

## ACADEMIC APPEAL PROCESS

### Review Process for Disciplinary or Adverse Academic Actions

The University of Tennessee Health Science Center College of Medicine assures the resident the right to appeal any disciplinary or adverse academic action taken by the residency Program Director or institution that results in being placed on probation, dismissal, non-renewal of a resident's agreement, extension, or non-promotion of a resident to the next level of training, refusal to recommend the resident to sit for the boards, or denial of a Certificate of Completion.

The Academic Appeal Process is intended to provide a formal, structured review (or, if appropriate, a post-termination review in cases of immediate dismissal due to patient safety concerns) to determine if a) the policies and procedures leading up to the disciplinary or adverse academic action were followed in a fair and reasonable manner, and b) there is reasonable basis for the decision by the Program Director. The appeals process provides a review of the Program Director's decision; appeal is not a redetermination of the facts or for the reviewer to substitute his or her own determination of the outcome for that of the Program Director's decision, unless specifically provided for in this policy.

Being placed on a Performance Improvement Plan (PIP) under GME Policy #610 – Academic Performance Improvement Actions is not appealable however the ultimate outcome of the PIP may result in such an adverse action as noted above (*see* GME Policy #620 Disciplinary and Adverse Actions). All appeals must be processed according to the following policies and procedures.

If a PIP includes an adverse academic action such as an extension of or repeating an academic year, the resident/fellow has the right to appeal the action. If a resident/fellow chooses to appeal the adverse academic action, commencement of the PIP will be placed on hold until the appeal process is complete.

The resident has the right to obtain legal counsel at any level of the Academic Appeal Process, but attorneys are not allowed at appeals hearings or at reviews. The University of Tennessee College of Medicine cannot compel participation in the Academic Appeal process by peers, medical staff, patients, or other witnesses, even if such is requested by a resident seeking review. Residents who have been dismissed by their Program Director will receive no remuneration during the pendency of the appeal under this policy.

Failure to file an appeal within the time period allowed forfeits any further appeal rights.

### Departmental Review

Residents may initiate an appeal of a disciplinary or adverse academic action(s) by submitting a written request via email for review to the Department Chair within ten (10) business days. The following Academic Appeal procedures shall apply:

1. A written appeal request must be submitted to the Department Chair within ten (10) business days.

Or the resident may waive this department-level review and begin the review process at the level of the Associate Dean of Graduate Medical Education (GME) (*see* GME Review and Waiver of Departmental Review Statement). The signed Waiver of Departmental Review Statement along

with a written request for review must be submitted to the Associate Dean of GME within ten (10) business days of notice of dismissal or adverse academic action.

2. The initial appeal request must include: (a) all information, documents, and materials the resident wants considered, and (b) a written statement with the reason(s) the resident believes i) the policies and procedures leading up to the disciplinary or adverse academic action were not followed in a fair and reasonable manner, and ii) there is no reasonable basis for the decision by the Program Director. The resident may submit the names of fact witnesses whom the Chair has discretion to interview as a part of the review process.
3. The Department Chair may appoint a designee or designate an advisory committee to review the decision. The committee's recommendation to the chair shall be non-binding.
4. On reaching a decision, the Department Chair will notify the resident and the Program Director in writing. If the decision is adverse to the resident, the notice shall also advise the resident of further appeals steps.

### **GME Review**

5. If the resident desires further appeal, a written request must be submitted to the Associate Dean of GME within ten(10) business days of notice of the departmental decision. The written request for appeal to the Associate Dean of GME must be sent to 920 Madison Ave., Suite 447; Memphis, TN 38163. The request must include:
  - (a) any documents submitted by the resident to the Program Director and Department Chair;
  - (b) any additional information the resident wants considered, and
  - (c) a statement containing the reason(s) the resident believes i) the policies and procedures leading up to the disciplinary or adverse academic action were not followed in a fair and reasonable manner, and ii) there is no reasonable basis for the decision by the Program Director.

The resident may submit the names of fact witnesses whom the Associate Dean of GME has discretion to interview as a part of the review process.

6. At the discretion of the Associate Dean of GME, a hearing may be allowed if requested by the resident. The Associate Dean of GME shall determine whether a hearing or review on the record is appropriate. Review on the record may include a face-to-face meeting with the resident and interviews with witnesses by the Associate Dean of GME or any other proceeding the Associate Dean of GME believes are appropriate.
7. Upon reaching a decision, the Associate Dean of GME will notify the resident and Program Director in writing and advise the resident of the right to further review at the next level of institutional review.

### **Institutional Review**

8. The resident may further appeal on the written record by the Executive Dean of the College of Medicine by submitting a written request within ten (10) business days after being advised of the outcome of the GME level of review. The request should be sent by email to the Executive

Dean of the College of Medicine. The resident must submit a written statement focusing on the reason(s) the resident believes a) the policies and procedures leading up to the disciplinary or adverse academic action were not followed in a fair and reasonable manner, and b) there is no reasonable basis for the decision by the Program Director.

**Appeal to the Chancellor**

9. The resident may obtain a final appeal on the written record by the Chancellor of the University of Tennessee Health Science Center by submitting a written request within ten (10) business days after being advised of the outcome of the College of Medicine level of review. The request should be sent by email to the Chancellor, with copies to the Executive Dean and the Associate Dean of GME. As this is an administrative appeal on the written record, there will not be any formal or informal hearing. The resident must submit a written statement focusing on the reason(s) the resident believes a) the policies and procedures leading up to the disciplinary or adverse academic action were not followed in a fair and reasonable manner, and b) there is no reasonable basis for the decision by the Program Director.

The resident and Associate Dean of GME will receive written notification of the final review decision. This is the final step of the appeals process and there is no right of appeal to the President of the University or any other party.

**WAIVER OF DEPARTMENTAL REVIEW STATEMENT**

I, \_\_\_\_\_, M.D./D.O., hereby waive the first level of review (department-level review) of the disciplinary or adverse academic action(s) taken by my training program or other University of Tennessee Health Science Center officials.

I elect to waive department-level academic review and commence the process with review by the office of the Associate Dean of Graduate Medical Education.

Resident Signature \_\_\_\_\_ (Date) \_\_\_\_\_

Print Name \_\_\_\_\_

Training Program \_\_\_\_\_ PGY Year \_\_\_\_\_