

## MCG Graduate Medical Education Committee Due Process Subcommittee Charter

### 1. Purpose

Under the direction of the Medical College of Georgia (MCG) Graduate Medical Education Committee (GMEC), the Due Process Subcommittee (DPSC) reviews and advises program directors (PD) on potential disciplinary actions for house staff in MCG GME programs. The DPSC also educates program leadership regarding learners in difficulty including identifying and assisting these learners and ACGME's and MCG GME's due process requirements and procedures including documentation surrounding disciplinary actions.

### 2. Membership

- a. PD and/or Associate Program Directors (APD). PD and/or APD members will be active members of the DPSC with voting rights.
- b. House staff. Resident or fellow members will be active members of the DPSC with voting rights. They will be peer selected via the Resident Forum as required by ACGME.
- c. Program Coordinators (PC). PC members will be active members of the DPSC with voting rights.
- d. *Ad hoc* members. Additional individuals may be assigned to the Subcommittee on a temporary basis by either the DIO or the DPSC Chair. These members may be assigned because they are legal experts, subject matter experts in a particular training area, and/or because it is felt they bring a representative perspective to the discussion of a learner in difficulty. *Ad hoc* members will not be voting members of the Subcommittee.

### 3. Chair

- a. The Chair of the DPSC may be the Senior Associate Dean for GME, the Associate Dean for GME, a PD, an APD, or other qualified faculty member at MCG with expertise in GME and due process.
- b. The Chair is appointed by the DIO. The appointment period is indefinite lasting until the Chair resigns or is replaced by the DIO.
- c. The Chair will be a voting member only in the instance of a tie among the rest of the Subcommittee members.
- d. The Chair of the Subcommittee will recuse themselves of the Subcommittee if the house staff in question is a member of their department or if they have provide substantial medical care to the house staff; the DIO or Associate Dean of GME will chair in their absence.

### 4. Responsibilities

- a. Review the facts surrounding cases where a PD is considering disciplinary action at the level of suspension, non-promotion, probation, non-renewal, or dismissal of a house staff. After reviewing and hearing the relevant data surrounding a case, the Subcommittee will provide the PD a formal written recommendation including list of disciplinary action options, the Subcommittee's preferred course of action, and a rationale for recommending that course of action. This formal written recommendation will also include applicable resources for learners in difficulty and applicable GME and ACGME requirements, policies, and procedures as well as a remediation or probation notification template. Nothing in this charter or associated

policies implies the PD must follow the recommended preferred action by the DPSC.

Disciplinary action is under the purview of the PD.

- i. Although PD are not required to contact the DPSC via the GME Office when considering internal program remediation/performance improvement (i.e., a disciplinary action not externally reportable and under the level of suspension, non-promotion, probation, non-renewal, or dismissal), the DPSC will also conduct a meeting if requested by the PD for these considerations as well to provide program and house staff support.
- b. Provide education to the MCG GME community about competency assessment including Milestone assessment and the role of the Clinical Competency Committee (CCC), other evaluation and feedback, disciplinary action, due process, and how to best assist learners in difficulty.
- c. Oversee the formation and conduct of *ad hoc* Grievance Hearing Committees (AHC) in the event of an appeal by a house staff of an adverse disciplinary action. However, GMEC DPSC members substantially involved in any decision or action directly involving the house staff will not serve on the AHC. Moreover, those members in the house staff's department and/or GME program will not be on the AHC where possible.

## 5. Procedures

### a. Meetings

- i. Meetings to review a program's concerns and planned course of action will be conducted within 10 business days of a PD requesting a meeting of the DPSC to discuss a potential disciplinary action. This timeline may be extended when necessary to meet quorum.
- ii. Quorum for meetings will be at least 2 PD/APD, 1 PC, and 2 peer-selected house staff. No members from the home department of the house staff whose case is being heard will be allowed to participate in these meetings.
- iii. PD will submit all relevant documents pertaining to a house staff case at least 5 business days prior to the meeting for DPSC review.
- iv. The Subcommittee may ask for additional documentation or clarification from the PD, the learner in question, or other pertinent individuals to help them evaluate the particular circumstances while maintaining confidentiality where legally appropriate.
- v. Supplemental meetings may be conducted if appropriate. However, there must be at least one formal meeting for every potential adverse educational action. The bulk of the relevant data pertaining to the case should be presented at the initial formal meeting.

### b. Providing Recommendations to PD

- i. After all relevant data surrounding a case has been evaluated, the Subcommittee Chair or designee will create a written document for the PD and GME Office that contains a list of disciplinary action options, the Subcommittee's preferred course of action, and a rationale for recommending that course of action within 10 business days of the last meeting of the Subcommittee about a given case. This formal written recommendation will also include applicable resources for learners in difficulty and applicable GME and ACGME requirements, policies, and procedures as well as a remediation or probation notification template.

- ii. The final written report of the Subcommittee will be securely kept in the GME office. The PD will also be provided a copy of the document.
  - iii. The GMEC will be notified that a report was created at regularly scheduled GMEC meetings but the report will not be provided to the GMEC in an effort to preserve confidentiality of the house staff in question.
- c. Voting
- i. Voting is typically not required by the full DPSC.
  - ii. Determination of recommendations, etc. is done by the subset of members present at the meeting(s) to discuss a case.
  - iii. This determination is done by consensus.
  - iv. In the event that consensus is not reached, a formal vote will be taken.
  - v. The Subcommittee Chair (or the DIO or Associate Dean of GME in the event the Chair cannot participate) will mark their vote as “Chair”, and this vote will only be counted in the event of a tie.
  - vi. Vote is determined by a simple majority.
- d. Minutes
- i. Formal minutes will not be kept. However, the formal written DPSC recommendation to the PD will be maintained indefinitely in GME.
  - ii. Formal recommendations will contain the following statement in the footer: “NOTICE: Privileged, Confidential and Non-Discoverable: This document is intended for the use of the GME office and Graduate Medical Education Committee and may contain information that is privileged and confidential, the disclosure of which is governed by applicable law. You are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED.”
6. Follow-up and Oversight
- a. As stated above, GMEC will be notified of DPSC activities in a general fashion without house staff specific information shared at the at least quarterly GMEC meetings. The Chair or DIO will provide these reports to allow for GMEC oversight and approval.
  - b. The DIO, GME Office manager, and DPSC Chair will meet regularly to review a log of learners in difficulty with frequent communication with applicable PD to ensure the probation or remediation plan is going as planned and to provide guidance and resources when needed.