Legal Concerns with Negative Assessments and Dismissal
Types of Academic Actions

- Corrective action
  - Letter of warning or letter of expectations
- Repeating a rotation or a portion of a rotation
- Repeating a year or a portion of a year
- Special program such as special supervision or a defined academic reading period
- Conditions placed in houseofficer contract
- Suspension
- Non-renewal of contract
- Probation
- Dismissal
What to do:

- 1. Document
- 2. Document
- 3. Document !!!

- Follow the policies and procedures of your institution
- Involve appropriate people (GME office) as soon as problems arise
Courts generally uphold academic actions that are well documented and in the interests of the institution and society as long as:

- Not arbitrary or capricious
- Follow institutional due process
The Law

- **Medical Students**
  - Must notify of deficiencies
  - Must give consequences if not remediated
  - Formal hearing and appeals process not required

- **Residents**
  - Governed by contract
  - Must notify of deficiencies
  - Must give consequences if not remediated
  - Give opportunity to review evaluations
  - Give opportunity to respond
  - Formal hearing and appeals process not required
Costs Associated with Remediation

- Resident costs (salary and benefits)
- Costs to pay for additional residents if the remediation resident is unable to fulfill his/her duties or unable to supervise
- Cost of faculty time to remediate the resident
  - i.e. - q2 week meetings with advisor
  - - q2 week meetings with APD/PD during the probation period
  - - time for actual remediation exercises
Who pays?

- Graduate Medical Education Office
- Hospital
- Department
- School of Medicine
Any Outcome is OK

- If you follow all of the steps and document appropriately, any outcome is OK

- Potential Outcomes:
  - Successful Remediation, with no extra time
  - Successful Remediation, with extra time
  - Unsuccessful Remediation, with resident leaving the program
References


- University of Utah Graduate Medical Education Office. Academic Action, Dispute Resolution, and Hearing Procedures Policy. Section 7 No. 5 Rev. 4. Reviewed January 2008.