



## 1. Purpose & Scope

The purpose of this policy is to ensure that all disciplinary and dismissal matters be dealt with fairly, promptly, and in such a manner as is consistent with the rules of natural justice. This policy relates to the principles of dismissal from the Post Fellowship Education & Training (PFET) Program in Transplantation Surgery.

GSA is the body that conducts and administers the PFET Program in Transplantation Surgery in Australia and New Zealand. The administration of transplantation training is managed through the GSA Transplant Training Committee.

The GSA Transplant Training Committee is responsible for the assessment of overall performance and supervision of transplant Trainees. It is recognised that GSA and the Trainee's employing body share responsibility for managing a Trainee's performance and dismissal from the PFET Program in Transplantation Surgery.

Trainees appointed to the Post Fellowship Education & Training (PFET) Program in Transplantation Surgery may be dismissed if their clinical and/or professional performance does not meet the standards set by GSA.

GSA has formulated and published detailed training regulations for the PFET Program in Transplantation Surgery that comply with the principles of this policy and provide transparency of process to Trainees.

## 2. Definitions

Listed here are all key terms and acronyms used in the policy, and their definitions.

<b>Acronym – Key Word</b>	<b>Definition</b>
GSA	General Surgeons Australia
PFET	Post-Fellowship Education & Training
RACS	Royal Australasian College of Surgeons
TTC	Transplant Training Committee
Board	GSA Board of Directors

## 3. Policy

### 3.1 Dismissal

3.1.1 Trainees may be considered for dismissal from the PFET Program in Transplantation Surgery for one or more of the following:

- a. the Trainees' performance has been rated as unsatisfactory during a probationary period applied in accordance with the *PFET Assessment of Transplant Training Policy*;
- b. Misconduct considered to be so serious as to warrant dismissal from training;
- c. Failure to complete training requirements within specified timeframes;

- d. Failure to comply with written direction of GSA and its Boards and Committees;
- e. Failure to pay training related fees by due deadlines;
- f. Failure to maintain general medical registration or general scope registration; and
- g. Failure to achieve or maintain employment in accredited training posts.

## **3.2 Misconduct**

3.2.1 Trainees may be considered for dismissal from the PFET Program in Transplantation Surgery for misconduct. Examples of misconduct include but are not limited to the following:

- a. Discrimination, harassment, or bullying (including sexual harassment)
- b. Abusive, violent, threatening or obscene behaviour
- c. Theft, fraud, or misappropriation of funds
- d. Being found guilty of a criminal offence which results in a jail term or restrictions on the Trainee's ability to practice medicine
- e. Being under the influence of alcohol or illegal drugs at a PFET Program in Transplantation Surgery event (including surgical rotations)
- f. Falsification of training records, patient documentation, or patient treatment
- g. Serious breach of patient safety
- h. Gross insubordination, wilful disobedience, or repeated refusal to carry out a lawful or reasonable instruction that is consistent with the Trainee's contract of employment and the training agreement for the PFET Program in Transplantation Surgery
- i. Bringing GSA's name into disrepute, malicious damage to GSA or society property and reputation
- j. Abandonment of employment or training post
- k. Dishonesty
- l. Cheating
- m. Repeated acts of misconduct for which the Trainee has been counselled
- n. A breach of the RACS Code of Conduct or GSA Policies

## **3.3 Failure to complete training program requirements**

3.3.1 The PFET Program in Transplantation Surgery will have specified minimum training requirements to be satisfied within timeframes determined by GSA policy.

3.3.2 Trainees who fail to complete the training requirements within the timeframe specified by the TTC will be dismissed.

## **3.4 Failure to comply with GSA Direction**

3.4.1 As the training authority, Trainees are required to comply with any policy direction of GSA pertaining to training activities.

3.4.2 Breaches of the RACS Code of Conduct that are not misconduct (refer to 3.2) are considered to be a failure to comply with GSA direction.

3.4.3 Repeated failure to comply with directions during the life of the PFET Program in Transplantation Surgery will constitute a dismissible offence.

- 3.4.4 Trainees will receive written warnings, the second of which will advise that any further breach during the life of the training program may result in dismissal.

### **3.5 Failure to pay outstanding monies**

- 3.5.1 Trainees who do not pay outstanding monies owed to GSA will be dismissed in accordance with 3.4.2 of the *PFET Transplant Training Fees Policy*.

### **3.6 Failure to satisfy medical registration or employment requirements**

- 3.6.1 Trainees who, for any reason (excluding medical), do not have valid medical registration from the applicable Medical Board or Council in their jurisdiction that enables full participation in the PFET Program in Transplantation Surgery will be dismissed.
- 3.6.2 Valid medical registration is defined as specialist medical registration without restriction in Australia. Valid medical registration is defined as general scope or restricted general scope registration in the relevant specialty in New Zealand.
- 3.6.3 Trainees who fail to satisfy the employment requirements of the institution in which their training position is located (as notified by the CEO or HR Director or equivalent) may be automatically suspended from the PFET Program in Transplantation Surgery.

### **3.7 Natural Justice and Procedural Fairness**

Trainees and employees must be afforded procedural fairness throughout the implementation of this policy. Normal standards of respect, civility and confidentiality must be maintained throughout the process. Before a Trainee can be dismissed, the Chair of TTC must be satisfied that natural justice has been afforded to the Trainee. The following summarises the principles involved.

#### **3.7.1 Notice and Hearing**

A Trainee should not be dismissed unless given prior adequate written notice of the case against him/her, a fair opportunity to answer it and the opportunity to present his/her own case. An oral hearing is not necessarily required and a case may be decided "on the papers", which would include any written submissions from the Trainee submitted within the required timeframes.

#### **3.7.2. Absence of Bias**

The decision maker should not have a direct interest in the matter being decided, and should not appear to be bringing a biased or prejudiced mind to the making of the decision.

#### **3.7.3. Evidence**

The decision must be based on documented evidence that has been made available to the Trainee. Dismissal proceedings should not be initiated solely on the basis of an anonymous complaint.

### **3.8 Dismissal Advice**

When the TTC and Board decides to dismiss a Trainee, the Trainee must be notified within ten (10) working days of the decision. At the time of being notified the Trainee should also receive a copy of the documentation relied on in approving the recommendation.

### **3.9 Appeal**

Decisions relating to dismissal from the PFET Program in Transplantation Surgery may be appealed in accordance with the *PFET Appeals Process Policy*.

## **4. Documents and Forms**

1. GSA PFET Assessment of Transplant Training Policy
2. GSA PFET Transplant Appeals Process Policy

## **5. Implementation**

The policy will be available on the GSA website.