

POSTGRADUATE MEDICAL EDUCATION

SCHULICH SCHOOL OF MEDICINE & DENTISTRY

CLINICAL FELLOWSHIP PROBATION, SUSPENSION & TERMINATION POLICY

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Preamble

The purpose of this policy is to provide information on the processes for probation, suspension and termination in clinical fellowships. This policy does not apply to residents, trainees in Royal College Area of Focused Competence (AFC) programs, or trainees in a Subspecialty Examination Affiliate Program (SEAP).

Definitions of clinical fellows, the Fellowship Director, and assessment requirements are found in the Program Responsibilities in Clinical Fellowship Education Policy.

For the purpose of this policy fellowship directors may delegate responsibility to the fellow supervisor.

Policy References

- [PGME Program Responsibilities in Clinical Fellowship Education Policy](#)
- [PGME Fellowship Moonlighting Policy](#)
- [PGME Pre-Entry Assessment Program \(PEAP\) Policy](#)
- [CPSO Registration Requirements](#)
- [CPSO Professional Responsibilities in Medical Education](#)

I. Probation

1. Where, in the opinion of the Fellowship Director, there are deficiencies in progress towards the 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 Fellowship Director may require the fellow to complete a probationary program. If a fellow is placed on probation, the fellowship director will develop and discuss with the fellow a probationary learning plan, which will include specific written measures that are designed to assist the fellow in achieving the 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 Fellowship Director's Academic Department will be identified and included in the proposed learning plan.
2. 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 fellowship director following the requirements of (1), but only in exceptional circumstances and provided that the first probationary program was successfully completed by the fellow.

3. A decision by the fellowship director to require a probationary period under (1) or (2) may be appealed. (See “Appeals” below.)
4. A learning plan for a probationary program must be developed by the fellowship director and approved by the Postgraduate Medical Education Advisory Board (PGME-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 PGME-AB for approval. Normally, learning plans should be submitted to the PGME-AB within four weeks of the fellowship director’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 assessed, location and duration of the probationary program, and the consequences of a successful or unsuccessful outcome. The learning plan as developed by the fellowship director and approved by the PGME-AB is not subject to appeal.
5. The fellowship director must meet with the fellow to discuss the approved probationary learning plan, including the objectives, education strategies and assessment methods. The learning plan must be signed by the fellowship director and fellow.
6. If the probation results in any material change to the objectives of the fellowship, the Offer Letter must be amended, the terms of the amended Offer Letter must be accepted by both the fellow and the fellowship director, and the amended Offer Letter must be submitted to the PGME Office, along with the revised fellowship objectives. The College of Physicians and Surgeons of Ontario (CPSO) will then be notified by PGME.
7. If the fellowship director determines that the probationary program was successful, the fellowship director 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 fellowship director who will notify the fellow and the PGME Office in writing of the fellowship director’s decision.
8. If the fellowship director determines that the probationary program was not successful, the fellowship director 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.

II. Suspension

1. Where, in the opinion of the fellowship director, 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 this case, the fellowship director must notify, in writing, the fellow, the Academic Department Chair, and the Associate Dean, PGME. The Associate Dean, PGME will inform the CPSO and hospital administration of the suspension.
2. A review/investigation or other handling of the circumstances underlying the suspension will depend on the institution having jurisdiction. Designation of jurisdiction will be a matter of discussion between the University and the hospital administration, and may be subject to additional policies or guidelines.

3. Any decision regarding a 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 fellowship director will either reinstate the fellow or proceed to deal with the allegations in accordance with the procedures set out below under **Termination of Fellowship Program**. 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 Certificate of Registration with the College of Physicians and Surgeons of Ontario is suspended, the fellow cannot continue their fellowship program for the duration of that suspension.

III. Termination of Fellowship Program

1. 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 probationary learning plan that has been approved by the fellowship director and the PGME-AB;
 - c. where the fellow is dismissed by the hospital in which they are employed;
 - d. where the fellow has had their Certificate of Registration terminated by the CPSO.
2. 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 designate) will consult with the Fellowship Director and the Associate Dean PGME. The Academic Department Chair (or designate) shall ensure that prior to the final decision, the 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.
3. Discretionary Termination may occur at any time during the fellowship depending on performance reasons, and is not dependent on whether probation or suspension has occurred beforehand.
4. In all cases of termination for cause, the University will alert the Hospital that 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.
5. Where a 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 include a notation that the fellowship was terminated for cause.

In some circumstances, a fellow may appeal termination from their fellowship program to the Schulich Postgraduate Medical Education Appeal Committee (See Appeal).

IV. Notification to the CPSO

The PGME Office will notify the CPSO a change in status following a withdrawal of the fellow from a clinical fellowship or the termination of the fellowship for cause.

V. Appeals Related to Probation

1. A decision by the fellowship director requiring the fellow to enter into a probationary program may be appealed to the Schulich Postgraduate Medical Education Appeal Committee:
2. The fellow may appeal on the following grounds:
 - a. that the fellowship director did not take into consideration relevant information when making the decision;
 - b. that the fellowship director's decision cannot be supported on the information that was before the fellowship director when the fellowship director made the decision; or
 - c. that in making the decision, the fellowship director failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of that decision.
3. An appeal must be submitted to the PGME Office within two weeks of the issuance of the fellowship director's decision and include the following:
 - a. a copy of the relevant evaluations (where applicable) and the fellowship director'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.
4. The PGME Office shall forward copies of the fellow's appeal documentation to the fellowship director 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.
5. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the Appeal Committee.
6. The PGME Office shall forward the documentation provided by the fellow and fellowship director to the Appeal Committee.
7. The Appeal 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 Appeal Committee shall proceed fairly in its disposition of the appeal, ensuring that both the fellow and the fellowship director are aware of the evidence to be considered. The Appeal Committee may invite the fellow or fellowship director or other individuals to meet with the Appeal Committee or it may make its decision solely on the basis of the documentation filed by the fellow and fellowship director 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.
8. The Appeal Committee shall issue a written decision with reasons and may:
 - a. Deny the appeal;
 - b. Grant the appeal if it is persuaded that the fellowship director did not take into consideration relevant information when the fellowship director made the decision and remit the matter to the fellowship director for reconsideration in light of that information;
 - c. Grant the appeal if it is persuaded that the fellowship director's decision cannot be supported by the information that was before the fellowship director and 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 fellowship director may require; or
 - d. Grant the appeal if it is persuaded that the fellowship director 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 fellowship director for reconsideration.

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

VI. Appeals Related to Termination of Fellowship

1. A fellow may appeal a termination arising from an unsuccessful probation or a discretionary decision made by the Academic Department Chair (the "Chair") to dismiss the fellow from the fellowship program to the Schulich Postgraduate Appeal the Committee on the following grounds:
 - a. that the fellowship director or Chair did not take into consideration relevant information when making the decision;
 - b. that the decision made by the fellowship director or Chair cannot be supported on the information that was before the fellowship director or Chair at the time the decision was made, or
 - c. that in making the decision, the fellowship director or Chair failed to follow this Policy and that such failure could reasonably be seen to cast doubt on the correctness of that decision.
2. 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 fellowship director or 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.
3. The PGME Office shall forward copies of the fellow's appeal documentation to the respondent (fellowship director or the 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.
4. Where circumstances warrant, the deadlines for filing an appeal or response may be extended at the discretion of the Chair of the Appeals Committee.
5. The PGME Office shall forward the documentation provided by the fellow and respondent to the Committee.
6. The Appeal Committee shall determine its own procedures for hearing an appeal and the Chair of the Appeal 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.
7. The Appeal Committee shall provide the parties to the appeal with an opportunity to meet with the Appeal 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.
8. The Appeal Committee shall issue a written decision with reasons and may:
 - a. Deny the appeal;
 - b. Grant the appeal if it is persuaded that the fellowship director or Chair did not take into consideration relevant information when making the decision and remit the matter to fellowship director or the Chair for reconsideration in light of that information;

- c. Grant the appeal if it is persuaded that the fellowship director's or Chair's decision cannot be supported by the information that was before the fellowship director or Chair, and
- d. 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 fellowship director may require;
- e. In the case of a dismissal by the Chair, reinstate the fellow in the fellowship program, or reinstate the fellow with a recommendation to the fellowship director for probation under such terms as the Chair may require; or
- f. Grant the appeal if it is persuaded that the fellowship director or the 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 fellowship director or Chair for reconsideration.

VII. Appeal to Dean

1. A decision to deny the appeal relating to a termination of a fellowship 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 Medical Education 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".
2. An appeal must be submitted to the Dean's Office, Schulich School of Medicine & Dentistry, within two weeks of the issuance of the Appeal Committee's decision and include a copy of the Appeal Committee's decision and a full statement supporting the grounds of appeal with supporting documentation (if applicable).
3. The Dean's Office shall forward copies of the fellow's appeal documentation to the respondent (fellowship director or the Chair) and may request a written reply within two weeks. A copy of the reply shall be provided to the fellow.
4. Where circumstances warrant, the deadlines for filing an appeal or reply may be extended at the discretion of the Dean.
5. 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 Appeal Committee with specific directions for rehearing all or part of the appeal, or
 - c. 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.