



## **Remediation, Probation, Non-Reappointment, Summary Suspension and Termination of Appointment**

gme-adm-0016

### **About This Policy**

**Effective Dates:**

05-15-2013

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**Responsible University Administrator:**

Senior Associate Dean for GME

**Policy Contact:**

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### **Scope**

This policy applies to all Indiana University School of Medicine (IUSM) Graduate Medical Education (GME) resident and fellow physicians.

### **Policy Statement**

The duties, privileges, authority and responsibilities of GME residents are governed by their letters of appointment, by specific written authorization or delegation by the dean, and by the rules, regulations, policies and procedures of the medical staffs and hospitals.

Residents will be appointed for the term or terms set out in their letters of appointment and will be renewed in accordance with the provisions of their letters of appointment.

Non-reappointment refers to a decision not to renew a resident's letter of appointment for a subsequent year of training resulting in its expiration at the end of the current term. A program director should notify the Senior Associate Dean for GME when a non-reappointment is being considered for a resident. A non-reappointment plan should be in place four months before the end of current letter of appointment if possible.

Termination refers to revoking or terminating a resident's letter of appointment prior to the end of a current letter of appointment.

Grievance shall mean any dispute concerning the resident's disciplinary action, notice of non-reappointment, academic probation, termination, or the interpretation or application of any rule, regulation, letter of appointment, practice or policy of IUSM or its affiliated hospitals.

The appointment of a resident may be revoked or terminated prior to the end of a current term of appointment for failure to abide by the rules and regulations, or policies and procedures of the medical staffs and hospitals, or for lack of academic progress, or for activities or professional conduct considered to be disruptive to the operations of the hospitals, teaching programs or to the quality of patient care, or activities which constitute a material breach of the letter of appointment.

Program directors must confer with the chair of the department, division, and or section and the Senior Associate Dean for GME while making decisions leading to non- reappointment or termination.

Summary suspension may occur whenever a resident's conduct or activities, in the opinion of the Senior Associate Dean of Graduate Medical Education or designee, may cause a threat of injury or damage to the health or safety of patients, employees or other persons in the hospital or to the resident unless prompt remedial action is taken, or if it appears reasonable to believe that the resident has failed to observe all laws or principles of medical ethics of the profession in such a manner as to impose a threat to patient care or the high ethical standards expected of residents. The Senior Associate Dean of Graduate Medical Education or designee may summarily suspend all or any part of resident's duties at such time and for such duration and under such terms and conditions as stated in the Procedure for Summary Suspension.

Remediation procedures are plans established when written, verbal or personal observation indicates a competency-based or performance issue. If remediation is not successful in performance improvement, a formal probation plan may be instituted.

Program directors may refer to the [Algorithm for Resident Remediation](#) to determine the appropriate course of action for instances of resident professionalism concerns or academic underperformance.

## Reason For Policy

The purpose of this policy is to define procedures related to academic remediation, probation, non-reappointment or termination of a resident. The policy will also review indications for a summary suspension.

## Procedure

The procedures provided this policy will be the options available to a resident who is disciplined or whose letter of appointment is not renewed or is terminated from the training program.

### I. Procedure for Filing a Grievance Based on Discrimination

- a. Formal charges of discrimination based on race, color, sex, age, religion, national or ethnic origin, disability, marital status, political beliefs, family status, sexual orientation, or veteran status should be filed with the campus Office of Equal Opportunity (OEO).
- b. Prior to filing a formal complaint with OEO residents are encouraged to utilize preliminary steps such as the IUSM Ombuds Office.
- c. The submission of a grievance shall not relieve a resident from his or her responsibilities, including patient care, pending the outcome of any grievance.

### II. Procedure for grievance related to disciplinary action or non-reappointment

- a. Following a notification of a disciplinary action or non-reappointment, the resident should promptly discuss the concern and request a review with the resident's program director and department leadership.
- b. If the matter is not satisfactorily resolved after review by the department and training program, the resident has the right to request an institutional grievance review.
- c. The resident should forward a written grievance for an institutional review to the Senior Associate Dean of Graduate Medicine within fourteen (14) days. The resident must provide, in writing brief, clear, and concise reasons for the grievance with supporting facts and arguments.
- d. The Senior Associate Dean of Graduate Medical Education will review the written grievance.
- e. Following review of the written grievance, the Senior Associate Dean of Graduate Medical Education with the consultation and approval of the Dean of the School of Medicine or delegate, render a final decision, thus completing the grievance process.

### III. Procedure for termination and grievance related to termination

- a. Procedure for termination

- i. When a resident is at risk for termination, the program director should notify the Senior Associate Dean of potential termination.
  - ii. A comprehensive and detailed written report should be completed by the program director or department chair reviewing the academic record or event leading to termination.
  - iii. The written statement should include the program's recommendations to the Senior Associate Dean of Graduate Medical Education regarding disposition or termination of the resident.
  - iv. After approval of the termination decision from the Senior Associate Dean, the resident will be notified of the termination recommendation.
- b. Grievance related to termination
- i. Following a notification of termination, the resident should promptly discuss the termination decision and, if appropriate, request a review with the trainee's program director and department leadership.
  - ii. If the matter is not satisfactorily resolved after review by the department and training program, the resident has the right to request an institutional grievance review.
  - iii. The resident should forward a written grievance for an institutional review to the Senior Associate Dean of Graduate Medicine within fourteen (14) days. The resident must provide, in writing (not to exceed 1500 words) the reasons for the grievance with supporting facts and arguments.
  - iv. The Senior Associate Dean of Graduate Medical Education will review the written grievance.
  - v. Following review of the written grievance, the Senior Associate Dean of Graduate Medical Education with the consultation and approval of the Dean of the School of Medicine or delegate, render a final decision, thus completing the grievance process.

#### IV. Request for an academic appeal related to termination

- a. Following receipt of the School's decision regarding the resident's termination status, the resident will have 15 days to request an academic appeal meeting by the IUSM Graduate Medical Education Committee.
- b. The GMEC will convene for the appeal meeting within 21 days of the resident's request for an academic appeal. The meeting will proceed if a minimum of five GMEC faculty members and a minimum of two GMEC residents can be in attendance. No GMEC members from the resident's training program can participate in the GMEC review.
- c. For the appeal meeting, the resident and the program director must each provide in writing (not to exceed 1500 words), a statement supporting their concern with supporting facts and arguments.
- d. If the resident or program director has witnesses with information pertinent to their statement, the witness can provide a signed notarized statement in support.
- e. All statements must be received by the Senior Associate Dean seven (7) business days prior to the appeal meeting.
- f. Senior Associate Dean will provide the resident and the program director with a copy of the other's written statement three (3) business days prior to the GMEC appeal meeting.
- g. The resident and program director may respond, in writing, to the Senior Associate Dean, to the other's written presentation. This response must be received by the Senior Associate Dean at least 24 hours prior to the appeal meeting.

#### V. The GMEC appeal meeting

- a. At the GMEC appeal meeting, the resident shall have an opportunity to present their case.
- b. The Program Director or a designated representative (whose attendance/representation is approved in advance by the Senior Associate Dean) will be required to make an oral presentation before the GMEC.
- c. All parties must be immediately available during the GMEC appeal meeting.
- d. The resident and the Program Director, or their designated representative, will make their presentations separately to the GMEC.

- e. The resident may review all documents being considered by the GMEC.
- f. The resident may be accompanied by an advisor, identified by the resident by name and title to the GME Office at least five (5) business days in advance of the meeting with the GMEC, who may advise the resident, but may not otherwise participate in the review.
- g. The members of the GMEC may ask questions at any time during the presentation and review process.
- h. Minutes will not be taken during the presentation and review process.
- i. Following the review, the GMEC shall meet in executive session. Neither the resident nor the Program Director or his/her designee will be present during this session.
- j. At the conclusion of the GMEC executive session, a written statement will be prepared by the Senior Associate Dean for GME in which the GMEC's recommendation and Senior Associate Dean's final decision will be provided along with a description of the basis for that recommendation.
- k. All GMEC members present during the executive session will be allowed one (1) day to review and comment on the written statement before it is released.
- l. The final GMEC recommendation, and the documentation presented by both parties at the time of the GMEC review, will be forwarded to the Dean or his delegate.
- m. The decision of the Dean or delegate will be provided in writing to the grieving resident, Program Director and Senior Associate Dean for GME.

#### VI. Procedure for Summary Suspension

- a. Following a notification of summary suspension from the training program, the resident should promptly discuss the suspension decision and, if appropriate, request a review with the trainee's program director and department leadership. The resident will be responsible for completing all requests from the program director such as a drug screen or mental health evaluation, if needed to complete the program's review.
- b. If the matter is not satisfactorily resolved after review by the department and training program, the resident has the right to request to meet with the Senior Associate Dean to review concern.

### Definitions

A resident is an IUSM resident or fellow, or a non-IUSM resident or fellow rotating through IUSM provides clinical care as part of a GME program.

### Implementation

The Designated Institutional Official (DIO) for GME is responsible for implementation of this policy.

### Oversight

Policy authority for this document resides with the Graduate Medical Education Committee. The DIO and the Graduate Medical Education Committee are responsible for oversight. This policy will be reviewed every three years or more often if deemed necessary.

### History

1. Policy gme-adm-0016 approved by GMEC and published on 15 May 2013.
2. Policy reviewed, updated, and approved by GMEC on 15 May 2013.
3. Policy updated for formatting 05 March 2018.
4. Policy updated for formatting 27 June 2018.
5. Policy reviewed, updated, and approved by GMEC on 16 January 2019
6. Policy reviewed and updated 03 March 2021.
7. Policy approved by GMEC 17 March 2021.