

MCG Graduate Medical Education Committee Due Process Subcommittee Charter

1. Purpose.

Under the direction of the Medical College of Georgia (MCG) Graduate Medical Education Committee (GMEC), the Due Process Subcommittee reviews and advises program directors on potential adverse actions for residents and fellows in MCG GME programs. The Due Process Subcommittee also educates program leadership on due process, remediation of learners, and documentation surrounding adverse actions.

2. Membership

- a. Program Directors (PD) and/or Associate Program Directors (APD). The active PD or APD members will be voting members of the Due Process Subcommittee.
- b. Residents and Fellows. Resident or fellow members will be active members of the Due Process Subcommittee with voting rights. They will be selected by their peers as required by ACGME.
- c. *Ad hoc* members. Additional individuals may be assigned to the Subcommittee on a temporary basis by either the DIO or the Due Process Subcommittee Chair. These members may be assigned because they are legal experts, subject matter experts in a particular training area, or because it is felt they bring a representative perspective to the discussion of a learner situation. *Ad hoc* members will not be voting members of the Subcommittee.

3. Chair

- a. The Chair of the Due Process Subcommittee may be the Senior Associate Dean for Graduate Medical Education, the Associate Dean for Graduate Medical Education, a Program Director, or another qualified faculty member at MCG with expertise in GME and due process.
- b. The Chair is appointed by the DIO.
- c. The Chair will be a voting member only in the instance of a tie among the rest of the Subcommittee members.
- d. The Chair of the Subcommittee will recuse themselves of the Subcommittee if the House Staff in question is a member of their department or if they have provide medical care to the House Staff; the DIO or Associate Dean of GME will chair.

4. Responsibilities

- a. Review the facts surrounding cases where a Program Director is considering probation, non-renewal, or dismissal of a resident or fellow. After hearing the relevant data surrounding a case, the Subcommittee will provide the Program Director a written list of options, a preferred course of action, and a rationale for recommending that course of action.
- b. Provide education to the MCG GME community about competency assessment, evaluation, adverse educational/disciplinary action, and remediation of learners.
- c. Oversee the formation and conduct of *ad hoc* Committees (AHC) in the event of an appeal by a learner of an adverse educational action. However, GMEC Due Process Subcommittee members substantially involved in any decision or action directly involving the House staff will not be on the AHC. Moreover, those members in the House Staff's Department and/or Training Program will not be on the AHC where possible.

5. Procedures

a. Meetings

- i. At least one business meeting of the Subcommittee will occur annually. The Chair may call additional business meeting as needed.
- ii. Meetings to review a Program's concerns and planned course of action will be conducted within 10 business days of a Program Director requesting a meeting of the Due Process Subcommittee to discuss a potential adverse educational/disciplinary action.
- iii. Quorum for meetings will be at least 2 Program Directors and at least one resident or fellow. No members from the home department of the House Staff who case is being heard will be allowed to participate in these meetings.
- iv. Program Directors will submit all relevant documents pertaining to a resident or fellow case at least 5 business days prior to the in-person meeting.
- v. The Subcommittee may ask for additional documentation or clarification from the Program Director, the learner in question, or other pertinent individuals to help them evaluate the particular circumstances.
- vi. Supplemental meetings may be conducted electronically if appropriate. However, there must be at least one in-person meeting for every potential adverse educational action. The bulk of the relevant data pertaining to the case should be presented at the in-person meeting.

b. Providing Recommendations to Program Directors

- i. After all relevant data surrounding a case has been evaluated, the *Subcommittee Chair* or designee will create a written document for the Program Director and DIO that contains a list of options, a preferred course of action, and a rationale for recommending that course of action within 10 business days of the last meeting of the Subcommittee about a given case.
- ii. The final written report of the Subcommittee will be securely kept in the GME office. The Program Director will also be provided a copy of the document.
- iii. The GMEC will be notified that a report was created but the report will not be provided to the GMEC in an effort to preserve confidentiality of the resident or fellow in question. Any GMEC member may come to the GME Office and request to see the report themselves.

c. Voting

- i. Voting is typically not required by the full Due Process Subcommittee.
- ii. Determination of recommendations, etc. is done by the subset of members present at the meeting(s) to discuss a case.
- iii. This determination is done by consensus.
- iv. In the event that consensus is not reached, a formal vote will be taken.
- v. The Chair (or the DIO or Associate Dean of GME in the event the Chair cannot participate) Subcommittee will mark their vote as "Chair", and this vote will only be counted in the event of a tie.
- vi. Vote is determined by a simple majority.

d. Minutes

- i. Minutes will be kept and a redacted version will be submitted to the GMEC as an information only item. Any GMEC member may come to the GME Office and request to see the non-redacted minutes themselves.
- ii. Minutes will contain the following statement in the footer: "Privileged, Confidential and Non-Discoverable: This document is intended for the use of the person to whom it is addressed and may contain information that is privileged and confidential, the disclosure of which is governed by applicable law. If the reader of this document is not the intended recipient, or the employee or the agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you received this document in error, please notify us immediately and delete the related document."