Non-Reappointment and Termination of Appointment
IUSM-GME-PO-0016

Scope

This policy applies to all Indiana University School of Medicine (IUSM) Graduate Medical Education (GME) resident and fellow physicians.

Reason for Policy

The purpose of this policy is to define procedures related to grievance, non-reappointment or termination of appointment. Procedures for grievance and discipline are defined.

Policy Statement

The duties, privileges, authority and responsibilities of GME residents are governed by their letters of appointment, by specific written authorization or delegation by the dean, and by the rules, regulations, policies and procedures of the medical staffs and hospitals. The guidelines of the university concerning employees and students will not be applicable to residents, unless so stated in the particular policy, regulation or guideline.
Residents will be appointed for the term or terms set out in their letters of appointment and will be renewed in accordance with the provisions of their letters of appointment.

The term “grievance” shall mean any dispute concerning the residents’ conditions of work, notice of non-reappointment, or the interpretation or application of any rule, regulation, letter of appointment, practice or policy of IUSM or its affiliated hospitals.

Non-reappointment or non-renewal refers to a decision not to renew a resident’s contract for a subsequent year of training resulting in its expiration at the end of the current term and termination of employment. Program directors must confer with both the head of the department, division, and or section and the Senior Assoc. Dean for GME while making these decisions.

Termination refers to revoking or terminating a resident’s contract prior to the end of a current contract.

The appointment of a resident may be revoked or terminated prior to the end of a current term of appointment for failure to abide by the rules and regulations, or policies and procedures of the medical staffs and hospitals, or for activities or professional conduct considered to be disruptive to the operations of the hospitals, or to the quality of patient care, or the teaching programs, or activities which constitute a material breach of the letter of appointment.

Whenever a resident's conduct or activities, in the opinion of the Associate Dean of Graduate Medical Education or designee, may cause a threat of injury or damage to the health or safety of patients, employees or other persons in the hospital or to the resident unless prompt remedial action is taken, or if it appears reasonable to believe that the resident has failed to observe all laws or principles of medical ethics of the profession in such a manner as to impose a threat to patient care or the high ethical standards expected of residents, the Associate Dean of Graduate Medical Education or designee may summarily suspend all or any part of Resident's duties at such time and for such duration and under such terms and conditions as stated in the Procedure for Summary Suspension.

**Procedures**

The procedures and remedies provided herein will be the exclusive remedies available to a Resident who is disciplined or whose letter of appointment is modified, terminated or will not be renewed.

**Procedure for Filing a Grievance Based on Discrimination**

a. Formal charges of discrimination based on race, sex, age, religion, national or ethnic origin, disability, marital status, sexual orientation, or veteran status, should be filed with the campus Office of Affirmative Action.
b. Prior to filing a formal complaint with the Affirmative Action Office, residents are encouraged to utilize preliminary steps such as the IUSM Ombuds Office.

c. The submission of a grievance shall not relieve a resident from his or her responsibilities, including patient care, pending the outcome of any grievance.

**Procedure for Non-Reappointment of Contract**

For any grievance related to non-reappointment, the following procedure shall apply.

a. First, the resident shall promptly discuss his or her concern with the Trainee’s program director.

b. If the matter is not satisfactorily resolved, the resident shall forward his or her written grievance to the Associate Dean of Graduate Medicine within five (5) days.

c. The Associate Dean of Graduate Medical Education shall then review the written grievance.

d. Following review of the written grievance, and recommendation, if applicable, the Associate Dean of Graduate Medical Education shall, with the consultation and approval of the Dean of the School of Medicine, promptly render a final decision, thus completing the grievance process.

**Procedure for Discipline or Termination of Contract**

For any grievance stemming from discipline or termination (not including notice of non-reappointment) of the Resident, the procedures outlined below shall govern.

a. The hospital director, or chair of the department, or program director, or chief of a service, department or section, may lodge a complaint with the Associate Dean of Graduate Medical Education that there are reasons for the discipline or termination of the letter of appointment of a resident, or the Associate Dean of Graduate Medical Education may initiate the matter.

b. The chair of the TLAC may also report egregious actions by a Resident that have come to the attention of the TLAC to the Associate Dean of Graduate Medical Education.

c. If the complaint is made by a chief of a service or director of a section, or if the information has come to the Associate Dean of Graduate Medical Education from other sources including the TLAC, the complaint will be referred by the Associate Dean of Graduate Medical Education to the chair
of the department or to the program director to which the resident is currently assigned.

d. The chair of the department or the program director will then investigate the matter, and in not less than twenty (20) days after such referral, make a written report and recommendation to the Associate Dean of Graduate Medical Education.

e. If the complaint is made by the chair of the department or program director in which the resident is currently assigned, the chair will state the charges with reasonable particularity and make a written report and recommendations to the Associate Dean of Graduate Medical Education.

f. If the matter has not been satisfactorily resolved, the Associate Dean of Graduate Medical Education will furnish to the affected person, a written notice of
   1) the charges in reasonable particularity,
   2) the Associate Dean of GME’s proposed recommendation, and
   3) the right to be heard by the Associate Dean of Graduate Medical Education.

g. Such notice will be sent by certified or registered mail, return receipt requested.

h. Notice will be deemed delivered by either deposit via certified mail to the last known address of the resident or by personal delivery.

i. The resident will have fifteen (15) days after the mailing of such written notice or hand delivery to request a hearing by the Associate Dean of Graduate Medical Education, and failure to request a hearing will be deemed a waiver of the hearing.

j. If the affected person does not request a hearing, the Associate Dean of Graduate Medical Education may request a hearing to obtain more information, or forward his/her recommendations to the Dean who will take final action.

Procedure for Summary Suspension

a. This action will be reported in writing to the chair of the department, the program director, the dean, and the affected resident.

b. The resident has the right to a hearing to appeal the summary suspension in accordance with this article, providing the request is made within fifteen (15) days of the date of the Order of Summary Suspension.

Procedure for a Hearing

a. If a request is made for hearing by the Associate Dean of Graduate Medical Education, the Associate Dean of Graduate Medical Education will promptly and in no event less than five (5) days prior to the date of the hearing, notify
the resident in writing of the date, time, and place of the hearing, and will state in concise language the acts or omissions with which the resident is charged.

b. The Associate Dean of Graduate Medical Education may appoint an ad hoc hearing committee or may hear the grievance him/herself. An accurate record of the hearing will be kept, which may be accomplished by the use of a court reporter or a recording device.

c. The affected person against whom the complaint has been lodged will have the right to be present at the hearing, but if the person fails without just or due cause to appear at the hearing, the failure will be deemed a waiver of the opportunity for hearing, in the same manner as though one had not been requested.

d. The person will be entitled to be accompanied by or represented at the hearing by a member of the medical staff or an attorney.

e. The Associate Dean of Graduate Medical Education may also be represented by an attorney.

f. The hearing need not be conducted strictly according to the rules of law relating to the examination of witnesses or presentation of evidence, and will be conducted by the Associate Dean of Graduate Medical Education on an intra-professional basis.

g. Any relevant matter upon which responsible persons customarily rely in the conduct of serious affairs will be considered.

h. The affected person will have the right to call and examine witnesses, to introduce written evidence, to cross-examine any witness on any matter relevant to the issue of the hearing, and to challenge any witness and to rebut evidence.

i. If the affected person does not testify on their own behalf, the person may be called and examined as if under cross-examination.

j. The hearing will be confidential and open only to the Associate Dean of GME and those participating in the hearing process. Observers are allowed only by mutual agreement of the parties.

k. Within fourteen (14) days after the matter has been heard, the Associate Dean of GME will transmit his/her recommendations to the dean and the affected person.
The affected person may request an informal hearing with the dean within five (5) days of the Associate Dean of Graduate Medical Education's recommendation.

Within five (5) days of the Associate Dean of GME’s recommendation, the dean will make the decision, which will be final and will be transmitted in writing to the affected Resident, with a copy to the Associate Dean of GME, the chair of the department, and the program director.

Definitions

A resident is an IUSM resident or fellow, or a non-IUSM resident or fellow electively rotating through IUSM and provides clinical care as part of a GME program.

Implementation

The Designated Institutional Official (DIO) for GME is responsible for implementation of this policy.

Oversight

Policy authority for this document resides with the Graduate Medical Education Committee. The DIO and the Graduate Medical Education Committee are responsible for oversight. This policy will be reviewed every three years or more often if deemed necessary.

Related Information

IUSM Ombuds Office
https://medicine.iu.edu/about/learning-environment/ombuds-office/

Written Notice or Program Academic Remediation Template
https://mednet.iu.edu/MasterDocLibrary/GME_Written_Notice_or_Program_of_Academic%20Remediation%20template.pdf

History

2. Policy reviewed, updated, and approved by GMEC on 15 May 2013.