



Discipline, Dismissal, Non-Renewal Policy & Procedure

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POLICY STATEMENT

Trainees can be disciplined for both academic and non-academic reasons. Forms of discipline include, but are not limited to: warning, required compliance, remedial work, probation, suspension, contract non-renewal and dismissal. There are separate grounds and procedures for each type of discipline as outlined below.

REASON FOR POLICY

Discipline/Dismissal for Academic Reasons

Grounds

As students, GME trainees are required to maintain satisfactory academic performance. Academic performance that is below satisfactory is grounds for discipline and/or dismissal. Below satisfactory academic performance is defined as a failed rotation; relevant exam scores below program requirements; and/or marginal or unsatisfactory performance, as evidenced by faculty evaluations and other assessments, in the areas of clinical diagnosis and judgment, medical knowledge, technical abilities, interpretation of data, patient management, communication skills, interactions with patients and other healthcare professionals, professionalism, and/or motivation and initiative.

To maintain satisfactory academic performance, residents/fellows also must meet all eligibility requirements throughout the training program. Failure or inability to satisfy licensure, registration, fitness/availability for work, visa, immunization, or other program-specific eligibility requirements are grounds for dismissal or contract non-renewal.

PROCEDURES

Procedures

Before dismissing a trainee or not renewing the contract of a trainee for academic reasons, the program must give the trainee:

- Notice of performance deficiencies;
- An opportunity to remedy the deficiencies; and
- Notice of the possibility of dismissal or non-renewal if the deficiencies are not corrected.

Trainees disciplined and/or dismissed for academic reasons may be able to grieve the action through the Conflict Resolution Process for Student Academic Complaints Policy. This grievance process is not intended

as a substitute for the academic judgments of the faculty who have evaluated the performance of the trainee, but rather is based on a claimed violation of a rule, policy or established practice of the University or its programs.

Academic Probation

Trainees who demonstrate a pattern of unsatisfactory or marginal academic performance will undergo a probationary period. The purpose of probation is to give the residents/fellows specific notice of performance deficiencies and an opportunity to correct those deficiencies. The length of the probationary period may vary but it must be specified at the outset and be of sufficient duration to give the trainee a meaningful opportunity to remedy the identified performance problems. Depending on the trainee's performance during probation, the possible outcomes of the probationary period are: removal from probation with a return to good academic standing; continued probation with new or remaining deficiencies cited; non-promotion to the next training level with further probationary training required; contract non-renewal; or dismissal.

Discipline/Dismissal for Non-Academic Reasons

Grounds

Grounds for discipline and/or dismissal of a trainee for non-academic reasons include, but are not limited to, the following:

- Failure to comply with the bylaws, policies, rules, or regulations of the University of Minnesota, affiliated hospital, medical staff, department, or with the terms and conditions of this document.
- Commission by the trainee of an offense under federal, state, or local laws or ordinances which impacts upon the abilities of the trainee to appropriately perform his/her normal duties in the residency program.
- Conduct, which violates professional and/or ethical standards; disrupts the operations of the University, its departments, or affiliated hospitals; or disregards the rights or welfare of patients, visitors, students, hospital/clinical staff, or others involved in the training program.

Procedures

Prior to the imposition of any discipline for non-academic reasons, including, but not limited to, written warnings, probation, suspension, or termination from the program, a trainee shall be afforded:

- Clear and actual notice by the appropriate University or hospital representative of charges that may result in discipline, including where appropriate, the identification of persons who have made allegations against the trainee and the specific nature of the allegations; and,
- An opportunity for the trainee to appear in person to respond to the allegations.
- Following the appearance by the trainee, a determination should be made as to whether reasonable grounds exist to validate the proposed discipline. The determination as to whether discipline would be imposed will be made by the respective Medical School department head or his or her designee. A written statement of the discipline and the reasons for imposition, including specific
- charges, witnesses, and applicable evidence shall be presented to the trainee.

After the imposition of any discipline for non-academic reasons, a trainee may avail himself or herself of the following procedure:

- If within thirty (30) calendar days following the effective date of the discipline, the trainee requests in writing to the DIO a hearing to challenge the discipline, a prompt hearing shall be scheduled. If the trainee fails to request a hearing within the thirty (30) day time period, his/her rights pursuant to this procedure shall be deemed to be waived.
- The hearing panel shall be comprised of three persons not from the residency/fellowship program involved: a chief resident; a designee of the Dean of the University of the Incarnate Word School of Osteopathic Medicine; and an individual recommended by the Chair of the Graduate Medical Education Committee.
- The panel will be named by the Dean of the School of Osteopathic Medicine or his or her designee and will elect its own chair. The hearing panel shall have the right to adopt, reject or modify the discipline that has been imposed.

At the hearing, a trainee shall have the following rights:

- Right to have an advisor appear at the hearing. The advisor may be a faculty member, trainee, attorney, or any other person. The trainee must identify his or her advisor at least five (5) days prior to the hearing;
- Right to hear all adverse evidence, present his/her defense, present written evidence, call and cross-examine witnesses; and,
- Right to examine the individual's residency/fellowship files prior to or at the hearing.
- The proceedings of the hearing shall be recorded.
- After the hearing, the panel members shall reach a decision by a simple majority vote based on the record at the hearing.
- The residency/fellowship program must establish the appropriateness of the discipline by a preponderance of the evidence.
- The panel shall notify the trainee in writing of its decision and provide the trainee with a statement of the reasons for the decision.

Although the discipline will be implemented on the effective date, the stipend of the trainee shall be continued until his or her thirty (30) day period of appeal expires, the hearing panel issues its written decision, or the termination date of the agreement, whichever occurs first.

The decision of the panel in these matters is final, and there are no further rights to appeal.

Any TIGMER clinical training site has the right to impose immediate summary suspension upon a trainee if his or her alleged conduct is reasonably likely to threaten the safety or welfare of patients, visitors or hospital/clinical staff. In those cases, the trainee may avail he or she of the hearing procedures described above. The foregoing procedures shall constitute the sole and exclusive remedy by which a trainee may challenge the imposition of discipline based on non-academic reasons.

Non-renewal of Agreement of Appointment

In instances where a trainee(s) agreement is not going to be renewed, TIGMER ensures that its ACGME accredited programs provide the trainee(s) with a written notice of intent not to renew a trainee(s) agreement no later than four months prior to the end of the trainee(s) current agreement. However, if the primary reason(s) for the non-renewal occurs within the four months prior to the end of the agreement, TIGMER ensures that its ACGME-accredited programs provide the trainee(s) with as much written notice of the intent not to renew as the circumstances will reasonably allow, prior to the end of the agreement.

Trainee(s) will be allowed to implement the institution's grievance procedures if they have received a written notice of intent not to renew their agreement.

FORMS/INSTRUCTIONS

RESPONSIBILITIES

FAQ

ADDITIONAL RESOURCES

Subject	Contact	Phone	Fax/Email
Subject			
Policy			

DEFINITIONS

RELATED INFORMATION