

## POSTGRADUATE MEDICAL EDUCATION

### SCHULICH SCHOOL OF MEDICINE & DENTISTRY

### AREA OF FOCUSED COMPETENCE (AFC) APPEALS POLICY

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**Approved by ECSC:** November 5, 2021

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#### **INTRODUCTION**

All trainees enrolled in the Royal College of Physicians and Surgeons of Canada Area of Focused Competence (AFC) Programs are registered as postgraduate trainees in the Schulich School of Medicine & Dentistry at Western University. They carry out their training within a hospital or other clinical education site, at the appropriate level or stage of training and in accordance with the relevant professional requirements. The AFC trainees are subject to the policies of the University and clinical education sites.

This Policy outlines the rules governing the assessment and progression of Trainees enrolled in Area of Focused Competence (AFC) postgraduate medical training programs at Western University.

This Policy does not apply to trainees registered in postgraduate training programs at other institutions who are accepted for elective rotations in a postgraduate program within the Schulich School of Medicine & Dentistry.

It is the responsibility of each AFC trainee to read this document and be familiar with its content.

#### **DEFINITIONS**

**Associate Dean, Postgraduate Medical Education (PGME)** is the senior faculty officer responsible for the oversight of postgraduate medical education within the Schulich School of Medicine & Dentistry.

**Clinical Supervisor** is a member of faculty who oversees the Trainee during an Educational Experience and where applicable, approves a summative assessment for the Educational Experience.

**College of Physicians and Surgeons of Ontario (CPSO)** is the professional licensing body for physicians in Ontario.

**Competency Portfolio** is the documentation of milestone outcomes for AFC program completion. Dean refers to the Dean of the Schulich School of Medicine & Dentistry.

**Educational Experience** is a learning activity designed to address the required educational objectives. Core and elective Educational Experiences may be organized in blocks of time or arranged longitudinally throughout all or part of the AFC Program. Educational Experiences include clinical care as well as extra-clinical activities.

**In-Training Evaluation Report (ITER)** is a summative assessment form, completed at the end of an educational experience, that details a trainee's performance.

**Postgraduate Medical Education Advisory Board (PGME AB)** is a committee constituted by the Associate Dean PGME that is responsible for approving remediation plans and probation plans, and upon request, assisting in the

design of individual learning plans, remediation plans and probation plans.

**AFC Program Director** is the individual responsible for the overall conduct of the integrated AFC program in a discipline, the chairing of the AFC Program Committee and is responsible to the Department Chair and to the Associate Dean PGME. In larger programs the AFC Director may delegate some or all responsibilities under this Policy to one or more faculty members on the AFC PC. All references to "AFC Director" in this Policy mean "AFC Director or delegate".

**Area of Focused Competence (AFC) Program** means an RCPSC accredited postgraduate medical AFC training program.

**AFC Program Committee (PC)**, assists the AFC Director in the planning, organization, and supervision of the AFC Program, and makes decisions relating to the progress and promotion of trainees.

**Competence Committee (CC)** may either be the AFC PC or a subcommittee of the AFC PC, and is responsible for reviewing the trainee's readiness for increasing professional responsibility, progression, and transition to practice, and other such responsibilities as may be delegated by the AFC Program Committee. The CC subcommittee recommendations must be discussed with and approved by the AFC Program Committee.

**Trainee** is a physician registered in an accredited postgraduate medical AFC program at Western University.

**Royal College of Physicians and Surgeons of Canada (RCPSC)** is the body responsible for program accreditation, Trainee credentials, and Trainee certification for AFC programs.

**Schulich Postgraduate Appeal Committee (SPAC)** is a committee that hears appeals from decisions of AFC Program Committees and decisions of the Associate Dean PGME.

**Summative Assessment** is an assessment of Trainee performance, readiness for increasing professional responsibility, and achievement of competencies. A Summative Assessment including a Competency Portfolio is required for AFC programs.

## ASSESSMENT PROCESS

The following applies to all AFC Programs unless otherwise noted.

Each Program has a curriculum plan that complies with the specific AFC Accreditation standards for the AFC discipline and incorporates all required competencies contextual to the AFC discipline for the relevant CanMEDS roles.

Trainees are assessed both formally and informally on an ongoing basis at every stage of training, to determine their attainment of experience-specific competencies. The assessments may be either formative or summative or both and are conducted in accordance with requirements of the AFC Program of the Royal College of Physicians and Surgeons of Canada.

Trainees will receive regular, timely feedback on their performance and progress. Individual programs may use a variety of assessment tools and explicit criteria to assess trainees. These tools may include examinations (written, oral, clinical), direct observation and written assessments from multiple observers during and after Educational Experiences, and Summative Assessments prepared by Clinical Supervisors and AFC Program Committee, to include a review of the Competency Portfolio. Trainees will be informed in advance of the methods by which they will be assessed and the program's performance expectations. The assessments form part of a trainee's file and will be provided to trainees in a timely manner.

The AFC Director will meet regularly with trainees to discuss and review their performance, progress, and their Competency Portfolio. The number and timing of such meetings will be determined by the AFC Program Director based on the progress of the trainee but must occur at a minimum quarterly.

The Competence Committee (or equivalent, which may be the AFC) will meet regularly to review a trainee's progress in achieving the required competencies and readiness for increasing professional responsibility. The Competence Committee (or equivalent) will prepare a Summative Assessment of each trainee's readiness for practice within the AFC discipline, based on the completion of the Competency Portfolio for the AFC discipline.

If the Competence Committee (or equivalent) identifies a trainee as "Not Progressing as Expected" or "Failing to Progress", the AFC Program Director must have an in-person meeting with the trainee to review the concerns identified by the CC or equivalent. This meeting must be documented.

The AFC Program Director and AFC PC will receive and consider all assessments, recommendations, and other information relating to the trainee's performance, and are responsible for evaluating and making decisions relating to the trainee's on-going progress in the program. The AFC PC may delegate some of its responsibilities to the Competence Committee, as set out herein.

#### **Educational Experiences and Assessments:**

1. At the beginning of each Educational Experience, the AFC Director must ensure that the Trainee is provided with:
  - Required milestones for the Educational Experience
  - An orientation to trainee duties, responsibilities, and expectations, as well as rotation design
  - A description of assessment tools and their timing
2. Clinical Supervisors or on-site preceptors should make every effort to provide ongoing, informal, verbal feedback to trainees throughout the Educational Experience. Feedback should be specific and include both strengths and areas for improvement, with advice and assistance for improvement where applicable. Trainees are also responsible for seeking feedback from their Clinical Supervisors and other on-site preceptors during the Educational Experience.
3. If a concern pertaining to a trainee's performance or professionalism is identified at any point during the Educational Experience, the Clinical Supervisor should bring this forward to the trainee and the AFC Director in a timely manner. This concern and meeting should be document by the Clinical Supervisor.

There will ordinarily be multiple documented assessments of competencies throughout, including ongoing completion of the Competency Portfolio and where appropriate, assessments will be provided by multiple clinical observers on a regular basis. The number of assessments will vary depending on the type of Educational Experience.

#### **Other Types of Assessment:**

Other types of assessment used by AFC Programs may include written exams, OSCEs or equivalent (mini-CEX), structured clinical encounters, procedure logs, structured assessments of a clinical encounter (STACER), multisource feedback etc. Each Program shall identify all methods of assessment and the results will be documented, provided to the trainees, and form part of their assessment file. The AFC Director will meet with the trainee to discuss progress and outcomes of assessments as well as any concerns about results of a particular assessment.

#### **PROGRESSION**

The AFC Program Committee will consider the trainee's Competency Portfolio, assessment file, and the

recommendation of the Competence Committee in making its decision on progression.

### **PROFESSIONAL CONDUCT**

Trainees are expected to adhere to the standards of ethical behaviour for the medical profession and their professional and learning activities are expected to be characterized by honesty, integrity, conscientiousness, and reliability. Behaviour which violates these principles is viewed as a breach of professional conduct and a demonstration of lack of suitability to be a physician.

Trainees are required to comply with the professional standards mandated by the Schulich School of Medicine and Dentistry (e.g. Charter on Medical/Dental Professionalism; Four Pillars of Professionalism; Policy and Guidelines for Interactions between Schulich School of Medicine & Dentistry and Industry), as well as those issued by the College of Physicians and Surgeons of Ontario, and the Canadian Medical Association and the Competencies in the Professional domain of the AFC Clinical Training Requirements.

A trainee's professional conduct is assessed during Educational Experiences. Serious breaches of professional conduct will be reported immediately to the AFC Director and Associate Dean PGME, and may result in remediation, probation, suspension, or dismissal from the AFC Program.

### **INCOMPLETE CLINICAL EDUCATION EXPERIENCES**

It is critical that a trainee obtain sufficient clinical experience to meet training requirements, achieve milestones, and provide adequate opportunity to appropriately assess a trainee's performance.

If a trainee is absent for part of a clinical Education Experience due to illness, leave, holidays, etc., the AFC Program Director may determine that the clinical experience of the trainee was insufficient for meaningful assessment of the trainee's attainment of the required competencies. In such case, the AFC Program Director and AFC PC will set out the requirements for completion, which may include extending or repeating the Educational Experience. The requirements will be based on the performance of the trainee, the nature of the experience, and the need for continuity of the clinical experience.

### **SHARING OF PERFORMANCE DATA**

Assessment information will be shared as necessary to meet the educational needs of trainees or to ensure patient safety. Information will also be shared with clinical sites and professional licensing and credentialing bodies as necessary.

### **INDIVIDUAL LEARNING PLANS**

1. An AFC PC may require an Individual Learning Plan (ILP) for a trainee if it decides that the trainee is not progressing as expected or if further clinical training in a specific area(s) is required. It will also consider implementation of an ILP upon request of a trainee who self-identifies a learning need.
2. An ILP is developed by the AFC PC in consultation with the AFC Director, and the Trainee will be consulted during its development. The PGME AB may also assist in the development of the ILP.
3. An ILP may include modifications of Educational Experiences (e.g., additional time in a specific clinic), coaching, or any other form of educational enrichment.
4. An ILP will normally include the following information:
  - purpose of the ILP, and in particular the specific competencies to be achieved

- educational strategies/learning experiences
  - location and duration
  - assessment methods
  - potential outcomes and consequences
  - designated supervisor if not AFC PD
1. The trainee should receive regular feedback throughout the implementation of the ILP and a Summative Assessment must be completed at its conclusion. If the ILP consists of more than one Educational Experience, a Summative Assessment will normally be completed at the end of each Educational Experience. The assessment will be discussed with the Trainee and submitted to the AFC PC.
  2. If the AFC PC decides that the Trainee has not met the objectives of a mandated ILP, it may require the Trainee to begin a remediation program.
  3. The responsibilities of the AFC PC set out in sections 1 to 6 above may be delegated to the Competence Committee, and in such case all references to the AFC PC shall be read as referring to the Competence Committee. Where the AFC PC has not delegated these responsibilities to the Competence Committee, the Competence Committee may make recommendations to the AFC PC relating to the need for an ILP, the development of the ILP, and its success.

#### **REMEDIATION**

1. Remediation is a formal program designed to assist the Trainee in correcting identified weaknesses or performance deficiencies in clinical, academic and/or professional performance so that the Trainee has the opportunity to be successful in the Program.
2. AFC Programs are typically 1 year in length. This may not allow adequate time or opportunity for remediation or probation. Similarly, this may not allow opportunity for an extension of training. If a Trainee is unable to achieve the required milestones a Certificate of Completion will not be provided to the Royal College.
3. Unsatisfactory assessments or any other identified academic weakness or performance deficiency will be reviewed by the AFC Director and AFC PC to determine what action is required.
4. A Trainee may be provided an opportunity to complete a remediation program, without an extension of training in the following instances:
  - if the Competence Committee issues a Summative Assessment of "Failing to Progress", or failure to satisfactorily complete the required components of the Competency Portfolio.
5. In addition, the AFC PC may, in its discretion, require remediation in the following circumstances:
  - If the Competence Committee issues a Summative Assessment of "Not Progressing as Expected" and the assessment indicates that the Trainee has failed to consistently demonstrate achievement in one or more critical learning competencies.
  - if the Trainee has received an unsatisfactory rating on any other form of assessment
  - if significant concerns have been raised about the professional conduct of the Trainee and the conduct is deemed remediable
  - substantial absence from the program.

In making its decision, the AFC PC shall consider the nature of the assessment (if applicable) and whether the deficiencies in the trainee's performance are being otherwise addressed through regular training.

6. Before deciding to require remediation, the AFC Director shall advise the Trainee in writing of the AFC PC's concerns and give the Trainee an opportunity to meet with the AFC Director and AFC PC and provide oral submissions and documentation. The Trainee may be accompanied by a colleague or other support person, however, ordinarily any oral submissions or presentations must be made by the Trainee. The AFC PC may also meet with the Competence Committee and such other individuals as it deems necessary prior to making its decision. If the AFC PC decides to require remediation it must issue a written decision setting out the reasons for its decision.
7. Where remediation is required for a second time within a 12-month period, the Trainee will be required to proceed directly to a probationary period, if probation is available with the understanding that an extension of training would be required.
8. All remediation plans will be designed following a standard form available through the PGME Office.
9. The remediation plan will be developed by the AFC Director in consultation with the AFC PC and must be approved by the PGME AB before implementation. The Trainee must be given an opportunity to review and comment on the plan and the Trainee's comments will be submitted with the remediation plan to the PGME AB. Normally, remediation plans should be submitted to the PGME AB within 4 weeks of the AFC PC's decision that remediation is required. If the AFC PC requires assistance from the PGME AB in the design of the plan, the request for assistance should be submitted to the PGME AB in a timely manner.

Normally, the PGME AB will review the plan within 4 weeks of receiving it and will either approve the plan or request that the plan be revised before it can be approved.

10. The remediation plan must include the following elements:
  - purpose of the remediation, and in particular the specific competencies/objectives to be achieved
  - educational strategies/learning experiences
  - location and duration
  - assessment methods
  - potential outcomes and consequences
  - designated supervisor if not AFC PD
11. A remediation program may include new Educational Experiences or a requirement to repeat Educational Experiences or program-specific requirements. The Educational Experiences may be clinical or non-clinical.
12. A remediation program will normally be one month, but the length of the proposed program is in the discretion of the AFC PC.
13. Prior to the commencement of the remediation, the remediation plan must be signed by the AFC Director and provided to the Trainee, and the AFC Director must meet with the Trainee to review the plan. A copy of the AFC Assessment and Appeals policy should be provided to the Trainee.
14. The Associate Dean PGME must be advised when a Trainee is required to complete a remediation program and a copy of the remediation plan must be forwarded to the PGME Office.
15. The Trainee should receive feedback about their performance throughout the remediation period. A documented interim assessment is required for each Educational Experience during remediation, and any performance deficiencies identified at that time must be documented and discussed with the Trainee in person. There must be documentation that this meeting occurred. A copy of the assessment must be provided to the Trainee. A Summative Assessment must be completed at the conclusion of each Educational Experience forming part of the remediation. The Summative Assessment should be issued within two weeks of completion of the Educational Experience and there must be an in-person discussion

with the Trainee if performance concerns were identified.

16. During the remediation program the Trainee must:
  - Achieve the competencies required or alternatively there must be evidence satisfactory to the AFC Director and AFC PC that the Trainee has made sufficient progress in attaining the required competencies
  - Fully comply with all other academic expectations as outlined in the remediation plan and any other terms and conditions prescribed by the AFC PC.
17. If the AFC PC determines that the remediation was successful, the AFC Director will notify the Trainee and they will continue in the AFC Program. Any required extension of training will be determined by the AFC Director and AFC PC and both the Trainee and the PGME Office must be informed in writing.
18. (a) If the AFC PC considers that any expected outcomes were not achieved, the AFC Director and AFC PC will give the Trainee an opportunity to meet with them to discuss the results before deciding as to whether the remediation was successful. The Trainee may be accompanied by a colleague or other support person, however ordinarily any oral submissions or presentations must be made by the Trainee. If the Trainee disputes the accuracy or fairness of the assessments or raises extenuating or compassionate circumstances for consideration, the AFC PC will consider the oral and/or written submissions, review relevant documentation, and meet with such other individuals as it deems necessary before making a decision. If the AFC PC decides that the assessments were inaccurate or unfair, it may require that the assessments be corrected, or it may remove the assessments from the file and extend the remediation period to allow a further period of assessment. If the AFC PC decides that there are extenuating or compassionate circumstances that warrant an extension of remediation, it will allow the Trainee to undergo a further period of assessment. The terms of any extension and re-assessment are in the discretion of the AFC PC and must be reported to the PGME Office and PGME AB.
   
  
 (b) The AFC Director must notify the Trainee of the AFC PC's decision in writing with reasons. If the AFC PC decides that the remediation was unsuccessful, the Trainee will be required to undergo probation.
19. The responsibilities of the AFC PC set out in sections 2 to 16 and section 19 may be delegated to the Competence Committee, and in such case all references to the AFC PC shall be read as referring to the Competence Committee.
20. The Associate Dean PGME must be advised of the outcome of the remediation.

#### Leaves of Absence/Holidays

21. Any leave of absence or holiday request during remediation must be approved in writing in advance by the AFC Director. If the request is approved, the remediation may be considered incomplete. Depending on the length of the absence, the remediation plan may be redesigned by the AFC Director upon the Trainee's return, in consultation with the AFC PC and with input from the Trainee. Any redesigned plan will consider the nature of the weaknesses or performance deficiencies, the performance of the Trainee to date, and the need for continuity of clinical experience.

#### **PROBATION**

1. Probation is like Remediation, but with the requirement that the Trainee must demonstrate sufficient achievement and progression in order to be allowed to continue in the AFC Program. Probation is an educational program consisting of one or more Educational Experiences during which the Trainee is expected to demonstrate achievement of, or satisfactory progression towards the identified competencies. Probation will require an extension of training and therefore may not be available within the AFC Program.

2. A Trainee will be placed on probation:
  - where a remediation program has been unsuccessful, or
  - where remediation is required for a second time within a 12-month period.
3. In addition, a Trainee may be placed on probation for any reason pertaining to academic progress or clinical skills which is unsatisfactory, or any serious issues relating to professionalism or substantial absence from the Program.
4. Before deciding to place a Trainee on probation the AFC Director shall advise the Trainee in writing of the AFC PC's concerns and give the Trainee an opportunity to meet with the AFC Director and AFC PC and provide oral submissions and documentation. The Trainee may be accompanied by a colleague or other support person, however, ordinarily any oral submissions or presentations must be made by the Trainee. The AFC PC may also meet with the Competence Committee and such other individuals as it deems necessary prior to making its decision. If the AFC PC decides to place the Trainee on probation, it must issue a written decision setting out the reasons for its decision.
5. The Associate Dean PGME must be advised if a trainee is placed on probation.
6. The PGME Office will advise hospital administration when a Trainee is placed on probation.
7. All probation plans will be designed following a standard form available through the PGME Office.
8. The probation plan will be developed by the AFC Director, either in consultation with the AFC PC or in consultation with the Competence Committee if this responsibility has been delegated to the Competence Committee. It must be approved by the PGME AB before implementation. The Trainee must be given an opportunity to review and comment on the plan and the Trainee's comments will be submitted with the probation plan to the PGME AB. Normally, probation plans should be submitted to the PGME AB within 4 weeks of the requirement that the Trainee be placed on probation. If the AFC PC requires assistance from the PGME AB in the design of the plan, the request for assistance should be submitted to the PGME AB in a timely manner. Normally, the PGME AB will review the plan within 4 weeks of receiving it and will either approve the plan or request that the plan be revised before it can be approved.
9. The probation plan must include the following elements:
  - identification of the weaknesses and performance deficiencies to be addressed
  - educational strategies/learning experiences
  - location and duration
  - assessment methods
  - potential outcomes and consequences
  - designated supervisor if not AFC PD
10. Prior to the commencement of the probation, the probation plan must be signed by the AFC Director and provided to the Trainee, and the AFC Director must meet with the Trainee to review the plan.
11. The Trainee should receive feedback about his or her performance throughout the probation period. A documented interim assessment is required for every Educational Experience during probation and any performance deficiencies identified at that time must be documented and discussed with the Trainee in person. There must be documentation that this meeting occurred. A copy of the assessment must be provided to the Trainee. For AFC Programs this interim assessment will be a mid-rotation assessment. A Summative Assessment must be completed at the conclusion of each Educational Experience forming part of the probation. The Summative Assessment should be issued within four weeks of completion of the Educational Experience and there must be an in-person discussion with the Trainee if performance concerns were identified.

12. During probation the Trainee must:
  - Achieve the competencies and milestones required or alternatively there must be evidence satisfactory to the AFC Director and AFC PC that the Trainee has made sufficient progress in addressing the weaknesses and performance or professional conduct deficiencies to be permitted to continue in the AFC Program
  - Fully comply with all other academic expectations as outlined in the probation plan and any other terms and conditions prescribed by the AFC PC.
13. If the AFC PC determines that the probation program was successful, the AFC Director will notify the Trainee and they will continue in the AFC Program at a stage determined by the AFC Director and AFC PC. An extension of training will normally be required. Under exceptional circumstances the AFC PC may recommend that academic credit be awarded for probation. Such a recommendation must be approved by the Associate Dean PGME.
14. (a) If the AFC PC considers that any expected outcomes were not achieved, the AFC Director and AFC PC will give the Trainee an opportunity to meet with them to discuss the results before deciding as to whether the probation was successful. The Trainee may be accompanied by a colleague or other support person, however ordinarily any oral submissions or presentations must be made by the Trainee. If the Trainee disputes the accuracy or fairness of the assessments or raises extenuating or compassionate circumstances for consideration, the AFC PC will consider the Trainee's oral and/or written submissions, review all relevant documentation, and meet with such other individuals as it deems necessary before making a decision. If the AFC PC decides that the assessments were inaccurate or unfair it may require the assessments to be corrected or it may remove the assessments from the file and extend the probation period to allow a further period of assessment. If the AFC PC decides that there are extenuating or compassionate circumstances that warrant an extension of probation, it will allow the Trainee to undergo a further period of assessment. The terms of any extension and re-assessment are in the discretion of the AFC PC and must be reported to the PGME Office and PGME AB.  
  
(b) The AFC Director must notify the Trainee of the AFC PC's decision in writing with reasons. If the AFC PC decides that the probation was unsuccessful, the Trainee will be dismissed from the program.
15. The Associate Dean PGME must be advised of the outcome of the probation. The PGME Office will advise hospital administration of the outcome of the probation.

Leaves of Absence/Holidays

16. Any leave of absence or holiday request during probation must be approved in writing in advance by the AFC Director. If the request is approved, the probation may be considered incomplete. Depending on the length of the absence, the probation plan may be redesigned by the AFC Director upon the Trainee's return, in consultation with the AFC PC (or Competence Committee), and with input from the Trainee. The redesigned plan will consider the nature of the weaknesses or performance deficiencies, the performance of the Trainee to date, and the need for continuity of clinical experience.

**ACTIVITIES UNDERTAKEN PENDING COMMENCEMENT OF REMEDIATION OR PROBATION**

Pending commencement of a remediation or probation the AFC PC will determine whether it will permit a Trainee to continue with regularly scheduled Educational Experiences or whether it will require alternative arrangements, such as a leave of absence. Whether academic credit will be granted for activities undertaken during this period is at the discretion of the AFC PC.

### **SUSPENSION/REMOVAL FROM SERVICE**

17. The Associate Dean PGME or in his or her absence or unavailability the AFC Director, may suspend a Trainee from the AFC program or remove the Trainee from specific clinical duties at any time if there are concerns about patient care or safety or there are allegations of unprofessional conduct (see "Professional Conduct" above). Such suspension may continue until the completion of the investigation of the allegation(s). A suspension by the AFC Director must subsequently be confirmed by the Associate Dean PGME.
18. The Associate Dean PGME or AFC Director will notify the Trainee in writing of the suspension or removal from specific clinical duties and offer to meet with the Trainee to review the reasons for the decision and allow the Trainee to respond. Where possible, any such meeting will be held within seven days of the suspension. The Trainee may be accompanied by a colleague or other support person. After considering any representations from the Trainee, the Associate Dean PGME will decide if the suspension or removal from specific clinical duties should continue pending completion of the investigation and shall inform the Trainee in writing of his or her decision.
19. The PGME Office will advise hospital administration and the College of Physicians and Surgeons of Ontario when a Trainee is suspended or removed from clinical duties.
20. If a Trainee is suspended by the hospital in which he or she is employed, the Trainee will be unable to continue in the AFC Program for the duration of the suspension. Similarly, if a Trainee's licensed professional status with the College of Physicians and Surgeons of Ontario is suspended, the Trainee cannot continue in the AFC Program for the duration of that suspension.

### **DISMISSAL**

1. A Trainee will be dismissed from the AFC Program in any of the following circumstances:
  - a. where the AFC PC determines that a probation program was unsuccessful
  - b. where the Associate Dean PGME determines pursuant to section 3 below that the Trainee has failed to make satisfactory progress in the AFC Program
  - c. where the Trainee is dismissed by the hospital in which he or she is employed
  - d. where the Trainee has permanently lost their licensed professional status with the College of Physicians and Surgeons of Ontario.
2. In addition, a Trainee may be dismissed from the AFC Program where the Associate Dean PGME finds that the Trainee has engaged in unprofessional conduct and/or jeopardized patient care or safety.
3. Where probation is required more than once during the Trainee's training and the AFC PC is of the opinion that the Trainee has failed to make satisfactory progress in the Program, the AFC PC may recommend to the Associate Dean PGME that the Trainee be dismissed from the AFC Program. In considering this recommendation, the Associate Dean PGME shall provide the Trainee with a copy of the recommendation and shall ensure that the Trainee is informed of the reasons for the recommendation. The Trainee must be given an opportunity to meet with the Associate Dean PGME and file written submissions. The Trainee may be accompanied by a colleague or other support person at any meetings with the Associate Dean PGME, however ordinarily any oral submissions or presentations must be made by the Trainee. The Associate Dean PGME shall review all relevant documentation and shall meet with such other individuals as deemed necessary before making a decision. The Associate Dean PGME shall issue a written decision with reasons. If the Associate Dean PGME decides that the Trainee has not made satisfactory progress in the AFC Program, Trainee will be dismissed. If Associated Dean PGME decides that dismissal is not warranted, the Trainee will complete another probationary period under such terms as the AFC PC may require.

4. Serious allegations of unprofessional conduct and/or concerns relating to patient care or safety involving the Trainee shall be brought to the attention of the Associate Dean PGME at any time. The Associate Dean PGME shall ensure that the Trainee is informed of the allegations and is given an opportunity to meet with the Associate Dean PGME and file written submissions. The Trainee may be accompanied by a colleague or other support person at any meetings with the Associate Dean PGME, however ordinarily any oral submissions or presentations must be made by the Trainee. The Associate Dean PGME will review all relevant documentation relating to the allegations and shall meet with such other individuals as required before making a decision. The Associate Dean PGME shall issue a written decision with reasons.

If the Associate Dean PGME decides that the allegations are not substantiated, the Trainee will be able to continue in the AFC Program. If the Associate Dean PGME decides that there was unprofessional conduct and/or that patient care or safety was jeopardized, they may either dismiss the Trainee from the AFC Program or permit the Trainee to continue in the program with a recommendation to the AFC Director and AFC PC that there be a period of remediation or probation under such terms as the AFC PC may require.

5. The PGME Office will advise hospital administration and the College of Physician and Surgeons of Ontario when a Trainee is dismissed from the program.

## APPEALS

A Trainee may appeal the following:

- a Summative Assessment of "Failing to Progress" from a Competence Committee
- a decision that a remediation program was unsuccessful
- a refusal by an AFC PC to complete a FITER or CITER certifying that the Trainee has acquired the required milestones
- dismissal following an unsuccessful probation program
- a decision by the Associate Dean PGME to dismiss a Trainee because the Trainee has not made satisfactory progress, or has engaged in unprofessional conduct, and/or has jeopardized patient care or safety.

In addition to the above, a Trainee may appeal a decision under section 4, "Remediation", to require the Trainee to undergo remediation or a decision under section 3, "Probation", placing the Trainee on probation.

### **Activities Undertaken Pending Disposition of an Appeal**

Pending disposition of an appeal relating to an ITER, Summative Assessment, or a remediation program, the AFC PC will determine whether it will permit a Trainee to continue with regularly scheduled rotations or whether it will require alternative arrangements, such as a leave of absence. Whether academic credit will be granted for activities undertaken during this period is at the discretion of the AFC PC.

#### **I. Appeal of a Summative Assessment of a Competence Committee**

1. The appeal is a two-stage process beginning with a review by the AFC PC. In the case of an appeal of a rotation assessment the Trainee is encouraged to discuss any concerns about the assessment with the Clinical Supervisor before commencing an appeal.

#### **First Stage: Review by AFC PC**

2. The Trainee must submit a written request for a review to the AFC Director within two weeks of the date that the assessment or Competency Portfolio was discussed with the Clinical Supervisor or within two weeks of the issuance of the Competence Committee's Summative Assessment. The request should fully set out the reasons why the Trainee disagrees with the assessment and include any supporting documentation. A Trainee

may dispute the accuracy of the ratings or assessments, the fairness of the assessment process, or raise compassionate or extenuating circumstances. Where circumstances warrant, the deadline for filing the request may be extended at the discretion of the AFC Director.

3. The AFC Director will forward the request to the AFC PC. The AFC Director and AFC PC will give the Trainee an opportunity to meet with them and provide oral submissions and any additional documentation. The Trainee may be accompanied by a colleague or other support person, however ordinarily any oral submissions or presentations must be made by the Trainee. The AFC PC will review the relevant documentation and may meet with the Clinical Supervisor, the Chair of the Competence Committee, and other individuals as it deems necessary before making a decision.
4. The AFC PC will issue a decision in writing with reasons and a copy provided to the Associate Dean PGME.
  - a. If the AFC PC decides that the assessment was inaccurate or unfair, it may require that the assessment be corrected, or it may remove the assessment from the file and allow a further period of assessment under such terms as the AFC PC may require.
  - b. If the AFC PC decides that there are compelling extenuating or compassionate circumstances that warrant an additional period of assessment, it will permit the Trainee to undergo an additional assessment under such terms as the AFC PC may require.
  - c. If the AFC PC concludes that the assessment should remain in the file and that there will be no additional assessment, the Trainee has a limited right of appeal to the Schulich Postgraduate Appeals Committee.

Second Stage: Appeal to Schulich Postgraduate Appeal Committee

5. A Trainee may appeal the decision of the AFC PC to the Schulich Postgraduate Appeal Committee ("the Committee") on the following grounds:
  - a. that the AFC PC did not take into consideration relevant information when it made its decision
  - b. that the AFC PC's decision cannot be supported on the information that was before the AFC PC when it made its decision, or
  - c. that in making its decision the AFC PC failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of that decision.
6. An appeal must be submitted to the PGME Office within two weeks of the issuance of the AFC PC's decision and include the following:
  - a. a copy of Competency Portfolio and other assessments, and the AFC PC's decision
  - b. the grounds of appeal and remedy sought, and
  - c. a full statement supporting the grounds of appeal and any relevant documentation.
7. The PGME Office shall forward copies of the Trainee's appeal documentation to the AFC Director who shall file a concise written reply on behalf of the AFC PC, with relevant documentation, within two weeks of the filing of the appeal. A copy of the reply shall be provided to the Trainee.
8. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the Committee.
9. The PGME Office shall forward the documentation provided by the Trainee and AFC Director to the Committee.
10. The Committee shall determine its own procedures for hearing an appeal and the Chair of the Committee may make such rules and orders as necessary and proper to ensure a fair and expeditious proceeding. The Trainee 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 Trainee and the AFC Director are aware of the evidence to be considered. The Committee may invite the Trainee or AFC Director or other individuals to meet with the

Committee or it may make its decision solely based on the documentation filed by the Trainee and AFC Director and any additional documentation as required. The Trainee may be accompanied at a meeting by a colleague or other support person, however ordinarily any oral submissions or presentations must be made by the Trainee.

11. If the Committee determines:
  - a. that the AFC PC did not take into consideration relevant information when it made its decision,
  - b. that the AFC PC's decision cannot be supported on the information that was before the AFC PC, or
  - c. that the AFC PC failed to follow the procedures in this Policy and such failure could reasonably be seen to cast doubt on the correctness of its decision,
  - d. the Committee shall provide written reasons for its determination and shall refer the matter back to the AFC PC for reconsideration and may direct a further assessment of the Trainee, the terms of any such reassessment to be determined by the AFC PC, having regard to the reasons of the Committee. The Committee may, in addition to referring the matter back to the AFC PC, direct that an assessment or assessments be removed from the Trainee's file.
12. If the Committee determines that the decision of the AFC PC should be upheld, it shall provide written reasons for its determination.
13. **The Committee's decision is final and there is no further right of appeal at the University.**

**II. Appeal of a Decision to Require Remediation or Probation, Appeal of a Decision that Remediation Was Unsuccessful, or Appeal of a Denial of Promotion**

NOTE: If a final decision was made by a Competence Committee, all references to the AFC PC in this Part shall be read as referring to the Competence Committee.

14. The following decisions of the AFC PC may be appealed to the Schulich Postgraduate Appeal Committee ("the Committee"):
  - a. a decision by the AFC PC under section 4, "Remediation", that remediation is required
  - b. a decision by the AFC PC under section 3, "Probation", that probation is required
  - c. a determination by the AFC PC that remediation was unsuccessful
  - d. a decision by the AFC PC not to provide a Certificate of Completion
15. A Trainee may appeal the decision of the AFC PC to the Schulich Postgraduate Appeal Committee ("the Committee") on the following grounds:
  - a. that the AFC PC did not take into consideration relevant information when it made its decision
  - b. that the AFC PC's decision cannot be supported on the information that was before the AFC PC when it made its decision, or
  - c. that in making its decision the AFC PC failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of that decision.
16. An appeal must be submitted to the PGME Office within two weeks of the issuance of the AFC PC's decision and include the following:
  - a. a copy of relevant assessments and/or recommendations (as applicable) and the AFC PC's decision
  - b. the grounds of appeal and remedy sought, and
  - c. a full statement supporting the grounds of appeal and any relevant documentation.
17. The PGME Office shall forward copies of the Trainee's appeal documentation to the AFC Director who shall file a concise written reply on behalf of the AFC PC, with relevant documentation, within two weeks of the filing of the appeal. A copy of the reply shall be provided to the Trainee.

18. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the Committee.
  19. The PGME Office shall forward the documentation provided by the Trainee and AFC Director to the Committee.
  20. 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 Trainee 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 Trainee and the AFC Director are aware of the evidence to be considered. The Committee may invite the Trainee or AFC Director or other individuals to meet with the Committee or it may make its decision solely on the basis of the documentation filed by the Trainee and AFC Director and any additional documentation as it may require. If the Trainee attends a meeting they may be accompanied by a colleague or other support person, however ordinarily any submissions or presentations must be made by the Trainee.
  21. If the Committee determines:
    - a. that the AFC PC did not take into consideration relevant information when it made its decision,
    - b. that the AFC PC's decision cannot be supported on the information that was before the AFC PC, or
    - c. that the AFC PC failed to follow the procedures in this Policy and such failure could reasonably be seen to cast doubt on the correctness of its decision,
    - d. the Committee shall provide written reasons for its determination and shall refer the matter back to the AFC PC for reconsideration and may direct a further assessment of the Trainee, the terms of any such reassessment to be determined by the AFC PC, having regard to the reasons of the Committee. The Committee may, in addition to referring the matter back to the AFC PC, direct that an assessment or assessments be removed from the Trainee's file.
  22. If the Committee determines that the decision of the AFC PC should be upheld, it shall provide written reasons for its determination.
- 23. The Committee's decision is final and there is no further right of appeal at the University.**
- III. Appeal of a Refusal to Complete a Certificate of Completion**
24. If the AFC PC either refuses to certify that a Trainee has acquired the competencies of the AFC Program the Trainee may request a review of that decision by the Associate Dean PGME. The Associate Dean PGME may conduct the review or delegate it to another individual and references to "Associate Dean PGME" in this Part mean "Associate Dean PGME or delegate".
  25. The Trainee must file a written request for a review with the PGME Office within two weeks of the issuance of the AFC PC's decision. Where circumstances warrant, this deadline may be extended at the discretion of the Associate Dean PGME. The request should fully set out the reasons why the Trainee disagrees with the decision and any supporting documentation.
  26. The Associate Dean PGME will give the Trainee an opportunity to meet and provide oral submissions and any additional documentation. The Trainee may be accompanied by a colleague or other support person, however ordinarily any oral submissions or presentations must be made by the Trainee. The Associate Dean PGME will review the relevant documentation and may meet with the AFC Director and other individuals as deemed necessary before making a decision.
  27. The Associate Dean PGME will issue a decision in writing with reasons. If the Associate Dean PGME determines that the AFC PC's decision was incorrect, the matter will be referred back to the AFC PC for

reconsideration with recommendations. If the Associate Dean PGME confirms the AFC PC's decision, the Trainee may appeal the Associate Dean PGME's decision to the Schulich Postgraduate Appeal Committee ("the Committee") on the following grounds:

- a. that the Associate Dean PGME did not take into consideration relevant information when making the decision
  - b. that the Associate Dean PGME's decision cannot be supported on the information that was provided, or
  - c. that in making the decision the Associate Dean PGME failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of the decision.
28. An appeal of the Associate Dean PGME's decision must be submitted to the PGME Office within two weeks of the issuance of the decision and include the following:
- a. a copy of the Associate Dean PGME's decision
  - b. the grounds of appeal and remedy sought, and
  - c. a full statement supporting the grounds of appeal and any relevant documentation.
29. The PGME Office shall forward copies of the Trainee's appeal documentation to the Associate Dean PGME 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 Trainee.
30. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the Committee.
31. The PGME Office shall forward the documentation provided by the Trainee and Associate Dean PGME to the Committee.
32. The Committee shall determine its own procedures for hearing an appeal and the Chair of the Committee may make such rules and orders as deemed necessary and proper to ensure a fair and expeditious proceeding. The Trainee 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 Trainee and the Associate Dean PGME are aware of the evidence to be considered. The Committee may invite the Trainee, the Associate Dean PGME, the AFC Director, or other individuals to meet with the Committee or it may make its decision solely on the basis of the documentation filed by the Trainee and Associate Dean PGME and any additional documentation as it may require. If the Trainee is invited to a meeting they may be accompanied by a colleague or other support person, however ordinarily any oral submissions or presentations must be made by the Trainee.
33. If the Committee determines:
- a. that the Associate Dean PGME did not take into consideration relevant information when making his or her decision,
  - b. that the Associate Dean PGME's decision cannot be supported on the information provided, or
  - c. that the Associate Dean PGME 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,
  - d. the Committee shall provide written reasons for its determination and shall refer the matter back to the Associate Dean for reconsideration.
34. If the Committee determines that the decision of the Associate Dean should be upheld, it shall provide written reasons for its determination.
35. The Committee's decision is final and there is no further right of appeal at the University.

**IV. Dismissal**

36. A Trainee may appeal a dismissal arising from an unsuccessful probation or a decision made by the Associate

Dean PGME to dismiss the Trainee from the AFC Program to the Schulich Postgraduate Appeal Committee ("the Committee") on the following grounds:

- a. that the AFC PC or the Associate Dean PGME did not take into consideration relevant information when making the decision
  - b. that the decision made by the AFC PC or Associate Dean PGME cannot be supported on the information that was before the AFC PC or Associate Dean PGME at the time the decision was made, or
  - c. that in making the decision the AFC PC or the Associate Dean PGME failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of that decision.
37. 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 assessments (if applicable)
  - b. a copy of the AFC PC's or Associate Dean PGME's decision
  - c. the grounds of appeal and remedy sought, and
  - d. a full statement supporting the grounds of appeal and any relevant documentation.
38. The PGME Office shall forward copies of the Trainee's appeal documentation to the respondent (AFC PC or Associate Dean PGME) 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 Trainee. In the case of an appeal against a decision of the AFC PC, the AFC Director will normally submit a response on behalf of the AFC PC.
39. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the Committee.
40. The PGME Office shall forward the documentation provided by the Trainee and respondent to the Committee.
41. The Committee shall determine its own procedures for hearing an appeal and the Chair of the Committee may make such rules and orders as deemed necessary and proper to ensure a fair and expeditious proceeding. The Trainee 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 Trainee and the respondent are aware of the evidence to be considered.
42. 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.
43. In the case of a dismissal arising from an unsuccessful probation, if the Committee determines:
- a. that the AFC PC did not take into consideration relevant information when it made its decision,
  - b. that the AFC PC's decision cannot be supported on the information that was before the AFC PC, or
  - c. that the AFC PC failed to follow the procedures in this Policy and such failure could reasonably be seen to cast doubt on the correctness of its decision,
  - d. the Committee shall provide written reasons for its determination and shall refer the matter back to the AFC PC for reconsideration and may direct a further assessment of the Trainee, the terms of any such reassessment to be determined by the AFC PC, having regard to the reasons of the Committee. The Committee may, in addition to referring the matter back to the AFC PC, direct that an assessment or assessments be removed from the Trainee's file.
44. In the case of a dismissal by the Associate Dean PGME, if the Committee determines:
- a. that the Associate Dean PGME did not take into consideration relevant information when making his or her decision,
  - b. that the Associate Dean PGME's decision cannot be supported on the information that was before the Associate Dean PGME, or

- c. that the Associate Dean PGME failed to follow the procedures in this Policy and such failure could reasonably be seen to cast doubt on the correctness of the decision, the Committee shall provide written reasons for its determination and shall either refer the matter back to the Associate Dean PGME for reconsideration or reinstate the Trainee in the Program. Such reinstatement may include a recommendation to the AFC PC for remediation or probation, the terms of which shall be determined by the AFC PC.
  - 45. If the Committee determines that the decision of the AFC PC or the Associate Dean PGME should be upheld, it shall provide written reasons for its determination.
  - 46. 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 Trainee and casts doubt on the fairness of those proceedings. The Dean may delegate his or her authority to consider the appeal to another individual or individuals or to a committee. References to "Dean" in this Part mean "Dean or delegate".
  - 47. 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 ground of appeal including any supporting documentation.
  - 48. The Dean's Office shall forward copies of the Trainee's appeal documentation to both the respondent at the prior level and to the Chair of the Schulich Postgraduate Appeal Committee and shall request written responses with any relevant supporting documentation within two weeks. For appeals relating to a decision of the AFC PC, the response will normally be submitted by the AFC Director. A copy of the responses shall be provided to the Trainee who shall have the right to file a written reply.
  - 49. Where circumstances warrant, deadlines for filing an appeal or responses may be extended at the discretion of the Dean.
  - 50. The Dean shall base his or her decision solely on the written material filed by the parties. 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 deemed appropriate.
- 51. The Dean's decision is final and there is no further right of appeal at the University.**