

**West Virginia University School of Public Health
Graduate Medical Education Policy on Due Process (IR IV.C.1.b)**

The following policy provides residents with due process relating to the suspension, non-renewal, non-promotion, or dismissal of their appointment with the West Virginia University (WVU) School of Public Health Preventive Medicine residency programs.

The residency program may take corrective or disciplinary action including dismissal for cause, including but not limited to:

- unsatisfactory academic or clinical performance
- failure to comply with the policies, rules, and regulations of the residency program, the School of Public Health or other facilities where the resident physician is trained
- revocation or suspension of license
- violation of federal and/or state laws, regulations, or ordinances
- acts of moral turpitude
- insubordination
- conduct that is detrimental to patient care
- unprofessional conduct

Corrective or disciplinary actions may include but not limited to:

- the issuance of a warning or reprimand
- the imposition of terms of remediation or a requirement for additional training, consultation or treatment
- the institution, continuation, or modification of an existing summary suspension of a resident physician's appointment
- the termination, limitation or suspension of a resident physician's appointment or privileges
- non-renewal of a resident physician's appointment
- dismissal of a resident physician from the program; or
- any other action that the program or Sponsoring Institution deems is appropriate under the circumstances.

Level I Intervention: Oral and/or Written Counseling or Other Adverse Action

Minor academic deficiencies that may be corrected at Level I include:

- unsatisfactory academic or clinical performance
- failure to comply with the policies, rules, and regulations of the program, university or other facilities where the resident physician is trained.

Corrective action for minor academic deficiencies or disciplinary offenses which do not warrant probation with remediation as defined in the Level II intervention, shall be

determined and administered by each program. Corrective action may include oral or written counseling or any other action deemed appropriate by the program under the circumstances. Corrective action for such minor academic deficiencies and/or offenses is not subject to appeal.

Level II Intervention: Probation/Remediation Plan or Other Adverse Action

Serious academic or professional deficiencies may lead to placement of a resident physician on probation. An academic or professionalism deficiency that is not successfully addressed while on probation, may lead to non-reappointment or other disciplinary action. The Program Director shall notify the resident physician in writing that they have been placed on probation and stipulate the length of probation. A corrective and/or disciplinary plan will be developed that outlines the terms and duration of probation and the deficiencies for which probation was implemented.

Failure of the resident physician to comply with the terms of the plan may result in termination or non-renewal of the resident physician's appointment.

Level III intervention: Dismissal and/or Non-reappointment

Any of the following may be cause for dismissal or non-reappointment including failure to comply or address the deficiencies within the corrective and disciplinary plan as outlined in the Level II intervention:

- demonstrated incompetence or dishonesty in the performance of professional duties, including, but not limited to, research misconduct.
- conduct which directly and substantially impairs the individual's fulfillment of institutional responsibilities, including, but not limited to, verified instances of sexual harassment, or of racial, gender-related, or other discriminatory practices.
- insubordination by refusal to abide by legitimate reasonable directions of administrators or of the WVU Board of Governors
- physical or mental disability for which no reasonable accommodation can be made, and which makes the resident unable, within a reasonable degree of medical certainty and by reasonably determined medical opinion, to perform assigned duties.
- substantial and manifest neglect of duty
- failure to return at the end of a leave of absence
- failure to comply with all policies of WVU Hospitals, Inc.

A resident who is dissatisfied with a Level II or Level III intervention, may appeal that decision by following the WVU Grievance Policy and Procedure.

<https://grievanceprocedure.wvu.edu/>

Approved by GMEC July 17, 2018