

	Graduate Medical Education	
	GMEC Approval Date:	07/01/2023
	Effective Date:	05/18/2023
	Review/Revision Date:	05/17/2023
Policy Title: Due Process Policy		
ACGME Institutional Requirement: IV.D.1.b.		Page 1 of 2

I. Purpose

To establish guidelines for the dismissal of residents/fellows in the LECOM resident/fellowship programs.

II. Policy

- A. The Graduate Medical Education Due Process Policy is designed to ensure that trainees have been treated fairly and to protect trainees from arbitrary or capricious disciplinary action. Trainees placed on probation, suspension, or dismissal or who have been recommended for contract non-renewal or non-promotion, are entitled to the procedural safeguards outlined below:
 1. When a trainee is placed on probation, suspended, terminated, or have been recommended by their program director for contract non-renewal or non-promotion, LECOM shall notify the trainee of the disciplinary action. Such written notice shall contain a specific statement of the grounds for non-promotion, probation, suspension, dismissal, or non-renewal of contract, and shall refer to the trainee's right of appeal as herein set forth.
 2. Within five working days after the trainee's receipt of such notice, he may submit to the GME Committee or the DIO a written request for a hearing to appeal such probation, suspension, non-renewal, or dismissal. The trainee's written request should list any statements, documents, affidavits, or other materials that the trainee intends to offer in his defense.
 3. Upon formal receipt of the trainee's request for a hearing, the GME Committee, through its chairperson or designee, shall notify the trainee of the date, time, and place of the hearing designate the GMEC representatives for the hearing board.
 4. At the hearing, neither the GME Committee nor the trainee shall be aided or represented by an attorney. Additionally, the chair of the GME Committee or his or her designee may exclude anyone he or she wishes from the hearing.
 5. At the hearing, both the GME Committee or their designee and the trainee may make opening statements. The trainee shall then present his or her case indicating why the suspension or dismissal action should be reversed. Both the GME Committee or their designee and the trainee may present written evidence, examine witnesses, and cross-examine witnesses. Both the GME Committee or their designee and the trainee may make closing arguments. The Rules of Evidence that govern proceedings in a court of law, however, shall not apply.
 - a. Following the hearing, the hearing board will make a recommendation to the GMEC, who will make a final determination.
 - b. GME Committee shall notify the trainee in writing of their final, binding decision that shall affirm, modify, or reverse the original disciplinary action.
 - c. A trainee who appeals disciplinary action taken against him may resume clinical practice in the hospital, if at all; only after written decision has been rendered by the GME Committee.