

**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.
  - 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. When *ad hoc* committees are formed, the Chair of the Subcommittee will recuse themselves of the committee if the house member in question is a member of their department or if they have provide medical care to the house member; the DIO or associate DIO will chair.
4. Responsibilities
  - a. Review the facts surrounding cases where a Program Director is considering probation, non-renewal, or termination 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, remediation, adverse educational action, and remediation of learners.
  - c. Oversee the formation and conduct of *ad hoc* Committees in the event of an appeal by a learner of an adverse educational action.
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. *Ad hoc* meetings to hear a House Office case 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 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 Officer whose 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 an in-person meeting.
  - v. The *ad hoc* committee 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 of the case.
  - vi. Supplemental *ad hoc* 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 *ad hoc* committee Chair 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 committee about a given case.
  - ii. The final written report of the committee 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 *ad hoc* committees.
  - 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 of the *ad hoc* committee 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

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