

<b>SUBJECT</b>	<b>NUMBER</b>
<b>FAIR HEARING</b>	<b>GME-13</b> Attachments <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>KEY WORDS</b>	<b>EFFECTIVE DATE</b>
Adjudicate, Board, Executive, Fair Hearing	July 1, 1999
<b>CATEGORY</b>	<b>LAST REVIEW DATE</b>
Human Resources (HR)	January 2021
<b>MANUAL</b>	<b>NEXT REVIEW DATE</b>
Graduate Medical Education	January 2024
<b>ISSUED BY</b>	<b>ORIGINATION DATE</b>
Graduate Medical Education	July 1, 1999
<b>APPLICABLE</b>	<b>RETIRED DATE</b>
Applies to all HealthPartners Institute-sponsored post-graduate medical/dental trainees. The term "trainee" applies to residents and fellows.	Not Applicable
<b>REVIEW RESPONSIBILITY</b>	<b>CONTACT</b>
Graduate Medical Education Committee (GMEC)	Graduate Medical Education

## PURPOSE

To establish a policy for all Programs to use to adjudicate all actions taken against trainees resulting in termination or Institutional Probation of the trainee.

## SCOPE

This policy applies to all HealthPartners Institute-sponsored post-graduate medical/dental training programs accredited by the Accreditation Council for Graduate Medical Education (ACGME), the Council on Podiatric Medical Education (CPME) and the Commission on Dental Accreditation (CODA).

## DEFINITION

Institutional Probation - The term "Institutional Probation" in this policy refers to a formal level of academic or professional discipline; refer to policy GME-3: Evaluation of Trainees.

Termination - The term "Termination" in this policy refers to the act of severing employment prior to the expiration date of the trainee's contract.

## PROCEDURES

### A. Dispute Resolution

1. First, the trainee and Program Director will attempt to resolve all disputes through an informal, in-person, confidential meeting. If the dispute is with the Program Director, the trainee may go directly to the DIO/Executive Director of Health Professional Education or his/her designee to attempt to resolve the dispute. The Program Director will afford the trainee full opportunity to respond to any of the concerns raised.

### B. Formal Hearing

1. A trainee may request a fair hearing at any time after an action has been taken by the Program that results in Institutional Probation or termination of the trainee's residency contract.
2. A fair hearing must be requested within ten (10) working days of the written notification of the action. All requests for fair hearing shall be made in writing, and addressed to the DIO/Executive Director of Health Professional Education or their designee and copied to the

Program Director. If the trainee fails to request a fair hearing within the foregoing ten-day period, the trainee's rights pursuant to this policy shall be deemed to be waived.

3. After the request for a fair hearing has been received by the DIO/Executive Director of Health Professional Education or their designee, the Program Director will be notified and a fair hearing board will be organized.
4. A designee of the DIO/Executive Director of Health Professional Education will appoint a fair hearing board as identified below. The first meeting of the fair hearing board will be within fifteen (15) working days of receipt of the written request.
5. The fair hearing board will consist of the following five voting members:
  - a. Chair: A physician representing the medical staff leadership of the HealthPartners facility (e.g. Medical Director, Hospital Chief of Staff, Chair of the Patient Care Committee etc.)
  - b. Two (2) faculty members from other HealthPartners Institute-sponsored programs not directly associated with the trainee who requested the Fair Hearing
  - c. Two (2) trainees from HealthPartners Institute-sponsored programs not directly associated with the trainee who requested the Fair Hearing and at similar levels of training as the trainee.
6. In addition to the five voting members listed above, the following members of administration will staff and serve as advisors to all fair hearing committees:
  - a. A Human Resources representative of the trainee's employer group.
7. Neither the trainee nor HealthPartners shall be represented by legal counsel at the proceeding. However, each may produce witnesses and documentation on their behalf. In addition, at the fair hearing the trainee shall have the following rights:
  - a. the right to hear all adverse evidence, present their defense, present written evidence, and call and cross-examine witnesses; and
  - b. the right to examine their training files prior to or at the fair hearing.
8. The proceedings of the fair hearing shall be recorded.
9. The fair hearing board shall establish the appropriateness of the discipline by a preponderance of the evidence.

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