

## Policy on Educational Responsibilities in Clinical Fellowships

### 1. Introduction:

Clinical fellows are physicians who are acquiring post-certification training. According to the Medicine Act, 1991, the applicant must meet the educational requirements for certification as a specialist by the Royal College of Physicians and Surgeons of Canada (RCPSC) or the College of Family Physicians of Canada (CFPC), or a member board of the American Board of Medical Specialties, or be recognized as a medical specialist in the jurisdiction where the applicant practices medicine immediately before the appointment as a clinical fellow. A clinical fellowship is an opportunity for a physician to acquire more advanced training and specialized expertise than would typically be available during a residency.

In Ontario, most clinical fellows practice pursuant to a medical educational license, issued by the College of Physicians and Surgeons of Ontario (CPSO). The CPSO requires clinical fellows with an educational license to have goals and objectives against which they are to be evaluated, and expects every fellowship to adhere to supervision guidelines and professional responsibility policies. The relationship between Western University and clinical fellows is strictly educational and these Guidelines deal only with the educational component of clinical fellowships. The clinical aspects of the clinical fellows' learning are all subject to the policies, rules and regulatory compliance of the hospital or other clinical setting.

NOTE: In this policy, the term "fellow" refers to any Schulich-appointed clinical trainee who is completing post-residency training. This term thus includes those trainees in Royal College-accredited Area of Focused Competence programs. Clinical trainees enrolled in subspecialty *residency* programs must follow Schulich's [Resident Assessment and Appeals](#) policy.

### 2. Principles:

The University, through its Postgraduate Medical Education (PGME) Office, Academic Departments, and supervising and collaborating clinical faculty members, shall endeavour to provide a reasonable opportunity for the clinical fellow to attain the written goals and objectives of the fellowship. This will include provision of assessments throughout the fellowship in compliance with the College of Physicians and Surgeons of Ontario's [Policy on Professional Responsibilities in Postgraduate Medical Education](#) and this Policy. Every supervising and collaborating clinical faculty member and every clinical fellow is expected to be familiar and compliant with the CPSO's Policy and this Policy. In keeping with the foregoing principles, every offer of a clinical fellowship shall contain, as an appendix, a written statement of the fellowship's goals and objectives. The offer letter shall contain a reference to the acceptance of the goals and objectives by both the supervisor and the clinical fellow. Once accepted, a copy of the offer letter shall be filed with the PGME Office and with the Academic Department Chair.

In every case the offer must be in writing. Each offer letter shall include the following:

- a. The duration of the fellowship, including the start and end dates.
- b. The relationship between the fellow and the University is educational only and does not constitute an employment relationship with the University.
- c. The fellowship is subject to legal, policy and professional requirements of the clinical site.

- d. The fellowship supervisor will provide the clinical fellow with a copy of the educational goals and objectives of the fellowship. In the event that the goals and objectives of the fellowship are modified, this change should be documented in writing and signed by both parties.
- e. The fellowship program shall endeavour to provide a reasonable opportunity for the clinical fellow to attain the written goals and objectives of the fellowship.
- f. A statement that successful completion of the fellowship's goals and objectives shall entitle the fellow to a Certificate of Completion, issued by Western University and its Office of Postgraduate Medical Education.
- g. A statement that the fellow may be placed on probation.
- h. A statement that the fellowship may be terminated for cause.
- i. A statement that the fellowship may be terminated without cause in circumstances where the supervisor can no longer continue training the fellow (e.g. as a result of transfer, retirement, incapacity, severe health issues, death, etc.).
- j. Other terms may be developed as required by the institutions involved.
- k. The signatures of the supervisor and the fellow accepting the foregoing terms.

### **3. Assessment:**

Assessment of clinical fellows should occur on a regular basis, through a combination of oral feedback delivered in the clinical setting and in meetings, written assessments, and other assessment tools that the fellowship program deems appropriate. All assessments should be guided by the educational goals and objectives of the fellowship. A meeting to discuss educational progress should be held between the clinical fellow and the supervisor after each three months of the fellowship. A formal written assessment must be completed after each 6 months of the fellowship. In one-year fellowships, the second assessment is the summative, final assessment and is conducted in the final month of the fellowship. If deficiencies are observed, these should be conveyed to the clinical fellow in a meeting and/or in a written assessment. Assessments will be provided by the supervisor to the Associate Dean of Post Graduate Medical Education on request.

### **4. Probation:**

- a) Where, in the opinion of the supervisor, there are deficiencies in progress towards the goals and objectives that are not being remedied through standard educational interactions, and there is a reasonable prospect of improvement with additional measures being put in place, the supervisor may require the fellow to complete a probationary program. The supervisor will develop and discuss with the fellow a learning plan, which will include specific written measures that are designed to assist the fellow in achieving the goals and objectives. Where the learning plan involves additional costs (tutoring, coaching, textbooks, etc.) the responsibility for such costs as between the funder of the fellowship, the fellow and the supervisor's Academic Department shall be identified and included in the proposed learning plan. The learning plan should specify the consequences of both successful completion of probation, and unsuccessful probation.
- b) Normally, a fellow will be provided with only one opportunity to remedy deficiencies during a probationary program of the fellowship. A second opportunity to enter into a

- probationary program may be required by the supervisor following the requirements of (a), but only in exceptional circumstances and provided that the first probationary program was successfully completed by the fellow.
- c) A decision by the supervisor to require a probationary period under (a) or (b) may be appealed. (See “Appeals” below.)
  - d) A learning plan for a probationary program must be developed by the supervisor and approved by the Postgraduate Advisory Board (PGE AB) before implementation. The fellow must be given an opportunity to review and comment on the plan and the fellow’s comments will be submitted with the proposed learning plan to the PGE AB for approval. Normally, learning plans should be submitted to the PGE AB within 4 weeks of the supervisor’s decision that probation is required. The learning plan must include identification of areas of deficiency, education strategies that will be used to address the deficiencies, expected outcomes and how they will be evaluated, location and duration of the probationary program, and the consequences of a successful or unsuccessful outcome. The learning plan as developed by the supervisor and approved by the PGE AB is not subject to appeal.
  - e) The supervisor must meet with the fellow to discuss the approved learning plan, including the objectives, education strategies and evaluation methods. The learning plan must be signed by the supervisor and fellow.
  - f) If the probation results in any material change to the goals and objectives of the fellowship, the CPSO must be notified, the offer letter must be amended, the terms of the amended offer letter must be accepted by both the fellow and the supervisor, and the amended offer letter must be submitted to the PGME Office.
  - g) If the supervisor determines that the probationary program was successful, the supervisor will notify the fellow in writing. Successful completion of probation results in the resumption of regular training and assessment. Whether any time must be made up as a result of the probationary program will be determined by the supervisor who will notify the fellow and the PGME Office in writing of the supervisor’s decision.
  - h) If the supervisor determines that the probationary program was not successful, the supervisor will notify the fellow in writing with the reasons the fellow was unsuccessful in the fellow’s probationary program, that the fellow is terminated for cause from the fellowship program and that the fellow may appeal the fellow’s termination in accordance with this Policy.

#### **5. Suspension:**

Where, in the opinion of the supervisor, the fellow has committed a critical error, has engaged in unprofessional behavior, or may have jeopardized patient safety or the safety of the learning environment, the fellow may be suspended immediately. In such a case, the supervisor must notify, in writing, the clinical fellow, the Chair of the Academic Department, and the Associate Dean, PGME. The Associate Dean, PGME shall inform the CPSO and hospital administration of the suspension. Carriage of a review/investigation or other handling of the circumstances underlying the suspension shall depend on the institution having jurisdiction. Designation of jurisdiction shall be a matter of discussion between the University and the hospital administration, and may be subject to additional policies or guidelines, such as the PGME Guidelines Addressing Discrimination and Harassment. Any decision regarding return to clinical training from suspension is dependent on the conclusions of an investigation or other review,

and by a CPSO determination (if applicable). After completion of the investigation, the supervisor will either reinstate the fellow or proceed to deal with the allegations in accordance with the procedures set out below under Termination, section 6.

If a fellow is suspended by the hospital in which they are employed, the fellow will be unable to continue their fellowship program for the duration of the suspension. Similarly, if a fellow's licensed professional status with the College of Physicians and Surgeons of Ontario is suspended, the fellow cannot continue their fellowship program for the duration of that suspension.

#### **6. Termination of Fellowship Program:**

A fellow will be terminated for cause in any of the following circumstances:

- a. where a probationary program was unsuccessful;
- b. where the fellow fails or refuses to agree to the learning plan that has been approved by the supervisor and the PGE AB;
- c. where the fellow is dismissed by the hospital in which they are employed;
- d. where the fellow has permanently lost their licensed professional status with the College of Physicians and Surgeons Ontario.

In addition, the Academic Department Chair may terminate a fellow for cause where the fellow has serious performance issues, or has engaged in unprofessional conduct or jeopardized patient care or safety ("Discretionary Termination"). In all cases of Discretionary Termination, the Academic Department Chair (or delegate) shall consult with the fellowship supervisor, and the Associate Dean PGME. The Academic Department Chair (or delegate) shall ensure that prior to the final decision, the clinical fellow has been advised in writing of the reasons for the proposed termination, and has had an opportunity to meet with the Academic Department Chair. The fellow may be accompanied by a colleague or other support person at any meeting with the Academic Department Chair, however ordinarily any oral submissions or presentations must be made by the fellow. The Academic Department Chair shall review all of the relevant documentation and shall meet with such other individuals as they deem necessary before making a decision. The Academic Department Chair shall issue a written decision with reasons and provide such decision to the fellow and the PGME Office.

Discretionary Termination may occur at any time during the fellowship depending on the performance reasons that exist, and is not dependent on whether probation or suspension has occurred beforehand. In all cases of termination for cause, the University will alert the Hospital which has entered into the contract with the fellow in advance of the termination being finalized, so that the Hospital may consider what contractual provisions, if any, including notice, may apply.

Where a clinical fellow has been terminated for cause, the PGME Office will not issue a Certificate of Completion, but will only issue a letter that verifies the dates and duration of the trainee's registration and includes a notation that the fellowship was terminated for cause.

***A fellow may appeal termination from their fellowship program to the Schulich Postgraduate Appeal Committee. There is a further limited right of appeal to the Dean, Schulich School of Medicine and Dentistry.***

**7. Notification to the College of Physicians & Surgeons of Ontario:**

The CPSO must be notified of a change in status following a withdrawal of the fellow from a clinical fellowship or the termination of the fellowship for cause.

**8. Concerns about Supervision:**

Where, in the opinion of the clinical fellow, there are serious deficiencies in the efforts of the supervising and collaborating clinical faculty members to provide a reasonable opportunity for the clinical fellow to attain the goals and objectives of the fellowship or serious deficiencies in those faculty members' compliance with the CPSO's Policy on Professional Responsibilities in Postgraduate Medical Education, the fellow will notify the Associate Dean PGME in writing. The Associate Dean PGME will review the progress of the fellowship. The review shall be conducted by an individual or individuals appointed by the Associate Dean PGME. If the review supports the opinion of the clinical fellow, the case shall be referred to the Associate Dean PGME for corrective action, to be undertaken in consultation with the relevant parties, including the Academic Department Chair (or delegate).

**9. Appeals related to Probation**

A decision by the supervisor requiring the fellow to enter into a probationary program may be appealed to the Schulich Postgraduate Appeal Committee (the "Committee"):

The fellow may appeal on the following grounds:

- a) that the supervisor did not take into consideration relevant information when making the decision;
- b) that the supervisor's decision cannot be supported on the information that was before the supervisor when the supervisor made the decision; or
- c) that in making the decision, the supervisor failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of that decision.

An appeal must be submitted to the PGME Office within two weeks of the issuance of the supervisor's decision and include the following:

- a. a copy of the relevant evaluations (where applicable) and the supervisor's decision;
- b. the grounds for appeal and remedy sought;
- c. a full statement supporting the grounds of appeal; and
- d. any relevant documentation to be relied upon by the fellow during the appeal.

The PGME Office shall forward copies of the fellow's appeal documentation to the supervisor who shall file a concise written reply with relevant documentation within two weeks of the filing of the appeal. A copy of the reply shall be provided to the fellow.

Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the Committee.

The PGME Office shall forward the documentation provided by the fellow and supervisor to the Committee.

The Committee shall determine its own procedures for hearing an appeal and the Chair of the Committee may make such rules and orders as they deem necessary and proper to ensure a fair and expeditious proceeding. The fellow shall be informed of the procedures that will be followed. The Committee shall proceed fairly in its disposition of the appeal, ensuring that both the fellow and the supervisor are aware of the evidence to be considered. The Committee may invite the fellow or

supervisor or other individuals to meet with the Committee or it may make its decision solely on the basis of the documentation filed by the fellow and supervisor and any additional documentation as it may require. If the fellow attends a meeting, the fellow may be accompanied by a colleague or other support person, however ordinarily any submissions or presentations must be made by the fellow.

The Committee shall issue a written decision with reasons and may:

- a. Deny the appeal;
- b. Grant the appeal if it is persuaded that the supervisor did not take into consideration relevant information when the supervisor made the decision and remit the matter to the supervisor for reconsideration in light of that information;
- c. Grant the appeal if it is persuaded that the supervisor's decision cannot be supported by the information that was before the supervisor and in the case of an appeal against a decision that remediation was unsuccessful, it may direct that an assessment(s) be corrected, that an assessment be removed from the file, and/or that there be another assessment of the fellow under such terms as the supervisor may require; or
- d. Grant the appeal if it is persuaded that the supervisor failed to follow this Policy in making the decision and that such failure could reasonably be seen to cast doubt on the correctness of that decision, and remit the matter to the Supervisor for reconsideration.

***The Committee's decision is final and there is no further right of appeal at the University.***

#### **10. Appeals related to Termination of Fellowship:**

A fellow may appeal a termination arising from an unsuccessful probation or decision made by the Academic Department Chair ("AD Chair") to dismiss the fellow from the fellowship program to the Schulich Postgraduate Appeal the Committee (the "Committee") on the following grounds:

- a) that the supervisor or AD Chair did not take into consideration relevant information when making the decision;
- b) that the decision made by the supervisor or AD Chair cannot be supported on the information that was before the supervisor or AD Chair at the time the decision was made, or
- c) that in making the decision, the supervisor or AD Chair failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of that decision.

An appeal must be submitted to the PGME Office within two weeks of the issuance of the decision and include the following:

- a) a copy of relevant evaluations (as applicable);
- b) a copy of the supervisor or AD Chair's decision (as applicable);
- c) the grounds of appeal and remedy sought, and
- d) a full statement supporting the grounds of appeal and any relevant documentation.

The PGME Office shall forward copies of the fellow's appeal documentation to the respondent (supervisor or the AD Chair, as applicable) who shall file a concise written reply with relevant documentation within two weeks of the filing of the appeal. A copy of the reply shall be provided to the fellow.

Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the Committee.

The PGME Office shall forward the documentation provided by the fellow and respondent to the Committee.

The Committee shall determine its own procedures for hearing an appeal and the Chair of the Committee may make such rules and orders as he or she deems necessary and proper to ensure a fair and expeditious proceeding. The fellow shall be informed of the procedures that will be followed. The Committee shall proceed fairly in its disposition of the appeal, ensuring that both the fellow and the respondent are aware of the evidence to be considered.

The Committee shall provide the parties to the appeal with an opportunity to meet with the Committee and bring witnesses. Both parties and their witnesses may be cross-examined by the other party and both parties may be represented by legal counsel.

The Committee shall issue a written decision with reasons and may:

- a) Deny the appeal;
- b) Grant the appeal if it is persuaded that the supervisor or AD Chair did not take into consideration relevant information when making the decision and remit the matter to supervisor or the AD Chair for reconsideration in light of that information;
- c) Grant the appeal if it is persuaded that the supervisor's or AD Chair's decision cannot be supported by the information that was before the supervisor or AD Chair, and
  - i. in the case of a dismissal based on an unsuccessful probation, it may direct that an evaluation(s) be corrected, that an evaluation(s) be removed from the file, and/or that there be another evaluation(s) of the fellow under such terms as the supervisor may require;
  - ii. in the case of a dismissal by the AD Chair, reinstate the fellow in the fellowship program, or reinstate the fellow with a recommendation to the supervisor for probation under such terms as the AD Chair may require; or
- d) Grant the appeal if it is persuaded that the supervisor or the AD Chair failed to follow this Policy in making the decision and that such failure could reasonably be seen to cast doubt on the correctness of that decision, and remit the matter to the supervisor or AD Chair for reconsideration.

A decision to deny the appeal may be appealed to the Dean, Schulich School of Medicine & Dentistry, on the grounds that there was a significant procedural error by the Schulich Postgraduate Appeal Committee that was prejudicial to the fellow and casts doubt on the fairness of those proceedings. The Dean may delegate their authority to hear and decide the appeal to another individual or individuals or to a committee. References to “Dean” in this Part mean “Dean or delegate”.

An appeal must be submitted to the Dean’s Office, Schulich School of Medicine & Dentistry, within two weeks of the issuance of the Committee’s decision and include a copy of the Committee’s decision and a full statement supporting the grounds of appeal with supporting documentation (if applicable).

The Dean’s Office shall forward copies of the fellow’s appeal documentation to the respondent (supervisor or the AD Chair) and may request a written reply within two weeks. A copy of the reply shall be provided to the fellow.

Where circumstances warrant, the deadlines for filing an appeal or reply may be extended at the discretion of the Dean.

The Dean shall issue a written decision with reasons and may:

- a) Deny the appeal; or
- b) Grant the appeal and send the matter back to the Committee with specific directions for rehearing all or part of the appeal, or make such other order as he or she deems appropriate.

***The Dean’s decision is final and there is no further right of appeal at the University.***

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Approvals:	PGME Committee	June 2019
	Executive Committee Schulich Council	September 2019

This policy supersedes any previous Postgraduate Medical Education policies on resident leave of absence and training waivers.