TITLE: Adverse Action Appeals Policy

APPROVED: 1/18/1994; 2/13/2009; 1/13/12

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EFFECTIVE DATE: 1/18/94; 2/13/2009; 1/13/12

PURPOSE: To provide a formal means by which trainees may request an appeal for an adverse action of non-promotion, probation or dismissal from training.

PROCEDURE STATEMENT: Over the course of training in graduate medical education, a trainee is expected to acquire progressive and increasing competence in the knowledge, skills and attitudes of the specialty in which he/she is training. An adverse action may be taken as a consequence of a deficiency being identified.

The following procedure outlines the appeals process for trainees when an adverse action, as qualified in the purpose statement, takes place. There will only be a single appeal request allowed per each adverse action taken.

Appeals Process:

1. Within two (2) working days after a decision is made to take an adverse action regarding a trainee, the Program Director should inform the affected individual in person. The Program Director should also inform the trainee of the right to appeal within the time frame specified in #3 below.

2. Within one (1) working day of formal notification to the resident, the program director should notify the DIO in writing of the adverse action taken.

3. After receiving notification of an adverse action, the trainee will have five (5) working days from the date of notification to request a review of the adverse action by submitting a written request for appeal to the Designated Institutional Official (DIO).

4. In the event the trainee elects not to appeal the adverse action or the trainee fails to make the request for appeal within the prescribed five (5) working days, the trainee will be deemed to have waived the option to appeal the adverse action.

5. Upon receipt of an appeal for adverse action, the DIO will request supporting documentation from the program director and organize an Appeals Review Committee within three (3) working days.

6. The DIO will request the committee to hold a review meeting and generate a report within seven (7) working days of the date the appeal was received by the committee.
7. The committee will be comprised of two faculty members of the Graduate Medical Education Committee and the president or designated representative of the House Staff Association. These members shall not be from the same department as the trainee. The DIO will serve as an ex-officio member. The committee will assign a chair for purposes of providing a Summary Report with recommendations and/or action plan.

8. The Chair of the Appeals Review Committee will send a formal notification to the trainee and the Program Director of the scheduled meeting (date, time and location).

9. Both the trainee and the Program Director shall have the right to address the Appeals Review Committee and may introduce evidence considered to be relevant and material to the case. All evidence offered must be reasonably related to the facts and statements concerning the reasons for the adverse action.

10. All documentation and discussions shall be deemed confidential.

11. Excluding Probation Appeals, legal counsel for either party may attend the appeals meeting and serve in an advisory capacity, but will not be allowed to actively participate in the hearing. If legal counsel is to attend the hearing, appropriate notification, with a minimum of 24 hours, should be made to the chair of the committee.

12. The committee’s responsibility is to uphold, modify, or overturn the decision made by the program director. In addition, a specific action plan may be made by the committee as appropriate.

13. The Appeals Review Committee’s Report will be provided to the DIO within the seven (7) working days as delineated in #6 above.

14. The DIO will communicate all report findings to the program director.

15. If the recommendation for non-promotion or probation is upheld by the committee, then the program director has the ultimate decision-making authority.

16. If the recommendation by the Appeals Review Committee is to overturn the non-promotion or probation, the committee should provide a specific action plan to be followed by the program director. Progress of the action plan should be reported by the program director to the DIO until the matter is resolved.

17. Recommendations for dismissals will be reported to the Dean of the School. If a recommendation for dismissal is upheld, the Dean of the School shall review the recommendation of the committee and make a decision which will be communicated in writing to the trainee, Program Director, and DIO within five (5) working days.

18. Notification of any decision will be communicated to the trainee via hand delivery with signature acknowledgment or by certified mail/return receipt requested.

19. A final determination by the Dean of the School of Medicine to uphold a dismissal action shall conclude the due process.