Due Process

Scope
The policy applies to all ACGME-accredited residency and fellowship programs at CCHS.

Purpose
The Sponsoring Institution must have a policy that provides resident/fellows/fellows with due process relating to the following actions regardless of when the action is taken during the appointment period: suspension, non-renewal, non-promotion, dismissal or other adverse action.

Policy and Guidelines
All communication regarding due process will occur by official campus email, certified letter, or hand delivery, each with a requirement to obtain the signature of the receiving party as well as date of receipt. Suspension, non-renewal, non-promotion, dismissal or other adverse actions that could significantly jeopardize a resident/fellow’s intended career development are subject to appeal and the process shall proceed as noted below. A resident/fellow who at any stage of the process fails to file a request for action by the deadlines indicated agrees to accept the determination at the previous stage. Any time limit set forth may be extended by mutual written agreement of the parties.

If the resident/fellow contends that the proposed adverse action is based, in whole or in part, on race, sex (including sexual harassment), religion, national origin, age, Veteran status, and/or disability discrimination, the resident/fellow shall inform the Chair of the Graduate Medical Education Committee of that contention. The Chair of the Graduate Medical Education Committee shall then invoke the proceedings set out in the Harassment Policy. All further actions relative to a Request for Adverse Action shall not proceed until a review has been conducted pursuant to the Harassment Policy.

In any case of a potential conflict of interest on the part of the Program Director, Assistant Dean for Medical Education or the Associate Dean for Academic Affairs, the Chair of the Graduate Medical Education Committee and the Dean of the College will select an appropriate replacement.

Step One: Recommendation for suspension, non-renewal, non-promotion, dismissal or other adverse action that could significantly threaten a resident/fellow’s intended career development shall be made by the Program Director in the form of a Request for Adverse Action. The Request for Adverse Action shall be in writing and shall include: 1) a summary of the discussions (oral and/or written) already held with the resident/fellow indicating prior attempts to address the deficiencies and/or charges directly with the resident/fellow, 2) proposed disciplinary action, 3) a written statement of deficiencies and/or charges registered against the resident/fellow, 4) a list of all known documentary evidence, 5) a list of all known witnesses, and 6) a brief statement of the nature of testimony expected to be given by each witness. The Request for Adverse Action shall be delivered in person to the Assistant Dean for Medical Education. The Assistant Dean for Medical Education has five working days to render a decision. If the Assistant Dean for Medical
Education finds that the charges registered against the resident/fellow appear to be supportable on their face, the Assistant Dean for Medical Education shall give Notice to the Program Director and the resident/fellow in writing of the intent to initiate proceedings that might result in suspension, non-renewal, non-promotion, dismissal or other adverse action. The Notice shall include the Request for Adverse Action and shall be sent by campus email, certified mail to the address appearing in the records of the Human Resource Management, or may be hand delivered to the resident/fellow.

**Step Two:** Upon receipt of Notice, the resident/fellow shall have five working days to meet with the Assistant Dean for Medical Education and present evidence in support of the resident/fellow’s challenge to the Request for Adverse Action. Following the meeting, the Assistant Dean for Medical Education shall determine whether the proposed adverse action is warranted. The Assistant Dean for Medical Education shall render a decision within five working days of the conclusion of the meeting. The decision, along with the Notice and Request for Adverse Action, shall be sent by campus email, certified mail to the address appearing in the records of the Human Resource Management, or hand delivered to the resident/fellow and copied to the Program Director, Associate Dean for Academic Affairs and the Chair of the Graduate Medical Education Committee.

**Step Three:** If the resident/fellow is dissatisfied with the decision reached by the Assistant Dean for Medical Education, the resident/fellow shall have an opportunity to appeal to the Associate Dean for Academic Affairs. The resident/fellow shall have five working days to meet with the Associate Dean for Academic Affairs and present evidence in support of the resident/fellow’s challenge to the Request for Adverse Action and the Assistant Dean for Medical Education’s decision. The Associate Dean for Academic Affairs shall render a decision within five working days of the conclusion of the meeting. If the Associate Dean for Academic Affairs finds that the charges registered against the resident/fellow appear to be supportable on their face, the Associate Dean for Academic Affairs shall give Notice to the resident/fellow in writing of the intent to finalize proceedings that might result in suspension, non-renewal, non-promotion, dismissal or other adverse action. The decision, along with the Notice and Request for Adverse Action, shall be sent by campus email, certified mail to the address appearing in the records of the Human Resource Management, or hand delivered to the resident/fellow and copied to the Program Director, Chair of the Graduate Medical Education Committee, and the Dean of the College.

**Step Four:** If the Associate Dean for Academic Affairs’ final decision is to impose adverse measures, to include dismissal, and the resident/fellow is dissatisfied with the decision reached by the Associate Dean for Academic Affairs, the resident/fellow may appeal to the Dean of the College of Community Health Sciences with such appeal limited to alleged violations of procedural due process only. The resident/fellow shall deliver Notice of Appeal to the Dean of the College within five working days after receipt of the Associate Dean for Academic Affairs’ decision. The Notice of Appeal shall specify the alleged procedural defects on which the appeal is based. The Dean of the College’s review shall be limited to whether the resident/fellow received procedural due process. The Dean of the College shall have five working days to accept, reject, or modify the Associate Dean for Academic Affairs’ decision. The decision of the Dean of The College shall be final. The Dean’s written decision shall be sent by campus email, certified mail to the address appearing in the records of the Human Resource Management, or hand delivered to the resident/fellow and copied to the Program Director, the Chair of the Graduate Medical
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Education Committee, the Assistant Dean for Medical Education and the Associate Dean for Academic Affairs.

Related Policies:        Harassment, Probation/Remediation/Suspension