



Academic Action and Misconduct Due Process Policy

Erie County Medical Center (ECMC) is the sponsoring institution for the General Practice Residency in Dentistry. This Academic Action and Misconduct Due Process Policy (Policy) describes the process available to residents for grieving/requesting a review of actions (Actions) taken under the ECMC [Academic Action Policy](#) or the ECMC [Misconduct Policy](#).

General Statements

1. This Policy permits residents to grieve/request a review (Review) of the following Actions taken at any time during the residents' training:

Academic Actions	Misconduct Actions
Non-promotion	Suspension
Non-renewal	Immediate Dismissal
Academic Dismissal	
Letter for Improvement that results in a >30-day extension of the resident's/fellow's training or impacts board eligibility	

2. All parties involved in a Review are expected to demonstrate appropriate, responsible and professional conduct during the Review proceedings.

3. Review proceedings are academic proceedings. Attorneys may advise a party to a Review but may not be present during any meetings or hearings conducted under this Policy.

4. Review proceedings may not be recorded.

5. The Designated Institutional Official (DIO) for ECMC, or their designee, has discretionary authority to extend any timeframe outlined in this Policy.

6. Written statements issued under this Policy will be maintained in the resident's file.

Grievance/ Request for Review

Upon written notification of an Action, residents may request a Review of the Action in accordance with the process outlined below.

Requesting a Physician/Dentist Review:

General Requirement. A resident may request a physician/dentist review (Physician/Dentist Review) of an Action by emailing the DIO and the Program Director no later than fourteen (14) calendar days after the Program Director provides the resident with written notification of the Action.

Content Requirement. The request for a Physician/Dentist Review must reference the challenged Action and summarize the resident's reason(s) for requesting the Physician/Dentist Review. The resident may not submit any information that would violate federal or state patient privacy protection laws.

Appointment of Physician/Dentist Reviewer. The DIO or designee will appoint a faculty member from a ECMC residency or fellowship training program who has not previously supervised the resident to serve as the Physician/Dentist Reviewer. The DIO or designee will make this appointment within fourteen (14) calendar days of receiving the resident request for a Physician/Dentist Review.

Physician/Dentist Review Process:

Role of the Physician/Dentist Reviewer. The Physician/Dentist Reviewer is charged with determining whether there was a reasonable basis for the Action taken by the Program Director.

In making this determination, the Physician/Dentist Reviewer will:

- Examine the resident's request for a Physician/Dentist Review
- Meet individually with the resident

- Meet individually with the resident's Program Director
- Determine, in their sole discretion, whether to conduct a joint meeting with the resident/fellow and program Director
- Request documentation, as necessary, from the resident/fellow and/or the Program Director; and
- Consult with others, as appropriate, to obtain any additional information that would aid the Physician Reviewer in rendering a determination.

Determination. After conducting meetings, reviewing any requested documentation, and consulting with any other relevant persons, the Physician Reviewer will prepare a written statement of their findings and the basis for such findings. This written statement will be presented to the DIO for review and approval no later than fourteen (14) calendar days after the Physician Reviewer's appointment. Within three (3) business days of receipt of the final written statement, the DIO or designee will provide copies of the final written statement to the resident/fellow and the Program Director.

Requesting a Panel Review:

General Requirement. If either party disagrees with the findings of the Physician Reviewer, the party may request a panel review (Panel Review) by emailing the DIO and the Program Director no later than ten (10) calendar days after distribution of the Physician Reviewer's written statement to the parties by the DIO or designee. The requesting party must copy the other party on this email.

Content Requirement. A request for a Panel Review must include a concise statement of the facts upon which the Panel Review is being sought. The requesting party may not submit any information that would violate federal or state patient privacy protection laws.

Timeline. A request for a Panel Review must be received by the DIO and the Program Director no later than ten (10) calendar days after distribution of the Physician Reviewer's written statement to the parties by the DIO or designee.

Waiver of Review. If neither party timely requests a Panel Review, the determination of the Physician Reviewer constitutes a final and binding decision.

Appointment of Panel. The DIO or designee will appoint a panel (Panel) consisting of three (3) members: two (2) faculty members from other UB residency or fellowship training programs, who have not previously supervised the resident/fellow, and a resident/fellow from another UB residency or fellowship training program who has not previously worked with either party. One of the two faculty members on the Panel will be appointed by the DIO or designee to chair the Panel. The DIO or designee

will appoint the Panel and select a chair within fourteen (14) calendar days of receiving the request for a Panel Review.

Panel Review Process:

Role of the Panel. The Panel is charged with determining whether there was a reasonable basis for the Action taken by the Program Director.

In making its determination, the Panel will:

- Examine the request for a Panel Review
- Review the Physician/Dentist Reviewer's written statement
- Meet jointly with the resident and Program Director to hear statements and pose questions
- Meet individually with the resident and/or Program Director to pose additional questions or seek clarification, if necessary
- Request documentation, as necessary, from the resident and/or the Program Director
- Consult with others, as appropriate, to obtain any additional information that would aid the Panel in rendering a determination; and
- Meet privately to render a determination

Supportive Attendees: Each party may bring one person (Supportive Attendee) with them to any meeting with the Panel. Supportive Attendees are prohibited from speaking on behalf of, or advocating for, a party, unless requested by the Panel. Supportive Attendees may not be attorneys.

Determination. After conducting meetings and reviewing any requested documentation, the chair of the Panel will prepare a written statement of the Panel's findings and the basis for such findings. This written statement will be presented to the DIO or designee for review and approval no later than twenty-one (21) calendar days after the Panel's appointment. Within three (3) business days of receipt of the final written statement from the chair of the Panel, the DIO or designee will provide copies of the final written statement to the resident/fellow and the Program Director.

Panel decisions are determined by a majority of members of the Panel.

The determination of the Panel constitutes a final and binding decision.

Applicable Requirements

CODA Standard 4-6 Due Process

There must be specific written due process policies and procedures for adjudication of academic and disciplinary complaints that parallel those established by the sponsoring institution.

Intent: Adjudication procedures should include institutional policy that provides due process for all individuals who may be potentially involved when actions are contemplated or initiated that could result in dismissal of a resident. Residents should be provided with written information that affirms their obligations and responsibilities to the institution, the program and the faculty. The program information provided to the residents should include, but not necessarily be limited to, information about tuition, stipend or other compensation, vacation and sick leave, practice privileges and other activity outside the educational program, professional liability coverage, due process policy, and current accreditation status of the program.