Adverse Actions and Due Process

If a resident fails to meet academic or professional standards, the program may act to demote, not advance, not reappoint, or terminate the resident.

Adverse Actions

1. A written notice of the action (**Template A – Adverse action letter**) will be sent to the resident and will include:

   a. the program's intended action,

   b. a summary of the reasons for the intended action, and

   c. the right of appeal as described in this policy.

   Non-renewal or termination: The program director must send a written notice to the resident no later than 120 days (four months) prior to the end of the current contract if the primary reason for non-renewal or termination occurred prior to the last 120 days of the contract.

   Demotion or non-advancement: The program director must send a written notice to the resident 60 days (two months) in advance of the planned action.

   Suspension: When professional standards are not met, the program director may immediately suspend the resident with pay for a maximum of 60 days. The program director must notify the resident in writing within five working days of taking this action. The letter should state the reasons for the action and the program's intention to reinstate or terminate the resident at the end of the suspension period.

2. The program director meets with the resident to discuss the program's intended action and to attempt resolution of any disputed issues.

Due Process

1. Within five working days after receipt of the written notice or within five working days after the conference with the program director, whichever is later, the resident may request in writing a review of the program's intended action. The review will not be granted if requested after the five-day period has expired except under extenuating circumstances. (**Template B – Resident's request for panel review**)

2. Within five days of requesting the review, the resident may submit a list of three to five faculty nominees for the review panel.

3. Within 30 days after receiving the request for the review, the program director or designee must convene a hearing to review the intended action.

   a. The program director requests a hearing to the DIO.

   b. The DIO appoints panel members, names the chair, and sends a convening letter to them. (**Template C – Convening letter**)

   c. The program director sends the hearing notification letter to the resident. (**Template D – Resident notification letter**) The letter should be sent by both certified mail and U.S. mail to the resident.

   d. The program arranges for the court reporter. The program pays for the appearance of the reporter and the resident pays for any transcriptions of the hearing.

   e. The program director notifies the resident if the program is calling any witnesses. The resident must receive this notification at least ten days before the hearing date.

   Review panel membership

   a. Panel membership will consist of three faculty members who are knowledgeable of the program's academic content.

   b. One member of the three may be nominated by the resident.

   c. If the resident is on active duty with the United States Air Force, at least one member of the review panel must be an active duty medical officer stationed at the Wright-Patterson Medical Center.

4. Within five working days following the review's conclusion, the panel must submit a written recommendation to the dean and the employing chief executive officer or commander. (**Template E – Panel's report**)

5. Within 15 working days of the receipt of the review panel's recommendation, the dean and the employing institution's chief executive officer or commander notify the resident in writing of their decision. This letter should be sent by both certified mail and U.S. mail. (**Template F – Dean and CEO decision**)

6. Within ten working days of receipt of the notice of the decision, the resident may appeal the decision to the provost of the university. The appeal must be made in writing and must contain the action the resident requests and reasons in support of that action.

7. Within 15 working days of receipt of the appeal, the provost of the university must notify the resident in writing of the decision to affirm or not affirm the action.

8. In the case of military residents, once the recommendation of the review panel is finalized, Wright-Patterson Medical Center may conduct hearings according to USAF rules and regulations regarding the individual's military status. Final approval by HQ AFPC/DPAME is required.

The dean and the chief executive officer/commander at their discretion may modify time lines as may be appropriate to ensure fairness and realities of scheduling.