

Policy	Due Process in Instances Where Actions of Suspension, Non-Renewal, Non-Promotion, or Dismissal are taken Against a Resident/Fellow
Approved by the Graduate Medical Education Council (GMEC)	Approved 02/2021; Reviewed 01/2023; Revised 03/2023; Revised 03/12/2026

PURPOSE

This policy establishes the formal framework for due process when the Graduate Medical Education (GME) office or an individual training program takes adverse actions against a resident or fellow. It covers actions involving suspension, non-renewal of contract, non-promotion, or dismissal.

DEFINITIONS OF ADVERSE ACTIONS

- **Suspension:** The temporary removal of a Trainee from clinical or academic duties, with or without pay, pending investigation or remediation.
- **Non-Renewal:** A formal decision not to offer a Trainee an appointment contract for the subsequent training year.
- **Non-Promotion:** A decision to retain a Trainee at their current Postgraduate Year (PGY) level rather than advancing them to the next level.
- **Dismissal:** The immediate and permanent termination of a Trainee's employment and enrollment in the training program.

PROCEDURES

Step 1: Formal Written Notice of Intent

Prior to executing any adverse action, the Program Director (PD) must deliver a Written Notice of Intent to the Trainee in person or via certified institutional email.

- **Content:** The notice must explicitly state the action being taken, the effective date, and a detailed description of the academic deficiencies or behavioral misconduct justifying the action. It must include copies of all supporting documentation and evaluations.
- **Timeline for Non-Renewal/Non-Promotion:** The program must provide this notice at least four (4) months prior to the end of the current contract. If the primary reasons occur within the final four months, notice must be given as early as organic circumstances allow.
- **Emergency Exception:** Immediate suspension or dismissal may occur without advanced notice if the Designated Institutional Official (DIO) determines the Trainee poses a direct threat to patient safety, staff welfare, or institutional operations.

Step 2: Requesting a Hearing (The Appeal)

The Trainee has the right to contest the proposed adverse action by filing a formal appeal.

- **Deadline:** The Trainee must submit a written request for a hearing to the GME Vice-Dean/DIO within ten (10) calendar days of receiving the Written Notice of Intent.
- **Waiver:** Failure to submit a written request within this 10-day window constitutes a complete waiver of the Trainee's right to appeal, and the program's action will automatically become final.

Step 3: The Hearing Panel Process

Upon receiving a timely appeal, the GME Office will convene an ad hoc Hearing Panel within twenty (20) calendar days.

- **Panel Composition:** The panel will consist of three (3) unbiased faculty members and one (1) peer resident or fellow. No panelist may have a prior professional relationship or conflict of interest regarding the Trainee or the program in question.
- **Presentation of Evidence:** Both the Program Director and the Trainee have the right to submit documents, call witnesses, and present arguments.

Step 4: Panel Recommendation and Final Decision

- The panel will deliberate in closed session following the conclusion of the hearing. Decisions are made by a simple majority vote based on the preponderance of the data presented.
- **Written Report:** Within seven (7) calendar days of the hearing, the panel will issue a written report detailing its factual findings and recommending that the adverse action be upheld, modified, or overturned.
- **Final Authority:** The report is submitted to the Dean of the School of Medicine (or Chief Executive Officer). The Dean will review the report and issue a final, binding written decision within five (5) calendar days. This decision concludes the institution's internal administrative remedies.

END of DOCUMENT