervention Policy

2. Appeal Deadlines

2.1. An Appellant 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.

2.2. The Faculty will either quote from paragraph 2.1, above, or actually specify a date in the Dean’s decision that provides the student with 15 Working Days to submit an appeal to the FPRC.

3. Appeal Submissions

3.1. Appeals to the FPRC must be submitted in writing by the Appellant by delivery to the Vice Dean Education at 2J2.07 WMHSC or by fax to 780-492-7303.
3.2. Due to security and signature issues, email correspondence is reserved for clarification correspondence only and will not be accepted for appeal submissions or formal responses.

4. Appeal Content

4.1. The following information must be included with all practicum intervention appeals to the FPRC. The Appellant must:

4.1.1. Indicate whether the Appellant is appealing any conditions imposed and, if applicable, any adverse effect to their academic standing resulting from the Intervention.

4.1.2. State the full grounds of appeal.

4.1.3. State the relief requested.

4.1.4. Include a statement of relevant information and details, including the timeline involved.

4.1.5. Include applicable supporting documentation.

4.1.6. Name any person who will speak on behalf of the Appellant, should the Appellant be unable to attend the hearing.

4.1.7. Name any advisors or witnesses who will attend the hearing with the student, if known.

4.1.8. State their University of Alberta student identification number.

4.1.9. State their telephone number and email address.

4.1.10. State the Appellant’s preferred location to send the official decision (mailing address or fax number) that the Appellant will be responsible to have monitored regularly.

4.1.11. Signature of the student.

III. THE FACULTY PRACTICE REVIEW COMMITTEE (FPRC)
1. **Committee Jurisdiction**

1.1. The FPRC has jurisdiction to hear appeals resulting from the Dean’s decision on a Practicum Intervention.

1.2. FPRC acts on delegated authority of Faculty Council.

2. **Composition of the Committee**

2.1. The members will be the same individuals as for the Faculty Academic Appeals Committee (AAC).

2.2. The Chair of the FPRC will be the same individual as the Chair of the AAC.

3. **Duties of the Committee Chair**

3.1. Oversees the work of the Vice Dean Education’s Assistant on appeals.

3.2. Ensures committee members have received proper instruction on appeal procedures.

3.3. Ensures an unbiased hearing panel is constituted for each appeal.

3.4. Ensures proper procedures are maintained and due process followed throughout the appeal hearing.

3.5. Ensures both the respondent and appellant have sufficient time to present their case.

3.6. Chairs the appeal hearing.
3.7. Identifies the Associate Chair if unable to chair a hearing.

4. Establishing the Hearing Panel

4.1 For each appeal hearing the Vice Dean Education will appoint in rotation, members of FPRC to a hearing panel as follows:

4.2 A hearing panel shall consist of the Chair, two clinical academic staff members of FPRC from the same Faculty as the Appellant and not involved with the situation under appeal and one student member of FPRC (as outlined below) not involved with the situation under appeal:

4.2.1 If the Appellant is a student in the MD program, the student member of the FPRC shall be from the MD program;
4.2.2 If the Appellant is a student in the Medical Laboratory Sciences program, the student member of the FPRC shall be from the Medical Laboratory Sciences program;
4.2.3 If the appellant is from the DDS program, the student member of FPRC shall be from the DDS program;
4.2.4 If the Appellant is from the Dental Hygiene program, the student member of the FPRC shall be from the Dental Hygiene program;
4.2.5 If the Appellant is from a post-MD program, the student member (resident/fellow) shall be a post-MD student registered with the PGME office;

4.3 The FPRC Chair will consider any challenges of committee membership by the appellant and the respondent.
IV. **THE HEARING PREPARATION PROCEDURES**

1. **Responsibilities of the Student (Appellant)**

   1.1 Contact the FPRC Chair via the Vice Dean Education’s Assistant in writing to provide necessary documentation.

   1.2 Sign a waiver prior to the hearing date if in agreement to waive the 10 working day notice of a hearing as referred to in 2.4, 2.9 and 2.10 below.

   1.3 Provide names of advisors or witnesses prior to the hearing.

   1.4 Ensure witnesses and advisors are informed of the hearing date.

   1.5 At least 24 hours prior to the hearing, confirm with the office of the Vice Dean Education (780-492-9727) that the student will appear at the hearing.

2. **Responsibilities of the Vice Dean Education’s Assistant**

   2.1 Organize hearings in consultation with the FPRC Chair.

   2.2 Notify FPRC members of hearings and ensure the FPRC Chair has set hearing panels.

   2.3 Inform the student and respondent of hearing dates.

   2.4 Inform the student and the respondent that they have the right to 10 working days from the time of notification to the hearing date.

   2.5 Inform the student and respondent of the FPRC hearing panel membership.
2.6 Explain that challenges to the FPRC hearing panel membership must be submitted in writing at least five working days before the hearing.

2.7 If the appeal request is incomplete refer the appeal back to the student for completion.

2.8 Once the appeal content is complete set the soonest available hearing date and time.

2.9 If the hearing date is less than 10 working days away, inform the Appellant and Respondent of their right for 10 working days notice.

2.10 If the Appellant or Respondent request 10 working days notice, select the next available date.

2.11 Ask the Appellant and Respondent if they have further information to add; remind them there is a full exchange of information between the Appellant and Respondent and documentation must be received two working days prior to the hearing.

2.12 Inform the Appellant and Respondent of their right to bring advisors or witnesses to the hearing.

2.13 Inform the Appellant that assistance in preparing for the appeal is available through the Student OmbudService.

2.14 Send all appeal materials to the Appellant (registered mail, pick-up or courier) and ask the Appellant to confirm the date, time and location of the hearing.
3. **Responsibilities of the Dean or Designate (Respondent)**

3.1 Ensure the Faculty’s case is thorough and presented both orally and in writing. The written response is to be provided at least five working days before the hearing and provided to all parties.

3.2 If in agreement to waive the 10 working day notice of a hearing referred to in 2.4, 2.9 and 2.10 above, sign a waiver prior to the hearing date.

3.3 Provide names of advisors or witnesses prior to the hearing.

3.4 Ensure witnesses and advisors are informed of the hearing date.

V. **THE HEARING PROCEDURE**

1. **Hearing Rules**

1.1 The committee is not bound by rules of evidence or procedures applicable to courts of law.

1.2 Hearings shall be private and confidential unless the Chair, on the request of the Appellant, grants a request for an open hearing.

1.3 The Appellant may, at any time prior to or during a hearing make a request to open the hearing. Such request shall be made to the FRPC Chair who shall make a decision after consulting both parties. If the request is made prior to the hearing, the Chair will consult both parties via the Vice Dean Education’s assistant. The Chair’s decision shall be final and binding.

1.4 The Appellant, Respondent and committee may call and question witnesses.
1.5 Existing University policies and procedures on confidentiality shall be observed.

1.6 All documents relative to the appeal will be made available to all parties.

1.7 All materials introduced at the hearing must be relevant to the issues before the committee.

1.8 Only the committee members shall be present when reaching a final decision.

1.9 A defect in procedure shall not warrant the quashing of the decision being appealed unless the defect complained of can reasonably be said to have unduly prejudiced the Appellant.

1.10 Except as provided in this policy, the Hearing Panel is the master of its own procedure and may make rulings on any matter of procedure arising during the hearing and such rulings shall be final and binding.

1.11 If either the Appellant or Respondent do not appear on the date and time set for the hearing of the appeal, then upon proof that the missing party had adequate notice of the date and time of the appeal, the Hearing Panel may, at its discretion, reschedule the hearing or proceed with the hearing in the absence of the Appellant or Respondent.

2. **Suggested Hearing Procedures**

2.1 Call the appellant, respondent and advisors into the hearing room at the same time.

2.2 Introduce the hearing panel to the appellant, respondent and advisors.
2.3 Summarize procedures for the hearing and for communication of the decision.

2.4 Review material received by the hearing panel, respondent and appellant.

2.5 Instruct the hearing panel members that no discussion of the case is to occur outside the hearing room or when anyone concerned with the hearing is not present in the room.

2.6 Inform that anyone may ask questions about procedure at any time.

2.7 Opening statement by appellant (and/or advisor).

2.8 Opening statement by respondent (and/or advisor).

2.9 Questions from each hearing panel member to the appellant and respondent.

2.10 Questions from the appellant (and/or advisor) to the respondent and to the hearing panel.

2.11 Questions from the respondent (and/or advisor) to the appellant and to the hearing panel.

2.12 FPRC Chair calls in appellant’s witnesses, one at a time, to give evidence.

2.13 Questions from the appellant (and/or advisor) to the appellant’s witnesses.

2.14 Questions from the respondent (and/or advisor) to the appellant’s witnesses.

2.15 Questions from the hearing panel to the appellant’s witnesses.
2.16  FPRC Chair asks appellant’s witnesses to leave the hearing room.

2.17  FPRC Chair calls in respondent’s witnesses to give evidence.

2.18  Questions from the respondent (and / or advisor) to the respondent’s witnesses.

2.19  Questions from the appellant (and / or advisor) to the respondent’s witnesses.

2.20  Questions from the hearing panel to the respondent’s witnesses.

2.21  FPRC Chair asks respondent’s witnesses to leave the hearing room.

2.22  Closing statement by respondent (and / or advisor) not subject to questioning.

2.23  Closing statement by appellant (and / or advisor) not subject to questioning.

2.24  The Chair will ascertain that all statements related to the appeal have been concluded.

2.25  Appellant, respondent and advisors leave the room.
3. **Decision Procedures**

*After the appellant and respondent leave the hearing, the panel will have a discussion to determine: facts agreed upon; facts in dispute; summary of issues; what the panel considered or should consider in its decision; and what information provided was not relevant to the decision.*

3.1 The hearing panel may confirm, reverse or vary the practicum intervention decision of the Dean or any terms or conditions imposed by the Dean and may establish conditions for entry, continuation or re-entry to the practicum. The decision will be by majority vote.

3.2 The Chair votes only in the event of a tie.

3.3 The Chair will prepare a brief summary of evidence and arguments, decision and rationale.

3.4 The Chair will identify any concerns to be brought to the Vice Dean Education.

3.5 The Chair will sign the summary and decision and deliver it to the Vice Dean Education within five working days of the end of the hearing.

3.6 The Vice Dean Education will inform the student in writing within five Working Days of the decision of the Practicum Intervention Appeals Committee.

3.7 If the appeal of a student to the FPRC is unsuccessful, in whole or in part, the FPRC shall provide the Student, at the time it renders its written decision with notice in writing of:

3.7.1. the Student’s right to appeal to the GFC PRB;
3.7.2. the applicable GFC PRB appeal deadlines and procedures;
3.7.3. where on-campus assistance is available;
3.7.4. the name and contact information of the Appeals Coordinator and;
3.7.5. the FPRC’s written reasons, if applicable.

VI. AFTER THE APPEAL HEARING

1. Student Right to Appeal to General Faculties Council Practice Review Board

1.1 The student has the right to appeal the decision of the Faculty to the General Faculties Council Practice Review Board (GFC PRB).

VII. FURTHER INFORMATION

1. Appeals

1.1 Assistance in submitting appeals is available from the Student OmbudService in SUB or by telephone at 780-492-4689 and appellants should consider consulting with them prior to submission of their appeal.

1.2 All documents previously submitted to the Committee members shall be returned to the Committee Chair at the end of the meeting and destroyed. The Chair’s notes and his/her appeal material from the hearing, as well as an unmarked copy of all appeal documents available at the hearing shall be kept for one year (FOIPP regulations) in an appeals file in the Dean’s Office. In the event the student decides to appeal further, the information will be passed on to the Dean or designate who may use the information as part of the Faculty’s documentation for the GFC Practice Review Board.