

**VIDANT MEDICAL CENTER
GRADUATE MEDICAL EDUCATION
POLICY/PROCEDURE**

Resident Reappointment and Grievance

Original:

Revised: 3/2001, 11/2011, 6/2016, 7/2020

Responsible Party: Graduate Medical Education Committee

Approved by Program Council:

Approved by GMEC: 7/13/2020

Exclusivity of Policy

This policy constitutes the sole and exclusive institutional rights of review and appeal with respect to non-reappointment and disciplinary action related to resident physicians and fellows enrolled in graduate medical education programs sponsored by Vidant Medical Center (VMC). This policy supersedes and preempts any other review and appeal rights of trainees. For the purposes of this policy, a resident physician or fellow is defined as a non-faculty graduate medical education trainee in a graduate medical education program sponsored by VMC and accredited by The Accreditation Council for Graduate Medical Education or other accrediting agency.

Resident Physician and Fellow Reappointment and Promotion

Resident physicians and fellows joining training programs are appointed on an annual basis. Each resident physician and fellow shall be considered for reappointment and promotion on an annual basis. Each program is required to establish and maintain a process for evaluation of the academic performance and professional ethics of each resident sufficient to permit annual appraisal. Each program shall maintain written documentation of resident evaluations.

- a. It is the responsibility of the Clinical Competency Committee and the Program Director to annually determine the suitability of each resident physician and fellow for reappointment and promotion based upon Milestone assessments and progression within the program. This recommendation is made with the understanding that the recommended reappointment and promotion is contingent upon satisfactory completion of the program's requirements for promotion between the reappointment period and end of the current year of training. The Program Director shall forward this recommendation to the Director of Graduate Medical Education/Associate Dean for Graduate Medical Education (Designated Institutional Official) no later than 2 (two) months prior to completion of the resident physician's or fellow's current appointment period. Resident physicians and fellows shall be notified by the Program Director of the program's recommendation at the same time. If the decision is to reappoint, the resident physician or fellow will usually be offered a training agreement no later than 30 (thirty) calendar days prior to the

completion of the resident physician's or fellow's current appointment period. The effective date of the reappointment normally will be the day following the expiration of the resident's current appointment. This date and/or the date of offering the reappointment and promotion, however, may be delayed if the resident physician or fellow has an unreasonable number of outstanding medical records, non-passage of USMLE/Comlex Step 3, an employee health screen which has not been completed or if there are outstanding debts owed to the hospital.

- b. If the Program Director's recommendation decision is to not reappoint or not promote a resident physician or fellow, the Designated Institutional Official shall be notified of this recommendation 2 (two) months prior to the completion of the resident physician's or fellow's current contract. The resident physician or fellow will be notified at the same time. The resident physician or fellow may appeal the decision to not re-appoint or not promote as set out in the Appeal Procedure below.
- c. If reasons for non-reappointment or non-promotion occur within the final 2 (two) months of the resident physician's or fellow's current appointment, the resident physician or fellow shall be notified of this non-reappointment or non-promotion decision with as much written notice of the intent to not renew or not promote as the circumstances will reasonably allow prior to the end of the current training agreement. The resident physician or fellow may appeal the decision to not re-appoint or not promote as set out in the Appeal Procedure below.

Appeal Procedure

The resident physician or fellow may appeal disciplinary actions, dismissal, non-reappointment or non-promotion and actions taken which could significantly threaten a resident physician's or fellow's intended career development. This appeal must be made in writing and delivered to the Institutional Official within 5 (five) business days of the notification of disciplinary actions. This written request must state the basis for the appeal.

An appeals committee shall be appointed by the Institutional Official and be composed of three chairs of academic departments/chiefs of services that sponsor graduate medical education programs. These individuals shall not be participants in the involved department. The VMC Vice President for Human Resources or his/her designee shall be an additional ad hoc voting member of this appeals committee. This appeals committee shall be chaired by the Institutional Official who shall have voting privileges if required to create a majority vote on any issue. In this appeal hearing both sides may be represented by counsel and written transcripts of the proceedings will be prepared and subsequently provided to either party upon request. The role of legal counsel shall be limited to that of an advisor to his or her client and shall not otherwise participate in the hearing process. The appeals committee shall be convened within 10 (ten) business days following the receipt of the written request for appeal.

At this appeal hearing opening statements may be made first by the program and secondly by the resident physician or fellow. The appeals committee shall next hear information presented by the program documenting the cause for disciplinary action and justifying the specific action taken. Information may then be presented by the resident physician or fellow in support of the appeal.

Witnesses may be called by either party and independently by the appeals committee. All witnesses may be questioned by either party or by members of the appeals committee. The hearing need not be conducted in strict compliance with the rules of law governing the examination of witnesses or the introduction of evidence. Closing statements may be first made by the program, then by the resident physician or fellow. The Chairman of the committee shall ensure that the proceedings are conducted in a fashion to meet the needs of the committee to acquire relevant information and to provide fundamental fairness to all parties.

Following due deliberation, the appeals committee may uphold, revoke or modify the non-reappointment or disciplinary action at its discretion. The appeals committee shall forward its decision to the program director and resident physician or fellow within 10 (ten) business days after the completion of the hearing. The decision of the appeals committee is final and not subject to review or appeal.