

UNIVERSITY OF OTTAWA, FACULTY OF MEDICINE
POSTGRADUATE PROFESSIONALISM SUBCOMMITTEE
TERMS OF REFERENCE

MANDATE

This committee is a subcommittee of the Postgraduate Medical Education (PGME) Committee. The committee's mandate is to review and adjudicate on professionalism concerns involving a resident or fellow, as per the Faculty of Medicine Policy on Professionalism (henceforth referred to as "Professionalism Policy". The Postgraduate Professionalism Subcommittee (henceforth referred to as the "Committee") reports to the Vice-Dean, PGME, or their designate, on the cases and the decisions.

MEMBERSHIP

The Vice-Dean of Postgraduate Medical Education (PGME) or designate will be a permanent member

Committee Member	Term	Renewable	Voting
Chair	5 years	Once	Yes*
Vice-Dean, PGME	Ex-officio		No
Assistant Dean, PGME	Ex-officio		No
Four faculty members appointed by the Vice-Dean: 1. One faculty member who is a certified Fellow of the Royal College of Physicians and Surgeons of Canada 2. One faculty member who holds certification in the College of Family Physicians (CCFP) 3. Two faculty members at large	5 years	Once	Yes
Two residents nominated by Professional Association of Residents of Ontario (PARO)	1-year term	Once	Yes
Director of Professionalism at the Faculty of Medicine	Ex-officio		No

* The Chair will vote only in the event of a tie.

QUORUM

Quorum will be four (4) voting members, one of which must be the Chair and one resident representative.

APPOINTMENT PROCESS

PGME office will invite interested parties to participate on the committee when a vacancy is identified. Candidates will be reviewed to ensure they are in good standing, and that no professionalism issues have been identified, prior to presenting candidates to PGEC for

approval. Once approved, the PGME office will notify all candidates as to the outcome of the process.

FREQUENCY OF MEETINGS

- The Committee will meet to review and adjudicate when matters related to residents and fellows as respondents to professionalism complaints arise.
- It is expected that committee members will attend at least 75% of meetings that occur over the academic year. Inability to attend the required percentage of meetings may result in removal from the committee by the Vice-Dean, PGME or designate.

CONFLICT OF INTEREST

A member of the Committee should recuse themselves when dealing with a matter where the member:

- was materially involved in the completion of an evaluation; and/or
- made a recommendation and/or rendered a decision in the matter which is the subject of the complaint; and/or
- has a personal relationship with the resident or fellow.

Prior to considering any case, the Chair will disclose any conflict they have and require committee members to also declare any conflicts they may have. The Committee may also require a member to recuse themselves where the Committee determines that there could exist a reasonable apprehension of bias. All potential conflicts and concerns of bias will be reviewed by the Committee who will decide by vote if the declarations should result in the member recusing themselves from discussion. These declarations and decisions will be noted in the official minutes of the Committee.

FUNCTIONS OF THE COMMITTEE

At the request of the Vice-Dean PGME or delegate, in relation to a resident or fellow responding to professionalism complaints deemed at Level 2 or higher as per the Professionalism Policy, the Committee:

- Reviews and renders a decision on an investigation process.
- Reviews and when necessary, further investigates a complaint.
- Conducts a hearing for Level 3 complaints as per section 6 below.
- Renders a decision regarding the validity of a complaint. Validity of a complaint speaks to the alleged events having occurred or not.
- Renders a decision on whether there was a violation of the Professionalism Policy related to a complaint.

- Determines a course of intervention and follow-up.
- Reports to the Vice-Dean, PGME or designate.

PROCESSES OF THE COMMITTEE

Professionalism database. For any new concerns the professionalism database will be consulted to determine if there is a prior history of professionalism concerns.

Framework for Review of Complaints.

- The approach to review a professionalism complaint will include, but is not limited to, the following elements:
 - a) confirm the complaint;
 - b) understand the context;
 - c) communicate and discuss in a mutually respectful manner;
 - d) encourage self-reflection;
 - e) agree on a plan for remediation, especially at Level 2 or higher;
 - f) document the interventions; and
 - g) construct a plan for follow-up.
- Confidentiality is maintained to the greatest extent possible, while allowing for necessary investigation and follow-up on complaints.

Communication of outcome

- The resident or fellow, the Vice-Dean, PGME or designate, and the Program Director of the resident/fellow's home program will be notified of the decision in writing. Consent is not required for sharing of information with these parties.

Review of a complaint

- The Committee is responsible for conducting the review of Level 2 complaints that are referred to the Committee by the Vice-Dean, PGME or designate, as well as conducting the review of all Level 3 complaints as per the Professionalism Policy.
- The Committee may seek the advice or assistance of a third party in its review and investigations of the complaint (e.g. Hospital Human Resources, University of Ottawa Human Rights Office).

Determining the intervention

- The range of interventions is outlined in the Professionalism Policy, section 6.2.
- For Level 2 complaints, the Committee and the Program Director and Program Committee responsible for the resident or fellow will jointly create a plan for intervention and follow-up.

- For Level 3 complaints, the Committee determines a plan of intervention and follow-up, taking into consideration past cases, stakeholder input, the complainant's input and the respondent's input.

CONDUCT OF HEARING

The Committee will meet to review Level 2 complaints referred by the Vice-Dean PGME or designate and all Level 3 complaints.

The meeting will be chaired by the Chair of the Committee. If the Chair is in conflict or is considered to be biased, an alternate Chair will be selected by the Chair.

The Committee will decide any issue as to procedure or evidence at the hearing.

Third party advice, assistance, written statements, or affidavits may be collected prior to the hearing.

At least 10 calendar days prior to the hearing, the Respondent (resident or fellow subject of the complaint) will be provided with the evidence collected by the Committee to date and will be given an opportunity to respond in writing five (5) calendar days before the scheduled hearing.

The Respondent will be invited to the hearing 10 calendar days in advance and may attend with their representative if they wish. The representative is there as a support person and will not speak on behalf of the respondent during the proceeding.

At the commencement of the meeting, the Chair will summarize the procedure for the meeting and reaffirm the allocated time provided for the meeting among the complainant, the respondent, appropriate witness(es) and written statements.

The complainant and the respondent will be interviewed separately.

The respondent will present after which the members of the Committee will be given the opportunity to question the respondent. The respondent will be given the opportunity to make brief closing statements.

The Committee may have to deliberate on the evidence and formulate a decision at a later date.

Summary minutes of the meeting will be taken by a member of the Committee and will be reviewed by the Chair within 5 calendar days. Once the summary minutes have been reviewed and approved by the Chair, they will be distributed to members of the Committee for review and comment.

DECISION OF THE MEETING

The Committee may in assessing the evidence on a standard of balance of probabilities:

- Find the details of the complaint valid;
- Find some of the details of the complaint to be valid;
- Find the alleged incident in the complaint to be unsubstantiated at this point and further investigations are needed; or
- Find the alleged incident in the complaint to be unsubstantiated and no further investigations are needed.

The Committee will, if there is a determination that the complaint is valid, determine whether there was a violation of the Professionalism Policy.

The decision of the Committee will be by a show of hands and will be determined by a majority of the voting members present.

The Chair will vote only in the event of a tie.

The decision of the Committee will be recorded in the meeting minutes of the Committee. Individual votes will not be recorded.

The Committee will determine the appropriate course of action, which may include but are not limited to, additional monitoring, referral to services (e.g. Ontario Medical Association Physician Health Program), remediation, probation, suspension or dismissal.

NOTICE OF DECISION AND REASONS

- The Chair will draft a letter outlining the Committee's decision and reasons for the decision within 5 business days of the meeting and will send to the Committee members for feedback giving them an additional 5 business days to reply to the Chair with comments.
- The Chair will finalize the letter and send it to the respondent and the respondent's home Program Director within 20 business days of the Committee's meeting.
- Copies of the letter will also be sent to the Vice-Dean PGME.
- The complainant is provided information on the process and follow up as appropriate.

MINUTES

The minutes of any meeting will include the date and time of the meeting, those present, a brief summary of the meeting, and the Committee's decision and reasons.

REPORT TO THE PGEC

The Chair of the Committee will prepare an annual written report for the Vice-Dean PGME, summarizing the activities of the Committee and its decisions, without disclosing the name(s) of the respondents or complainants involved. The report may also propose any general recommendations to improve professionalism within the Faculty.

APPEAL OF COMMITTEE'S DECISION

The respondent may appeal the decision of the Postgraduate Professionalism Committee to the Faculty Council Appeals Committee.

CONFIDENTIALITY

The documents provided to the Committee at meetings shall be retained by the Chair of the Committee.

All deliberations of the Committee and all information received by the Committee shall be confidential except for such disclosure as is necessary for the Committee's investigations and reports.

All committee members must acknowledge that all discussions, documents, and correspondence, regardless of their manner of transmission, are deemed confidential and must always remain confidential. All information received and transmitted must be handled in accordance with the University of Ottawa's policy 117. Items may be requested via the University of Ottawa's Access to Information and Privacy Office, in accordance with policy 90.

Equity, Diversity, and Inclusion (EDI):

The University of Ottawa aspires to promoting a work environment that fully represents the diversity of Canada's population. As a result, it is committed to applying equity principles to enrich discussion, decisions, and outcomes of committees to support our EDI mandate.

References

1. Hickson GB, Pichert JW, Webb LE, Gabbe SG. A complementary approach to promoting professionalism: identifying, measuring, and addressing unprofessional behaviors. *Acad Med*. 2007 Nov;82(11):1040-8. PubMed PMID: 17971689. Epub 2007/11/01. eng.

Approval

PGEC

Faculty Council

Executive committee of the Senate

Date

December 13, 2023

January 9, 2024

N/A