I. PURPOSE

To establish procedures for housestaff at the RUTGERS Robert Wood Johnson Medical School to appeal actions regarding academic performance, including dismissal.

II. SCOPE

This policy is directed to all members of the housestaff. These procedures are not intended to be applicable to non-academic matters; procedures for dealing with non-academic discipline are specified in the University's contract with the Committee of Interns and Residents (CIR). However, please note that all matters that are academic in nature shall be addressed via this process even if such matters have both academic and non-academic implications.

III. DEFINITIONS

Housestaff- refers to all interns, residents, and subspecialty residents (fellows) enrolled in a RUTGERS Robert Wood Johnson Medical School postgraduate training program. A member of the housestaff may be referred to as a house officer.

Academic matters include acquisition of knowledge related to the discipline as well as all aspects of the development of clinical and professional skills necessary for effective functioning as a health care professional. Of particular importance as academic issues are areas such as patient care, medical knowledge, practice-based learning and improvement, interpersonal and communication skills, professionalism and systems-based practice. It should also be noted that when particular issues are of concern as both academic and employment-related, they should ordinarily be treated as academic issues. Since the academic development of residents is the paramount reason for the existence of residency programs at RUTGERS, it is incumbent upon residency program administrators and faculty to give the highest priority to and place the strongest emphasis upon the academic significance of difficulties that housestaff may be experiencing.
IV. RESPONSIBILITY/REQUIREMENTS

A. Remediation of Academic Deficiencies. In the event that academic deficiencies are identified:

1. The program director or designee shall counsel the house officer. If counseling is conducted by a designee, the program director shall be informed in writing.

2. When a house officer is asked to attend a personal interview for the purpose of investigating his/her performance or conduct and such interview may reasonably be expected to lead to actions that could be characterized as disciplinary in nature (such as a formal letter of reprimand, a suspension or a dismissal), written or oral notice of the interview shall be given to the associate or assistant dean responsible for graduate medical education and to the CIR. A CIR representative may accompany the house officer to hear the matter being discussed, but may not interfere with the interview or speak. Upon determining in good faith that the matter is academic in nature, the CIR representative should leave.

3. The program director shall outline corrective measures and shall establish criteria and time frames for the correction of the deficiencies.

4. The program director shall document the above interactions with the house officer in writing, with a copy placed in the house officer's file.

5. The program director shall re-evaluate compliance with corrective actions as established earlier.

6. If performance is restored to a satisfactory level, the program director will indicate this orally to the house officer as soon as it has occurred. A written notation of this interaction will also be placed in the house officer's file, with a copy to the house officer.

7. If the house officer fails to correct the identified academic deficiencies to the satisfaction of the program director within the specified time frame, the program director may either extend the remediation period, using the same procedures as for an initial remediation effort, or proceed with termination in accordance with the process described in the following subsection of this document.

8. For severe deficiencies warranting immediate termination, the program director may proceed in accordance with the steps outlined below.

9. Copies of all documentation regarding academic deficiencies of housestaff should be provided to the associate dean responsible for graduate medical education.
B. Termination

1. In the event of severe academic deficiencies or failure to remediate lesser deficiencies, the program director may make the determination that the house officer should be terminated from the program. The program director should consult with a representative group from among the faculty who interact to a significant extent with the house officer.

2. Once the program director has made the decision to terminate a house officer from the program, the director shall notify the house officer in writing of the termination. Copies of this notice shall be provided to the associate dean responsible for graduate medical education and to the CIR. Termination shall ordinarily become effective not less than two weeks after receipt of the written notice. The notification period may be waived at the discretion of the program director if, in the judgment of the program director, continuance of the house officer in the program during the notice period would result in a risk of danger to patients or in a risk of other harm or damage either to the program itself or to other University personnel. The notification shall include the following:

   a. Reasons for dismissal
   b. Effective date of dismissal
   c. Process for appealing the dismissal

C. Appeals Process

1. The house officer has the right to appeal any formal communication from the program director which is to become part of the house officer's permanent file or any adverse academic decision made by the program director. Appeal is to be made to an Ad Hoc Appeal Committee, established as indicated below, or to the residency program's standing Committee on Housestaff Evaluation (or its equivalent). This appeal must be made in writing to the program director within five working days of having received the notification of termination or an adverse action.

2. If the house officer submits a timely notice of appeal, the director shall schedule a meeting of the residency program Committee on Housestaff Evaluation or convene the Ad Hoc Appeals Committee. The Ad Hoc Appeals Committee, if created, should consist of [not fewer than five] faculty members of the division, department or group of departments responsible for the program. The faculty members selected for this purpose shall be experienced faculty in the area of graduate medical education. The number of members of the Ad Hoc Committee shall be large enough to be representative of the faculty of the division, department or group of departments responsible for the program. The committee considering the house officer's appeal should include at least one house officer.

3. The house officer may request to meet with the Committee in person and be accompanied at the hearing by a faculty member or fellow house officer who may act as an advisor. If a CIR representative has not
previously determined that the matter at issue is academic, the house officer may also be accompanied by a representative of the CIR who shall not participate in the proceedings. (The CIR representative's only role in the hearing is to make a determination whether the matter under discussion is a bona fide issue of academic performance.) The program director will also be present at the hearing at which time he or she shall set forth the circumstances leading to the planned adverse action or the reasons for which the house officer has been dismissed. Following the presentation, the house officer and/or their advisor shall be permitted to set forth whatever information the house officer wishes the Committee to consider as reasons to vacate the decision to endorse the adverse action or to dismiss the house officer.

4. Following the hearing before the Committee, the Committee will immediately confer and, following deliberations, advise the Department Chair in writing of its recommendation and the reasons for that recommendation. The Department Chair shall render a decision, and the decision of the Chair shall be final. If the Department Chair is the Program Director, the decision of the Committee shall be final. This decision shall be conveyed to the house officer in writing. The Chair shall provide copies of the notice of adverse action or dismissal to the associate dean responsible for graduate medical education.

Approved by GME Committee, April 13, 1999
Amended 6/13/06, 5/13/08 & 9/9/08