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TITLE: Resident/Fellow Academic Remediation and Procedure for Academic Grievance

PURPOSE:

A resident/fellow at risk in achieving the GME training program goals/objectives and/or ACGME program milestones should be provided due process to give them an opportunity to remediate. Failure to remediate may result in non-promotion, non-renewal, or dismissal.

The resident/fellow has a right to grieve the outcome of a due process for remediation that results in non-promotion, non-renewal, or dismissal due to academic/training performance. Resident/Fellow performance evaluations and remediation plans cannot be grieved under this procedure. Reasonable use of this procedure by a resident/fellow shall not be grounds for dismissal, reprisal, or disciplinary action against the resident/fellow filing the grievance.

PROCEDURE:

A. Resident/Fellow Academic Remediation

1. The program director, in consultation with the program's Clinical Competency Committee, is responsible for identifying the resident/fellow who may be at risk of not completing their training program due to academic reasons.
2. A remediation plan should be developed for the resident/fellow with a specific time frame for action that provides an opportunity to achieve the level of academic performance expected (opportunity to cure).
 - a. The program director should consult with the GME DIO prior to notifying the resident/fellow of the remediation plan.
 - i. The GME DIO may determine the need for UVM Medical Center GME Human Resource Partner's and/or Risk Management's involvement in the remediation plan.
3. The remediation plan should be implemented as soon as possible after meeting with the GME DIO but after the program director communicates the remediation plan to the resident/fellow.
4. The resident/fellow is expected to successfully complete the remediation plan. Failure to successfully complete the remediation plan may result in non-promotion, non-renewal, or dismissal. The program director must provide a written notification to the resident/fellow on the outcome of the remediation process.

B. GME Resident/Fellow Academic Grievance Process

1. Initiation of Grievance
 - a. The resident/fellow must submit a written grievance to the GME Designated Institutional Official (DIO) within ten (10) days after they knew or should have known that the grievance existed.
2. The DIO shall convene a five member Ad Hoc Academic Grievance Hearing Committee (the "Grievance Committee") consisting of the following members:
 - a. Two GME program directors who are voting members on the GMEC and not members of the grievant's department;
 - b. A resident/fellow who is a voting member on the GMEC and not a member of the grievant's program;
 - c. A resident/fellow or an attending chosen by the grievant; and
 - d. A Human Resource representative not involved in the remediation plan of the grievant.
2. The hearing will be conducted without the presence of outside counsel, and it is not required to follow the rules of evidence.
3. The Grievance Committee shall meet to hear testimony, receive evidence regarding the grievance, and render a decision.

- a. The grievant shall first be permitted to present evidence regarding their allegation, then the program director involved in the grievance shall present evidence regarding the grievance.
4. The Grievance Committee shall issue written finding(s) and render a decision within five (5) business days. Said finding(s) and decision shall be furnished to the grievant. The decision of the Grievance Committee is final.

DEFINITIONS:

- Academic pertains to meeting the goals/objectives of the training program and the ACGME milestones in the six core competencies: Patient Care and Procedural Skills, Medical Knowledge, Practice-Based Learning and Improvement, Interpersonal and Communication Skills, Professionalism, and Systems-Based Practice
- Dismissal (Termination): Resident/Fellow is dismissed from training prior to the current year's contract end date.
- DIO: Designated Institutional Official
- GME: Graduate Medical Education
- GMEC: Graduate Medical Education Committee
- Non-Promotion: Resident/Fellow does not advance to the next level of training.
- Non-Renewal: Resident/Fellow completes the current year of training and is not offered a contract to continue their training.

REFERENCES: Accreditation Council for Graduate Medical Education, Institutional Requirements

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