

## **ACADEMIC APPEAL PROCESS**

### **Review Process for Disciplinary or Adverse Academic Actions**

The University of Tennessee College of Medicine Chattanooga 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 boards, denial of a Certificate of Completion, or other actions that could significantly threaten a Resident's intended career development. Disciplinary actions may include suspension, remediation, probation, and dismissal. All disciplinary actions are subject to the University of Tennessee GME Academic Appeal Process, and all disciplinary actions will become a permanent part of the Resident training record.

The Academic Appeal and Due 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 a) if 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 #710 – Academic Performance Improvement Actions are not appealable however the ultimate outcome of the PIP may result in such an adverse action as noted above (see GME policy #700 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 academic grievance hearings or at reviews. The University of Tennessee College of Medicine Chattanooga cannot compel participation in the Academic Appeal process by peers, Medical Staff, patients, or other witnesses, even if such is requested by the 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 review of a disciplinary or adverse academic action(s) by submitting a written request for review to the Department Chair within five (5) business days of the decision. The following Academic Appeal Procedures shall apply:

1. A written request for review must be submitted to the Department Chair within five (5) business days of the decision.

Or the Resident may waive this departmental-level review and begin the review process at the Associate Dean of Graduate Medical Education (GME)/DIO (See GME Review and Waiver of Departmental Review Statement). The signed Waiver of Departmental Review and a written request for review must be submitted to the Associate Dean/DIO within five (5) 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 averse to the Resident, the notice shall also advise the Resident of further appeals steps.

### **GME Review**

5. If the Resident desires further review, a written request must be submitted to the UTCOMC Associate Dean/DIO within five (5) business days of notice of the departmental decision. The written request for appeal must be sent to the Associate Dean/DIO, 960 East Third Street, Suite 100, Chattanooga, TN 37403. 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 names of fact witnesses whom the Associate Dean/DIO has discretion to interview as a part of the review process.

6. At the discretion of the Associate Dean/DIO, a hearing may be permitted if requested by the Resident. The Associate Dean/DIO 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/DIO or any other proceeding the Associate Dean/DIO believes are appropriate.
7. Upon reaching a decision, the Associate Dean/DIO will notify the Resident and the Program Director in writing and advise the Resident of the right to further review at the next level of institutional review.

### **Institutional Review (3 levels)**

#### **Appeal to the Dean of the College of Medicine Chattanooga**

8. The Resident may further appeal on the written record by the **Dean of the College of Medicine Chattanooga** by submitting a written request within five (5) business days after being advised of the outcome of the GME level of review. The request should be sent to the Dean, College of Medicine Chattanooga, 960 East Third Street, Suite 100, Chattanooga, TN 37403. 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 Executive Dean**

9. The Resident may further appeal on the written record by the **Executive Dean of the College of Medicine (Memphis)** by submitting a written request within five (5) business days after being advised of the outcome of the first Institutional level of review by the Dean of the College of Medicine Chattanooga. The request should be sent to the Executive Dean, College of Medicine Memphis, 910 Madison Avenue, Suite 1002, Memphis, TN 38163. 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**

10. 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 five (5) business days after being advised of the outcome of the second Institutional level of review by the Executive Dean 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/DIO (UTCOCMC). 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/DIO for the College of Medicine Chattanooga; the Dean of the College of Medicine Chattanooga; and the Executive Dean for the College of Medicine Memphis will receive written notification of the final review decision by the Chancellor. 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.

\*The term Resident refers to both Resident and Fellow trainees.

Approved by the GMEC 7/19/2022.

**S A M P L E**

**Waiver of Departmental Review Statement**

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

I elect to waive departmental-level academic review and commence the process with review by the office of the Associate Dean/DIO, UT College of Medicine Chattanooga Graduate Medical Education.

Resident Signature \_\_\_\_\_

Date Signed and Submitted: \_\_\_\_\_

Resident's Printed Name: \_\_\_\_\_

Training Program: \_\_\_\_\_

PGY Year: \_\_\_\_\_