REGULATIONS FOR DISMISSAL FROM THE VASCULAR SURGICAL TRAINING PROGRAM

Surgical education and training is designed to provide trainees with clinical and operative experience that produces independent specialist surgeons with each of the nine College competencies which encompass the spectrum of the profession.

The administration of the vascular surgical education and training program is delegated to the Australian and New Zealand Society for Vascular Surgery in accordance with the Partnering Agreement.

These regulations are made pursuant to the RACS Dismissal from Surgical Training policy.

1. **Key Words**
   1.1 **Trainee** is a Surgical Education and Training Trainee in Vascular Surgery of the Royal Australasian College of Surgeons.
   1.2 **College** is the Royal Australasian College of Surgeons (RACS).
   1.3 **Board** is the Board of Vascular Surgery.
   1.4 **SET Program** is the Surgical Education and Training (SET) Program in Vascular Surgery.
   1.5 **Supervisor** is a surgical supervisor of an accredited position approved by the Board of Vascular Surgery.

2. **Dismissal**
   Trainees may be dismissed from the Vascular SET program for any one or more of the following:
   2.1.1 Unsatisfactory performance where they have been assessed as unsatisfactory in two consecutive or three non-consecutive clinical rotations;
   2.1.2 Misconduct considered to be so serious as to warrant dismissal from training;
   2.1.3 Failure to complete training requirements within specified timeframes;
   2.1.4 Failure to comply with written direction of the College and its Boards and Committees;
   2.1.5 Failure to pay training related fees by due deadlines;
   2.1.6 Failure to maintain general medical registration or general scope registration;
   2.1.7 Failure to achieve or maintain employment in accredited training posts; and
   2.1.8 Other circumstances as approved by the Censor-in-Chief

2.2 **Unsatisfactory Performance**
   Trainees may be considered for dismissal for unsatisfactory performance if:
   2.2.1 a) the trainee’s performance has been rated as unsatisfactory during a probationary period; or
b) the trainee’s performance has been rated as unsatisfactory for a minimum of three non-consecutive assessment periods during their time on the Vascular SET Program.

2.2.2 If dismissal is considered applying 2.2.1 (b) the trainee must have received written notification after the second unsatisfactory assessment period that any further unsatisfactory assessment period at any time during their SET Program may result in dismissal.

2.2.3 A subcommittee of the Board must interview the trainee prior to making a recommendation to the Board regarding dismissal to provide the trainee with the opportunity to give their perspective in writing and orally.

2.2.4 The subcommittee shall consist of a minimum of 3 and a maximum of 5 Board members. A Vascular Surgery Fellow may be co-opted onto the subcommittee. The subcommittee must not include a practising lawyer.

2.2.5 No person invited to assist the subcommittee in matters of fact can appear before the subcommittee without the presence of the trainee.

2.2.6 Where a trainee elects to make a written submission it must be submitted three (3) working days before the meeting.

2.2.7 Minutes of the meeting may be kept and the portion of the meeting in which the trainee participates recorded.

2.2.8 A trainee will be provided with a minimum of 10 working days’ notice of the meeting and informed that the purpose of the meeting is to consider their continued participation in the training program. A trainee may be accompanied by a person who can provide support but cannot advocate for the trainee. The support person cannot be a practising lawyer.

2.2.9 Where a trainee is duly notified of the meeting and declines to attend, the subcommittee may proceed to make a recommendation to the Board.

2.2.10 The recommendation of the subcommittee must be forwarded to the Board for consideration.

2.2.11 The Board will make the recommendation to the Board of Surgical Education and Training Chair on whether or not the trainee should be dismissed or any additional probationary periods or conditions that should be applied if dismissal is not recommended.

2.2.12 The Board must be satisfied that the recommendation can be substantiated and that the relevant processes have been followed and documented.

2.2.13 Where dismissal is recommended the trainee may be suspended from training and the Board must seek ratification of the dismissal from the Chair of the Board of Surgical Education and Training.

2.2.14 Substantiating documentation must demonstrate that the trainee had appropriate meetings to discuss performance and had a performance management plan addressing known deficiencies.

2.2.15 The final dismissal letter will be issued to the trainee under the signature of the Chair of the Board of Surgical Education and Training.

2.2.16 The supervisor and employing authority will be kept informed throughout the process.

2.3 Dismissal for Misconduct

2.3.1 Examples of misconduct include but are not limited to the following:
   a) Discrimination, harassment or bullying
Incidents of misconduct must be documented and verified as soon as possible after the supervisor and/or trainers are made aware of their occurrence and brought to the attention of the trainee. Allegations of misconduct not documented and verified cannot be used by the Board in any disciplinary process.

2.3.2 The principles of natural justice will apply to all allegations and investigations concerning misconduct. This includes the right of the trainee to understand, consider and respond to the alleged misconduct at a meeting with a subcommittee of the Board. The trainee may be suspended from the training program pending an investigation.

2.3.3 The subcommittee shall consist of a minimum of 3 and a maximum of 5 Board members. A Vascular Surgery Fellow may be co-opted onto the subcommittee. The subcommittee must not include a practising lawyer.

2.3.4 No person invited to assist the subcommittee in matters of fact can appear before the subcommittee without the presence of the trainee.

2.3.5 Trainees will be provided with a minimum of 10 working days' notice of the meeting and informed that the purpose of the meeting is to consider their continued participation in the training program. Trainees may be accompanied by a person who can provide support but cannot advocate for the trainee. The support person cannot be a practicing lawyer.

2.3.6 Where a trainee elects to make a written submission it should be submitted three (3) working days before the meeting.

2.3.7 Minutes of the meeting may be kept and the portion of the meeting in which the trainee participates recorded.

2.3.8 The recommendation and minutes of the subcommittee must be forwarded to the Board for consideration.

2.3.9 A trainee may be dismissed for misconduct without undertaking a probationary period. Where misconduct is established but dismissal is not recommended the trainee may be counseled and given a probationary period in which to improve their behaviour.

2.3.10 The Board will make the recommendation on whether or not the trainee should be dismissed or any additional probationary periods or conditions that should be applied if dismissal is not recommended.

2.3.11 In all misconduct instances where dismissal is recommended, the Board must seek ratification from the Chair of the Board of Surgical Education and Training. Substantiating documentation must detail the misconduct and the reasons for recommending dismissal, and demonstrate that the trainee had appropriate meetings to discuss the allegations.

2.3.12 The Chair must be confident on review of the evidence that the misconduct justifies dismissal or
summary dismissal and that appropriate documentation and evidence is available to support such a decision.

2.3.14 The final dismissal letter will be issued to the trainee under the signature of the Chair of the Board of Surgical Education and Training.

2.3.15 The supervisor and employing authority will be kept informed.

2.4 Failure to complete training program requirements
2.4.1 The Vascular SET program has specified minimum training requirements to be satisfied within timeframes determined by Vascular Program Regulations.

2.4.2 Trainees who fail to complete the training requirements within the timeframe specified by the Board or the College may be dismissed.

2.4.3 The Board will make the recommendation on whether or not the trainee should be dismissed or any probationary periods or conditions that should be applied if dismissal is not recommended.

2.4.4 The Board must be satisfied that the recommendation can be substantiated and that the relevant processes have been followed and documented.

2.4.5 Where dismissal is recommended the trainee may be suspended from training and the Board must seek ratification of the dismissal from the Chair of the Board of Surgical Education and Training.

2.4.6 In all instances the final dismissal letter will be issued to the trainee under the signature of the Chair of the Board of Surgical Education and Training.

2.5 Failure to satisfy medical registration or employment requirements
2.5.1 A trainee 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 training program will be dismissed.

2.5.2 Valid medical registration is defined as general medical registration without restriction in Australia, and general scope registration (including restricted general scope registration in the relevant specialty) in New Zealand.

2.5.3 Trainees who fail to satisfy the employment requirements of the institution in which their allocated training position is located (as notified by the CEO or HR Director or equivalent) may be required to take a period of interruption from the training program.

2.5.4 If the Board is notified that employment is refused, the trainee must be informed within 10 working days and provided with copies of the employer’s correspondence to the College (or its agent).

2.5.5 A Trainee who fails to satisfy the employment requirements of two or more institutions in which allocated training positions are located may be dismissed.

2.5.6 The final dismissal letter must be issued to the trainee under the signature of the Chair of the Board of Surgical Education and Training.

2.6 Appeal
Decisions relating to dismissal may be reviewed or appealed in accordance with the College Appeals Mechanism policy.