APPEAL OF TERMINATION AND DUE PROCESS

A house staff physician ("HSP") who has received notice of termination of the GME Program Agreement from his/her program may appeal the decision by requesting a hearing. The DIO (Designated Institutional Official/Associate Dean for Graduate Medical Education) ("DIO") must be informed in writing of the intent to appeal. The process is as follows:

To appeal, the HSP must inform the DIO in writing within five business days from the date of the Program’s termination notice. After this time period, the HSP’s right to appeal is forfeited.

Upon receipt of the HSP’s notice of appeal the DIO or designee will notify the Program Director or designee of the Appeal. The DIO or designee will name a six member Ad-Hoc Committee which will consist of three faculty and three house staff physicians. No Ad-Hoc Committee member will be from the HSP’s Program. At least two members of the Ad-Hoc Committee shall be members of the GMEC. The DIO or designee will serve as Chair of the Ad-Hoc Committee and will only vote if there is a tie. The Ad-Hoc Committee will be charged with determining whether the GME policies were followed and whether the program reviewed and evaluated all conditions, if any, placed on the HSP prior to termination.

The DIO or designee will set a hearing date within 15 business days from the date of the notice of appeal. The time period for the hearing may be extended at the DIO’s or designee’s discretion under circumstances deemed reasonable by the DIO or designee. The HSP and Program Director or designee will be notified of the hearing date and the procedures of the hearing. At the hearing, the HSP and the Program Director will have up to 90 minutes to present their position including witness testimony.

The Program Director or designee shall prepare a written report and supportive documentation for submission to the DIO or designee no less than five business days prior to the scheduled hearing outlining the University’s reasons for termination. Such written report shall specify the names and contact information of witnesses the Program Director or designee wishes to call and shall include personnel records and other written reports which the Program Director feels are pertinent to the appeal. The Program Director or designee is responsible for notifying and informing witnesses of the date, time, and location of the appeal hearing.

The HSP shall submit a written report and supportive documentation to the DIO or designee no less than five business days prior to the scheduled hearing. Such written report shall specify the names and contact information of witnesses the HSP wishes to be called. If the HSP elects not to appear in person or fails to provide supportive documentation within the required timeline, his/her responsibility for presentation of an appeal is not waived. Under these circumstances, the Ad-Hoc Committee will deliberate and act based on the evidence available at the time of the Hearing. The HSP is responsible for notifying and informing witnesses of the date, time, and location of the appeal hearing. If the HSP informs the DIO or designee in writing of his/her decision to withdraw the appeal, the hearing will be canceled and the program’s decision with stand.

Patients will not be allowed to provide testimony on behalf of or against a resident. The Ad-Hoc Committee at its discretion may call additional witnesses. The Chair of the Ad-Hoc Committee shall determine the appropriateness of witnesses who are to be called.

This is not a legal proceeding. Advisor/legal counsel may not be present at the hearing.
GME Policies and Procedures

The Ad-Hoc Committee will review all pertinent information and render a decision by majority vote. If the Ad-Hoc Committee finds that the Program Director or designee did not follow the GME policies or did not review and evaluate all conditions, if any, placed on the HSP, the Ad-Hoc Committee shall order the GME Program Agreement reinstated.

The Chair of the Ad-Hoc Committee shall issue a written decision on the appeal within five business days of the hearing and shall deliver a copy to the HSP, to the Program Director or designee of the Department of the HSP, and to the Dean of the School of Medicine. The HSP may appeal the decision of the Ad-Hoc Committee to the Dean of the School of Medicine within five business days of receipt of the decision of the Ad-Hoc Committee. The appeal shall be in writing and shall specify the facts and theories which the HSP relies upon in his/her contention that the Ad-Hoc Committee's decision should be overruled. The Dean's decision is final.

In the event that the decision to terminate the HSP is overturned, the HSP’s salary and applicable benefits will be paid by the HSP’s department retroactive to the date of termination. Once reinstated, the HSP will be responsible for his/her portion of any medical and/or dental premiums retroactive to the date of termination.

No punitive action (direct or indirect) or retaliation will be taken against a HSP initiating or filing an appeal or participating in an appeal investigation. The DIO or designee shall investigate perceived punitive action and take appropriate action if necessary. The investigation will be kept private and confidential to the greatest extent possible, but absolute confidentiality cannot be promised because of the University’s duty to investigate and to talk to those people who may have information about the matter. All University employees must cooperate in any such investigation.