



Stony Brook Medicine Graduate Medical Education

Subject: GME0037 Termination, Grievance and Due Process	Published Date: 10/22/2024
Graduate Medical Education	Next Review Date: 10/22/2027
Scope: SBM Stony Brook Campus	Original Creation Date: 11/24/2003

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

Responsible Department/Division/Committee:

Graduate Medical Education Committee

Policy:

Stony Brook Medicine 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/fellow will be notified in writing of the disciplinary actions being instituted and the reasons for such actions. Any substandard performance resulting in non-promotion, non-renewal, suspension or termination of a resident, 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. The resident/fellow will be given written notice stating the basis for the non-promotion, non-renewal, suspension or termination and advising the resident/fellow of the right to request a review of that decision by the Graduate Medical Education Committee (GMEC). A resident/fellow who wishes to request such a hearing must do so within five (5) business days after receipt of the decision. The request must be submitted to the DIO or Director of GME in writing and indicate the rationale for appealing the decision.
 - b. The Chair of the GMEC will appoint an ad hoc committee to investigate the issues regarding the resident/fellow'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 resident/fellow must 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 the named individuals.
 - b. The committee will review the resident/fellow's records and PD's documented reasons for the decision.
 - c. The resident/fellow 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 20 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/fellow's failure to appeal in writing (as described in 3a) an adverse determination by their training program within the time frame specified shall be deemed a waiver of the resident/fellow'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)

[GME0009 Substandard Resident Performance](#)

Relevant Standards/Codes/Rules/Regulations/Statutes:

None

References and Resources:

None