The SUNY-Downstate GME Committee monitors, oversees and facilitates individual program compliance with institutional, ACGME, and RRC guidelines for due process in regard to:

(1) **Review and Evaluation of Resident Performance**: academic or other disciplinary actions taken against residents that could result in dismissal, non-renewal of a resident's agreement or other actions that could significantly threaten a resident's intended career development; and,

(2) **Adjudication of resident complaints and grievances** related to the work environment or issues related to the program or faculty.

(1) **Review and Evaluation of Resident Performance**: Adverse actions and decisions in all SUNY-Downstate programs are based on department specific educational requirements and expectations for resident performance. Departmental guidelines and procedures for resident review and evaluation must be explicit and in written form and consistent with RRC requirements. These guidelines and procedures must meet the Downstate standards set below.

An evaluation of programs due process procedures is a part of the GME Committee internal review protocol and subject to audit by the GME Office.

(i) Letter of Warning – When a resident’s performance is not adequate, notification of the deficiencies must be made in a “letter of warning” to the resident by the Program Director, with copies to the GME Office. A plan to correct deficiencies, which include the manner and time frame in which the deficiencies will be corrected, and the consequences of not correcting the deficiencies within the time frame, should be a part of this notice. This plan may or may not include a period of monitored performance. A letter to the resident, which specifies the corrective action, must indicate that possible outcomes of failure to fully satisfy the terms of the corrective action may include probation, contract non-renewal or termination. Residents who successfully correct deficiencies according to the terms described in a “letter of warning” must be so notified in writing.

(ii) Probation – Probation may include a plan to correct deficiencies but is distinguished by being a reportable status in the resident’s permanent academic file. A letter to the resident, which specifies probation, must indicate that possible outcomes of failure to fully satisfy the terms of probation may include non-renewal of their contract or termination of the resident’s appointment at the end of the period of probation.

(iii) Suspension-- If, in the judgment of the Program Director or Department Chairman, a resident’s professional competence or behavior may endanger patients or disrupt the educational process the resident may be suspended immediately pending investigation and application of due process. In such cases, the GME Office and the affiliate hospital that salaries the resident must be notified prior to the suspension if possible. If not possible, the notification must take place on the next regular business day following suspension. Written confirmation of the suspension and planned review shall be given to the resident as promptly as possible.
(iv) Notice of adverse action -- Any notice of probation, suspension, termination, or nonpromotion of a resident must be in writing, must generally state the reasons for the action, and must be reviewed with the resident, who must sign and date the notice indicating its content has been reviewed with him/her. It must also inform the resident of his/her right to appeal as described below. Copies of program and GMEC grievance policies and procedures should be appended to the notice. A copy of this signed notice must be sent to the Associate Dean for Graduate Medical Education and the affiliate hospital that salaries the resident.

SUNY-Downstate Due Process and Grievance Policies and Procedures are independent (and complementary) to those set forth by HHC CIR- Collective Bargaining Agreement, the Brooklyn VA and other affiliated hospital procedures.

(v) Resident appeals of adverse action Residents who challenge an evaluation of their academic performance in a required educational activity, or who challenge an unfavorable academic standing or status assigned to them because of inadequate evaluations of their performance may request a review of the evaluation or of the academic status, or both.

Each residency program has established procedures for considering such requests. Residents who wish to request a review of an academic grievance should submit such a request in writing to the Program Director within 15 days of the grieved action.

If the issue is not resolved through completion of the program's grievance procedure, residents may then address a petition to the GME Committee for a review of their case and of the program's decision's on it. The GME Committee may appoint and refer such petitions to an Ad-Hoc Resident Grievance Sub-committee.

To initiate the appeal process, the resident shall notify the Associate Dean for Graduate Medical Education. This notice shall be in writing, and must be delivered to the Graduate Medical Education Committee (GME Office Room # 2-74 BSB (office 270-1984 fax 270-2408) within 15 working business days of the resident's notification by the Program Director. Such notification must include the reasons for the requested appeal. Upon receipt of the appeal, the GME Office will request that the Program Director submit the resident's departmental file and any other materials on which it bases its decision to the Office for Graduate Medical Education, for distribution to the committee.

Within ten working days of receipt of the request for appeal, the GMEC Chair will appoint an ad hoc committee, and will notify the resident and the members of the ad hoc committee in writing of the committee's appointment with a copy to the program director and chair. The chair of said ad hoc committee will be a member of the Graduate Medical Education Committee, and one additional faculty member, and one resident will comprise the committee.

Eligible faculty for the ad hoc committee are defined as full-time physician faculty members of clinical departments in the College of Medicine with the rank of Assistant Professor or higher, and may not be members of the department which sponsors the resident's program. The resident member of this committee must be from a department other than that which sponsors the aggrieved resident's program. The appealing resident may request replacement of an ad hoc committee appointee with cause.
The ad hoc committee will determine the process. If the process includes an appeal
hearing it must occur within 30 days of the committees’ appointment.

Upon written request, the resident will be provided with a photocopy of summary
academic evaluations and photocopies of any correspondence to the resident from the
program, before the hearing is held.

If a hearing is deemed appropriate by the ad hoc committee, the process of the hearing
will not be rigidly prescribed, except that, the resident shall be given the opportunity to
appear before the committee and will be allowed to be accompanied by an advocate who
is not an attorney. The resident should be prepared to present evidence for rescinding the
action. The program director
should appear and be prepared to present evidence for upholding the action.

The hearing shall be confidential and open only to the committee members, the resident,
and if invited, by an advocate. If either the Program Director or resident would desire
individuals with factual information regarding the decision of the department, above and
beyond information in the file, to appear before the committee, the interested party may
make the appropriate arrangements. The hearing may only be rescheduled under
extraordinary circumstances at the
discretion of the Chair of the ad hoc committee. At the discretion of the Chair, the
Program Director and resident may question their own witnesses. If the committee
decides that additional information is required, the Chair may request written materials
and additional meetings, which may occur beyond the 30-day time period referenced
above.

The ad hoc committee's scope of review shall be to determine whether there was adequate
documentation on which to base the decision and whether the appropriate procedures
(e.g. notice of deficiencies, plan of remediation) were followed. The preparation of the
committee's final report shall be the responsibility of the Chair of the ad hoc committee.

The Associate Dean/DIO for Graduate Medical Education shall make notification to the
residents of the GMEC’s decision verbally and in writing with a copy to the Program
Director and Chair.

The Ad Hoc Subcommittee’s decision is final and is not subject to further formal review
within the University.

(2) Adjudication of resident complaints and grievances related to the work
environment or issues related to the program or faculty.

Residents are expected to address complaints and grievances to their program director. If
this fails to resolve the issue, or if the resident does not wish to discuss the matter within
the program, the resident may speak directly and confidentially to the Associate
Dean/DIO who serves as Ombudsman for GME. Residents are assured that nothing can
be communicated about what they say to the Ombudsman without their expressed
permission. Referrals as well as
problem solving interventions are provided in strict confidence.

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 Affirmative Action Office.
After consultation with the Associate Dean/DIO and Ombudsman for GME, residents may formally seek adjudication through the GME Committee. Within ten working days of receipt of the request for adjudication, the GMEC Chair will appoint an ad hoc grievance committee to consider the grievance or complaint for appropriate action.

The chair of said ad hoc committee will be a member of the Graduate Medical Education Committee, and one additional faculty member, and one resident will comprise the committee. Eligible faculty for the ad hoc committee are defined as full-time physician faculty members of clinical departments in the College of Medicine with the rank of Assistant Professor or higher, and may not be members of the department which sponsors the resident's program. The resident member of this committee must be from a department other than that which sponsors the aggrieved resident's program. The grieving resident and the defendant(s) may request replacement of an ad hoc committee appointee with cause. The ad hoc committee will determine the process. If the process includes a hearing it must occur within 30 days of the committees’ appointment. If a hearing is deemed appropriate by the ad hoc committee, the process of the hearing will not be rigidly prescribed, except that, the resident and defendant(s) shall be given the opportunity to appear before the committee and will be allowed to be accompanied by an adviser who is not an attorney. The resident and the defendant(s) should be prepared to address or respond to the grievance or complaint in writing.

The hearing shall be confidential and open only to the committee members, the resident, and any invited adviser(s). If the defendant(s) or resident would desire individuals with factual information regarding the grievance to appear before the committee, the interested party may make the appropriate arrangements. The hearing may only be rescheduled under extraordinary circumstances at the discretion of the chair of the ad hoc committee. At the discretion of the chair, the defendant(s) and resident may question their own witnesses. If the committee decides that additional information is required, the chair may request written materials and additional meetings, which may occur beyond the 30-day time period referenced above.

The Ad Hoc Subcommittee’s adjudication is final and is not subject to further formal review within the University.

Revisions approved by GMEC 2/14/07
Reviewed and re-approved by GMEC 6/16/10

APPEALS PROCESS

Residents who challenge an evaluation of their academic performance in a required educational activity, or who challenge an unfavorable academic standing or status assigned to them because of inadequate evaluations of their performance may request a review of the evaluation or of the academic status, or both.

Each residency program has established procedures for considering such requests. Residents who wish to request a review of an academic grievance should submit such a request in writing to the program Director within 15 days of the grieved action.

If the issue is not resolved through completion of the program's grievance procedure, residents may then address a petition to the GME Committee for a review of their case
and of the program's decision's on it. The GME Committee may appoint and refer such petitions to an Ad Hoc Resident Grievance Sub-committee.

To initiate the appeal process, the resident shall notify the Associate Dean for Graduate Medical Education. This notice shall be in writing and must be delivered to the Graduate Medical Education Committee (GME Office 270-1984 fax 270-2408) within 15 working days of the resident's notification by the Program Director. Such notification must include the reasons for the requested appeal. Upon receipt of the appeal, the GME Office will request the program director to submit the resident's departmental file and any other materials on which it bases its decision to the Office for Graduate Medical Education, for distribution to the committee.

Within ten working days of receipt of the request for appeal, the GMEC Chair will appoint ad hoc committee, and will notify the resident and the members of the ad hoc committee in writing of the committee's appointment with a copy to the program director and chair. The chair of said ad hoc committee will be a member of the Graduate Medical Education Committee, and one additional faculty member, and one resident will comprise the committee.

Eligible faculty for the ad hoc committee are defined as full-time physician faculty members of clinical departments in the College of Medicine with the rank of Assistant Professor or higher, and may not be members of the department which sponsors the resident's program. The resident member of this committee must be from a department other than that which sponsors the aggrieved resident's program. The appealing resident may request replacement of an ad hoc committee appointee with cause.

The ad hoc committee will determine the process. If the process includes an appeal hearing it must occur within 30 days of the committees’ appointment.

Upon written request, the resident will be provided with a photocopy of summary academic evaluations and photocopies of any correspondence to the resident from the program, before the hearing is held.

If a hearing is deemed appropriate by the ad hoc committee, the process of the hearing will not be rigidly prescribed, except that, the resident shall be given the opportunity to appear before the committee and will be allowed to be accompanied by an advocate who is not an attorney. The resident should be prepared to present evidence for rescinding the action. The program director should appear and be prepared to present evidence for upholding the action.

The hearing shall be confidential and open only to the committee members, the resident, and if invited, by an advocate. If either the program director or resident would desire individuals with factual information regarding the decision of the department, above and beyond information in the file, to appear before the committee, the interested party may make the appropriate arrangements. The hearing may only be rescheduled under extraordinary circumstances at the discretion of the chair of the ad hoc committee. At the discretion of the chair, the program director and resident may question their own witnesses. The note taker will make written minutes of the hearing. If the committee decides that additional information is required, the chair may request written materials and additional meetings, which may occur beyond the 30-day time period referenced above.
The ad hoc committee's scope of review shall be to determine: whether there was adequate documentation on which to base the decision, and whether the appropriate procedures (e.g. notice of deficiencies, plan of remediation) were followed. The preparation of the committee's final report shall be the responsibility of the Chair of the ad hoc committee.

The Chair will present the ad hoc committee’s report to the GMEC at its next regularly scheduled meeting. The GMEC will consider the ad hoc committee's report. The Associate Dean for Graduate Medical Education shall make notification to the resident of the GMEC’s decision verbally and in writing with a copy to the Program Director and Chair.

Action accepted by the GMEC is final and is not subject to further formal review within the University.

Revisions approved by GMEC 4/11/2001
Reviewed and re-approved by GMEC 6/16/10