



## Stony Brook Medicine Graduate Medical Education

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| <b>Subject:</b> GME0037 Termination, Grievance and Due Process | <b>Published Date:</b> 01/29/2018         |
| Graduate Medical Education                                     | <b>Next Review Date:</b> 01/29/2021       |
| <b>Scope:</b> SBM Stony Brook Campus                           | <b>Original Creation Date:</b> 11/24/2003 |

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### **Responsible Department/Division/Committee:**

Graduate Medical Education Committee

### **Policy:**

SBUH has a formal process in place to address issues related to termination, grievances and due process for residents.

### **Definitions:**

None

### **Procedures:**

1. Placement of a resident on a remediation program, a formal warning, and/or probation status based on substandard resident performance should follow the policy and procedure on Substandard Resident Performance. The decision to renew a resident's position in a training program each year is at the discretion of the Program Director (PD) or Departmental Chair, after consultation with the Clinical Competency Committee (CCC).
2. Termination without prior progressive discipline (eg. Letter of warning, probation) as outlined in the policy on Substandard Resident Performance may be based upon a single significant event or a significant series of unsatisfactory evaluations and substandard performance. Single significant events include but are not limited to,
  - a. Falsification of records

- b. Material omission of information on an application
  - c. Conviction of a felony
  - d. Loss of medical licensure
  - e. Placement on a federal debarment list
3. The resident will be notified in writing of the disciplinary actions being instituted and the reasons for such actions. Any disciplinary action resulting in suspension or termination, except those events listed in sections "a" through "e" in the paragraph above, will entitle the resident to request a review of that decision by a hearing panel in accordance with the following procedure:
- a. Prior to suspension or termination, the resident will be given written notice stating the basis for the suspension or termination and advising the resident of the right to request a review of that decision by the Graduate Medical Education Committee (GMEC). A resident who wishes to request such a hearing must do so within five (5) business days after receipt of the decision.
  - b. The Chair of the GMEC will appoint an ad hoc committee to investigate the issues regarding the resident's performance, and the reasons for the PD or Departmental Chair's decision.
  - c. The ad hoc committee will be comprised of three (3) medical staff members of the GMEC. None of the appointed ad hoc committee members may have faculty appointment in the department of the involved resident.
4. The ad hoc committee will conduct the hearing in the following manner:
- a. The involved resident will be apprised of the nature of the charges and the supporting evidence. The resident may submit any documentation he/she believes to be relevant to a review of his/her record, and may list individuals with whom s/he wishes the committee to speak. The committee is not obligated to speak with all of the named individuals.
  - b. The committee will review the resident's records and PD's documented reasons for the decision.
  - c. The resident and PD shall present evidence as requested and deemed necessary by the ad hoc committee.
  - d. Hearing proceedings shall be considered informal and non-adversarial. A resident may not be represented by counsel.
5. The ad hoc committee will forward its recommendation to the Chair of the GMEC, who will convene a meeting within 15 business days of the receipt of the report. The meeting will be comprised of the voting members of the GMEC, and will review the report of the ad hoc

committee and make a final determination regarding the disciplinary action taken.

6. A resident's failure to appeal an adverse determination by their training program within the time frame specified shall be deemed a waiver of the resident's appeal rights and shall render the adverse determination as final and binding.

**Forms: (Ctrl-Click form name to view)**

None

**Policy Cross Reference: (Ctrl-Click policy name to view)**

Substandard Resident Performance and Disruptive Resident BehaviorAdena1992

**Relevant Standards/Codes/Rules/Regulations/Statutes:**

None

**References and Resources:**

None