

## Probation and Remediation Policy

### Scope

The policy applies to all residency and fellowship programs at CCHS. While Probation is a form of adverse action, it is not appealable via the Sponsoring Institution's Due Process Policy. Instead, the Probation decision is appealable (at the resident/fellow's discretion) as described in the Appeal section below.

### Purpose

The Sponsoring Institution has a policy regarding the process for administration of Probation and Remediation applicable to all graduate medical education programs.

### Policy and Guidelines

Reasons to place a resident/fellow on probation include, but are not limited to:

- Unsatisfactory academic or clinical performance;
- Failure to comply with the policies, rules, and regulations of the training programs, University of Alabama, College of Community Health Sciences or other facilities where the resident/fellow is trained.

There are two levels of concern that can lead to probation. **Level 1** is generally for low to moderate concerns that while deemed worthy of formally addressing with the resident/fellow, do not rise to the level of making an entry onto the resident/fellow's permanent academic record. **Level 2** is generally for moderate to potentially severe concerns that warrant formal remediation and recording the sanction on the resident/fellow's permanent record.

### Level 1: Letter of Academic or Administrative Concern from Program Director

**Academic or Administrative Concern:** The Program Director shall be authorized to issue a resident/fellow a Letter of Academic or Administrative Concern whenever the resident/fellow fails to meet certain expectations commensurate with their level of training. The distinction between an Academic Letter versus an Administrative Letter will follow the distinctions noted below for Academic or Administrative Probation. The Program Director will have the discretion to issue a Letter of Concern when the training program believes the resident/fellow's performance has a better than average chance of being remediated. While there shall be no entry into the resident/fellows' permanent academic record regarding the Letter of Concern, the Letter of Concern may be part of the overall evaluation process that the Clinical Competency Committee (CCC) uses to determine semi-annual milestone evaluations. These milestone evaluations are reported to the ACGME on an aggregate basis. The Letter of Concern will be accompanied by a remediation plan (see below) and is not subject to appeal.

## **Level 2: Academic or Administrative Probation Imposed by Program Director**

**Academic Probation:** The Program Director shall be authorized to place a resident/fellow on academic probation, regardless of whether the resident/fellow has been issued a Letter of Concern. This may include a recommendation from the residency/fellowship or College faculty. Grounds for academic probation include, but are not limited to, performance judged to be unsatisfactory for the resident/fellow's level of training, unprofessional attitudes or conduct, issuance of a Letter of Academic or Administrative Concern, or failure to comply with institutional and/or program policies and procedures. Academic Probation will be communicated to the resident/fellow via a **Probation Notice Letter** and accompanied by a remediation plan (see below). An official entry will be made on the resident/fellow's permanent academic record indicating s/he was placed on Academic probation that will remain with them for the duration of their career, as well as mandatory reporting to various State and Federal boards or agencies.

**Administrative Probation:** The Program Director shall be authorized to place a resident/fellow on administrative probation, regardless of whether the resident/fellow has been issued a Letter of concern, for violations of the eligibility standards for becoming and remaining a resident/fellow in the training programs, as outlined in the Eligibility, Recruitment, Appointment Policy and the Promotion and Renewal Policy. This may include a recommendation from the residency/fellowship or College faculty. Grounds for administrative probation include, but are not limited to, failure to complete the employment physical (if applicable), failure to complete any administrative tasks on a repetitive and/or recurrent basis, issuance of a Letter of Concern, failure to obtain certification in all Advanced Life Support Courses, failure to meet deadlines for obtaining passing scores for USMLE Steps 2 and 3, and/or failure to meet the deadline for obtaining the appropriate Alabama medical license, controlled substance (Federal and State). Administrative Probation will be communicated via a **Probation Notice Letter** and accompanied by a remediation plan (see below). An official entry will be made on the resident/fellow's permanent academic record indicating that s/he was placed on Administrative Probation that will remain with them for the duration of their career, as well as mandatory reporting to various State and Federal boards or agencies.

**Remediation Plan:** In all such cases when a Letter of Concern or a Probation Notice Letter is issued, the resident/fellow will be placed on a remediation plan. Remediation refers to a plan that lays out steps and a timeline for the resident/fellow to accomplish in an attempt to correct deficiencies. In the event a resident/fellow's performance, at any time, is determined by the Program Director to require remediation, the Program Director shall provide the resident/fellow a written remediation plan as a component of either the Letter of Concern or the Probation Notice Letter. Failure of the resident/fellow to comply with the remediation plan may result in probation (when remediation follows a Letter of Concern), or the adverse actions of non-reappointment, non-promotion, suspension or dismissal.

**Appeal to Assistant Dean for Medical Education:** A resident/fellow who is dissatisfied with a Program Director's decision to impose academic or administrative probation may appeal that decision to the Assistant Dean for Medical Education to discuss the basis of the resident/fellow's dissatisfaction within five (5) working days of receiving the Program Director's decision. If resident/fellow fails to follow the above time line, the resident/fellow will automatically waive their right to further appeal. The decision of the Assistant Dean for Medical Education shall be final. As stated above, the decision to issue a Letter of Concern is not appealable.

**Personnel:** Should any position(s) within CCHS be vacant at a time when such role is required to implement any portion of this policy, the Dean and/or DIO may designate an impartial member of the CCHS faculty (for example, another Associate Dean, a Department Chair or a tenured professor) to serve in that role on an interim basis in the context of this policy implementation only.

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

Related Policies:       Due Process Policy  
                                  Eligibility, Recruitment and Appointment Policy  
                                  Promotion and Renewal Policy