

EASTERN VIRGINIA MEDICAL SCHOOL (EVMS)

Graduate Medical Education Policy

DUE PROCESS, APPEALS, AND GRIEVANCE PROCEDURE

Trainees have the right of due process which involves a grievance and appeals procedure for issues involving both academic and non-academic actions. Trainees experiencing difficulties within the academic program should, if possible, address these issues directly with the chief resident, program director, and chair of the department. If unresolved, the following procedures should be followed. For issues related to harassment and/or retaliation, see the EVMS Policy Anti-Harassment Policy

(https://www.evms.edu/media/evms_public/departments/gme/anti-harrassment-policy.pdf)

Right to Appeal

If the issue is not satisfactorily resolved through the departmental structures, the Trainee may appeal the action to the Vice Dean for Graduate Medical Education (Vice Dean). The appeal to the Vice Dean should occur within **seven working days after said action**. The Appeal process may be initiated through a telephone conversation with the Vice Dean; however, formal implementation of the process will require a written request. The Vice Dean will contact the Trainee within three working days of receipt of the request for appeal and a meeting will be scheduled between the Trainee and the Vice Dean. Based upon the outcome of this meeting, the Vice Dean may take formal action to include discussing the issue with the involved program director/chair in an attempt to resolve the issue. The Vice Dean will provide the Trainee with a summary of the actions taken to address the appealed action.

If the issue cannot be resolved satisfactorily and if the action is eligible for the Grievance process, the Trainee may file a formal Grievance.

Grievance Process

Trainees may file through the Grievance Process for placement on probation, dismissal, and termination of contract. Academic actions related to remediation of identified deficiencies are not eligible for the Grievance Process.

Issues for which Trainees may be placed on probation include but are not limited to an inadequate knowledge base, lack of information gathering skills, problem solving skills, clinical skills and judgment, technical skills relating to patient care and/or professional relationships which include moral and ethical values unacceptable to the profession. Non-academic issue for which a trainee may be placed on probation include but not limited to any professional action or behavior which is considered unacceptable to the residency program faculty, failure to comply with the rules, regulations and bylaws of Eastern Virginia Medical School, the affiliated institutions of Eastern Virginia Medical School or laws of the Commonwealth of Virginia which govern the healing arts, and/or lack of certain abilities or talents which are necessary for the performance of expected duties for that specialty.

To begin the Grievance Process, the Trainee will meet with the Vice Dean to discuss his/her intention of filing a Grievance. The Vice Dean will identify and assign a mentor to assist the Trainee in submission of the

required Grievance documents. The written submission must occur within 7 days of the assignment of the mentor. Within 3 days of receipt of the written Grievance document, the Vice Dean provide the document to the related program and request a written response and supporting documentation. This report form the program is due within 7 days of provision of the Trainee's Grievance document. All information/documentation provided to the Vice Dean for Graduate Medical Education for submission to the Grievance Committee will be provided to both the Trainee filing the Gievance and the residency program.

The Vice Dean will convene a Grievance Committee composed of four members to include three members of the Graduate Medical Education Council and a Graduate Medical Education Trainee representative from the membership of the Graduate Medical Education Council or the Association of Residents and Fellows at Eastern Virginia Medical School. The charge of the Committee is to determine if the Trainee was provided, as defined in this policy in regards to the grieved action.

All documentation submitted to the Committee relevant to the appeal shall be made available to both the Trainee filing the Grievance and to the Program Director and/or other individuals against whom the Grievance is filed. The Trainee has the right to appear before the Committee, present his/her grievance and any supporting documentation or information in response to that provided by the residency program. The Committee may interview the trainee and the program director/trainees/faculty members as the Committee deems appropriate. The Trainee has the right to request individuals be interviewed in relation to the actions which are being grieved. The Chair of the Grievance Committee will make the determination as to individuals the Grievance Committee will interview. The Trainee shall not have the right to be represented by counsel.

The Vice Dean for Graduate Medical Education will staff the Committee and attend the Committee meetings but will not participate as a voting member of the Committee.

After completion of the review, the Committee shall submit its recommendations to the Vice Dean. These recommendations may include but are not limited to reinstatement, retention, probation, termination, suspension with or without pay, special academic assignments or other interventions deemed appropriate to the situation. The final recommendations are then presented by the Vice Dean to the Dean and Provost of Eastern Virginia Medical School for approval. The judgment of the Dean shall be binding on all parties.

The Vice Dean will provide the trainee with a written summary of the Grievance. The trainee will sign the written summary acknowledging receipt of the summary.

ccordingly, the Court loosely added, the students were entitled to "some kind of notice" and "some kind of hearing."^{05.06.2020}

The consensus established by the courts is that, at the absolute minimum, students in campus disciplinary cases are entitled to have notice of the charges against them, a disclosure or explanation of the evidence behind the charges, and an opportunity to contest this evidence. The United

is careful and not arbitrary, b

er academic work had been reviewed in a “careful and deliberate” manner by both faculty members and school committees; she had been given ample notice that her work was judged to be unsatisfactory; and she had been granted a number of chances to exhibit improvement. The United States Supreme Court expanded on this exercise of professional judgment.”

Disciplinary vrs academic