Procedure for Review of Academic and Disciplinary Decisions Relating to Residents and Clinical Fellows

Preamble

Both the School of Medicine and the Hospitals recognize that the primary responsibility for academic and disciplinary decisions relating to residents and residency programs resides within the departments and the individual residency programs. Academic and performance standards, and methods of resident training and evaluation, are to be determined by the departments and programs and may differ among them.

The interests of the residents, the Medical School, and the Hospitals are best served when problems are resolved as part of the regular communication between the residents and departmental officials in charge of the training program. Thus residents are encouraged to make every effort to resolve disagreements or disputes over academic or disciplinary decisions or evaluations by discussing the matter with the Department Chair, Division Chief or Program Director, as appropriate. The Office of the Associate Dean for Medical Education (Graduate Medical Education) is available to provide confidential guidance in this effort. The department may also have available a more formal procedure for review.

If the matter is not resolved, either by informal or formal means, at the departmental level, and the action taken by the department involves:

1. Suspension, termination, or non-reappointment;
2. Reduction, limitation, or restriction of the resident’s clinical responsibilities
3. Extension of the residency or denial of academic credit that has the effect of extending the residency
4. Denial of certification of satisfactory completion of the residency program

The resident may request a review of the departmental decision, which will follow the procedure set forth below. Decisions or actions other than those described in the preceding sentence are not subject to review under this procedure. The availability of this procedure for review of certain kinds of decisions in no way is intended to affect the right of the department and/or the Hospital to counsel and evaluate residents routinely on performance or progress in the normal course of the training program.

Associate Dean (Graduate Medical Education)

The resident shall make the request for a formal review in writing within 30 calendar days after the departmental decision to the Associate Dean for Medical Education (Graduate Medical Education), describing the matter in dispute and all previous attempts at resolution. The Associate Dean shall forward a copy of the request to the Program Director, who shall have the opportunity to respond in writing within 10 calendar days, a copy of which shall be furnished to the resident. (Copies of all correspondence relating to the review shall be furnished by the Associate Dean’s office on a confidential basis to the President of the Hospital in the case of a resident/clinical fellow) The Associate Dean shall discuss the dispute with the resident and the Program Director (and the Hospital, if appropriate) in an effort to resolve the matter. If the matter is not resolved within 30 calendar days from the date of receipt of the request for review, the Associate Dean shall notify the resident in writing that the matter has not been resolved and that the resident has a right to request a hearing. If the matter is resolved, the Associate Dean shall summarize the resolution in a letter to the resident, Program Director, and President of the Hospital in the case of a resident/clinical fellow.
Periodically, the Associate Dean shall report to the GMEC on the nature of matters brought to his or her attention under this procedure and the nature of the resolution, if any.

**Hearing Panel**

The resident shall make the request for a hearing in writing to the Chair of the GMEC within 7 calendar days after the date of the notice from the Associate Dean that the matter has not been resolved. The Chair of the GMEC shall appoint a five-member hearing panel, three members to come from the GMEC membership—one program director, who shall act as chair of the hearing panel, one senior resident, and one Hospital representative—and two members to come from the elected representatives of the clinical departments to the Executive Committee of the Faculty Council or the Faculty Rights Committee of the School of Medicine. No member of these bodies who has been involved in the dispute in any way shall serve on the hearing panel.

A hearing date shall be set by the chair of the hearing panel within 30 calendar days of the receipt of the resident's request for a hearing. At least 7 calendar days before the hearing, the Program Director shall furnish the chair of the hearing panel and the resident with a statement of reasons for the action taken, along with any supporting documentation. The resident shall have the opportunity to respond in writing at least two calendar days before the hearing, copies to be furnished to the chair of the hearing panel and the Program Director.

At the hearing, both the resident and the Program Director may present evidence and witnesses, subject to limitations set by the chair based on relevancy or time, and may examine the evidence and witnesses presented by the other. The members of the hearing panel may also ask questions and request the presence of additional witnesses if deemed necessary. A stenographic record of the hearing will be made. The resident may be accompanied by one advisor, identified by name and title at least 6 days before the hearing, who may advise the resident but not otherwise participate in the hearing. The hearing shall not be construed as a formal legal proceeding, and formal rules of law or evidence shall not apply.

Subsequent to the conclusion of the hearing, the hearing panel shall deliberate in private and reach a decision as to its recommendation by majority vote. It shall make a written report and recommendation to the Dean of the Medical School and President of the Hospital within 15 calendar days after the conclusion of the hearing, copies of which shall be sent to the resident, the Program Director and the Associate Dean.

The recommendation of the hearing panel shall be accepted, rejected or modified by the Dean and President, or their designees, in writing, within 15 calendar days after the date of the recommendation and report. Copies shall be sent to the chair of the hearing panel, the resident, the Program Director, and the Associate Dean. The decision of the Dean and President, or their designees, shall be final.

**Applicability**

This procedure applies to all residents/clinical fellows in ACGME-accredited residency programs at Barnes-Jewish Hospital, St. Louis Children's Hospital and Washington University School of Medicine, as well as residents in certain non-ACGME-accredited programs as designated by the GMEC.