

**STONY BROOK UNIVERSITY HOSPITAL
GRADUATE MEDICAL EDUCATION
POLICIES AND PROCEDURES**

POLICY: TERMINATION, GRIEVANCE AND DUE PROCESS

Purpose

To establish a policy for Due Process regarding Termination, Suspension or Non-Renewal of Appointment or Non-Promotion to the next level as it relates to Residents

Policy

1. During the course of training residents are to be evaluated by members of the teaching program at least semi-annually. More frequent evaluations may be undertaken at the discretion of the Program Director (PD) and should follow the policy and procedure on Substandard Resident Performance. The decision to renew a resident's training program is at the discretion of the PD or Departmental Chair.
2. Termination without due process may be based upon a single significant event or a 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 the suspension or termination, except as noted 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 dismissal 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 Chair of 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 render a written determination after investigating the reasons for the PD or Departmental Chairperson's decision.
 - c. If the resident is not satisfied with that determination s/he may request a review before an ad hoc committee appointed by the Chair of the GMEC.

A request for such a review must be made within five (5) working days of receipt of the Chair of the GMEC determination.

- d. The ad hoc committee is 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 named resident.
4. The ad hoc committee will conduct the hearing in the following manner:
 - a. The named 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 he/she wishes the committee to speak. The committee is not bound to speak with all of the named individuals.
 - b. The committee will review the resident's records and program director 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 then convene a meeting of the entire GMEC to review the report of the ad hoc committee and make a final determination.
 6. A resident's failure to appeal an adverse determination by their training program to the next higher step within the time frame specified shall be deemed a waiver of the residents appeal rights and shall render the adverse determination as final and binding.

Reviewed and Approved November 24, 2003

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