

**INOVA FAIRFAX MEDICAL CAMPUS
GRADUATE MEDICAL EDUCATION POLICY**

Institutional Policy on the Fair Hearing Process

I. Purpose:

To establish a policy for all post-graduate training programs at Inova Fairfax Medical Campus that is utilized whenever any adverse action is proposed or taken against a house officer. To protect all parties of a residency program, by providing due process and an opportunity to present pertinent facts.

II. Scope:

This policy will pertain to all house staff who participate in graduate medical education training programs sponsored by Inova Fairfax Medical Campus.

III. Definitions:

- A.** House Staff – Refers to all interns, residents and fellows enrolled in a post-graduate training program at Inova Fairfax Medical Campus.
- B.** Post-Graduate Training Program – Refers to a residency or fellowship educational program.
- C.** Remediation – The process of correcting or remedying.
- D.** Probation – A formal level of academic or professional discipline.
- E.** Non-promotion – The delay of promotion to the next training level.
- F.** Non-renewal – Termination of a house officer’s employment agreement at the conclusion of the contract period, but prior to the completion of residency training.
- G.** Termination – The act of severing employment prior to the expiration date of the house officer’s contract.

IV. Responsibilities/Requirements:

- A.** A house officer may request a Fair Hearing and due process relating to the following actions regardless of when the action is taken during the appointment period: probation, suspension, non-renewal, non-promotion or termination. Departmental Remediation is not grounds for a Fair Hearing (refer to Evaluation of House Officers Policy).
- B.** The Fair Hearing process ensures that the house officer’s due process rights have been met, and allows for pertinent facts to be presented in a timely manner.
- C.** A Fair Hearing must be requested within ten (10) working days of the written notification of the action. All requests for a Fair Hearing are to be made in writing and addressed to the Director of Graduate Medical Education and copied to the Program Director.
- D.** A house officer may be removed from clinical duties while awaiting the Fair Hearing, if the Program Director determines that patient safety and quality of care may be compromised.

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- E.** The Director of Graduate Medical Education will review the request and determine that a Fair Hearing process is an appropriate method for addressing the complaint. If the request is deemed inappropriate for a Fair Hearing process, the house officer will be notified in writing and the Grievance process will not be recommended.
- F.** If the Director of Graduate Medical Education deems the request appropriate for a Fair Hearing, a Fair Hearing board will be convened. A meeting with the board members will take place within ten (10) days of the written notice.
- G.** The Fair Hearing Board will consist of five (5) voting members, appointed by the Director of Graduate Medical Education. No member of the Board can be directly associated with the house officer filing the complaint or part of the house officer's department. Designees will be appointed in cases of conflict of interest. The five members are as follows:
 - 1.** Director of Graduate Medical Education.
 - 2.** Two Faculty members from programs other than that of the house officer in question.
 - 3.** Two house officers at similar levels of training, but from other programs than that of the house officer in question.
 - 4.** In addition to the five voting members, the CEO for Inova Fairfax Medical Campus will serve as an advisor to all Fair Hearings.
- H.** Neither the house officer nor Inova Fairfax Medical Campus shall be represented by legal counsel at the hearing. However, each party may produce witnesses and documentation on their behalf.
- I.** Upon conclusion of the Fair Hearing, the Board will reach a decision by majority vote to either: support the Program decision or to rescind the Program decision.
- J.** If the Board decision is to rescind the Program decision, the Program will be required to present an alternative plan, which will be reviewed by the Fair Hearing Board.
- K.** The Fair Hearing Board will produce their decision in writing within five (5) working days from the conclusion of the hearing. The Director of Graduate Medical Education will then meet with the house officer and review the Board decision.
- L.** The Fair Hearing findings will be reported to the GMEC.
- M.** All aspects of the Fair Hearing process are to be kept confidential at all times.