

Notifying Residents of Actions Affecting their Appointment

Wisconsin Northern & Central GME Consortium (WiNC)

Initial GMEC Approval:	06-09-20
Last GMEC Review Date:	

Scope

This policy pertains to all WiNC-sponsored residency/fellowship programs. The term resident/residency is used synonymously with fellow/fellowship unless otherwise specified. (GMEC approved 10/20/2022)

Purpose

To outline guidelines for notifying residents about actions affecting their *Agreement of Appointment* that is in compliance with:

- Accreditation Council for Graduate Medical Education (ACGME) requirements
- Federal and state employment law
- Policies and procedures of the resident’s employing organization

Guidelines

1. Actions affecting resident appointments:

Described in the current version of the Resident Employment Information Manual actions affecting residents appointments are:

- a. Probation
- b. Non-promotion to the next level of training
- c. Non-renewal of appointment
- d. Suspension, discipline or dismissal from appointment

2. Written notification:

- a. Residents must receive written notification from their program director of an action affecting their appointment in a timely manner. Such notifications include the following, but are not limited to:
 - i. Non-Renewals/Non-Promotions: If a resident’s appointment will not be renewed, or a resident will not be promoted, the Program Director is responsible for ensuring that the resident is provided a written notice of this intent, prior to the end of the resident’s current appointment agreement.
- b. This written notification must also be discussed with the resident in person, unless unique circumstances make such a meeting unfeasible.

3. Process and person(s) responsible:

Programs will utilize the following steps for an action affecting a resident’s appointment:

Process	Person(s) Responsible
1) To provide adequate notice, identify resident performance/behaviors early that may result in non-promotion or non-renewal of their current <i>Agreement of Appointment</i> .	Program Director in collaboration with the Clinical Competency Committee (CCC)
2) Inform the Designated Institutional Officer (DIO)/designee of pending and confirmed program decisions about actions that affect residents’ appointments.	Program Director/designee

3) Consult with WiNC Human Resources (HR) and WiNC legal services for review of the situation and supporting documentation.	Program Director/designee
4) A. Using the checklist in <i>Attachment 1</i> , check the draft notification letter to ensure that all the required elements are included.	Program Director/designee
5) Forward the draft notification letter to HR, legal affairs and the DIO/designee for review.	Program Director/designee
6) Review the draft notification letter. Communicate recommended and/or necessary changes to the Program Director/designee.	HR, legal affairs, and DIO/designee.
7) A. Make changes to the notification letter as needed. B. Obtain approval of the final notification letter from HR, legal affairs and the DIO/designee.	Program Director/designee
8) A. Meet with the resident to discuss the notification letter. B. Give resident a copy of WiNC Resident Grievance Policy.	Program Director
9) A. Retain the original signed notification letter in the resident's program file, and provide a copy to the resident. B. Forward a signed copy to: a. The DIO/designee b. Your employing organization's HR* c. Your employing organization's legal affairs/services* as directed	Program Director/designee

Attachments

- Attachment 1: Checklist: Resident Notification Letter

References

- Current *Resident Employment Information Manual*
- *Renewal and Promotion Policy*

**Attachment 1:
Checklist:
Resident Notification Letter**

1. The notification letter contains:

- A. Date of the written correspondence
- B. Clear identification of the specific action(s) affecting the resident's appointment: Probation; Non-promotion; Non-renewal of appointment; Suspension; Discipline; or Dismissal
- C. Effective date of the action (except for non-promotion unless relevant)
- D. Reason(s) for the action
- E. End date to the action affecting appointment – **NOTE:** This should not extend beyond the end date in the resident's current *Agreement of Appointment*
- F. Alignment of all dates used throughout the document
- G. The resident's right to appeal the action
- F. Attachment of the resident grievance and appeal policies which correspond to the resident's *Appointment of Agreement* in effect at the time of the action
- G. Program Director signature and date signed

2. For a non-promotion, the notification includes:

- A. New anticipated date of graduation
- B. If relevant: Date(s) that resident received prior notice of the possibility for a non-promotion, such as in a learning plan or probationary notification

3. For a probation, the notification includes:

- A. Performance improvement plan
- B. How and when the resident will be evaluated

4. For a non-renewal or dismissal, the notification includes:

- A. If relevant: Date(s) that resident received advance notice of the possibility for a non-renewal or dismissal, such as in a learning plan or probationary notification
- B. Information advising the resident to consult with Human Resources regarding insurance and other benefits

5. Documentation:

- Human Resources and legal services have confirmed that Program documentation supports the action affecting the resident's appointment
- DIO has confirmed the relevant *Resident Employment Information Manual*

IMPORTANT!

Before notifying the resident, obtain final approval from WiNC Executive Director or DIO.

For GMEC ACGME Reference

ACGME Institutional Requirements 2022:

- **IV.D.1.a)** The Sponsoring Institution must ensure that each of its programs provides a resident/fellow with a written notice of intent when that resident's/fellow's agreement will not be renewed, when that resident/fellow will not be promoted to the next level of training, or when that resident/fellow will be dismissed. ^(Core)
- **IV.D.1.b)** The Sponsoring Institution must have a policy that provides residents/fellows with due process relating to the following actions regardless of when the action is taken during the appointment period: suspension, non-renewal, non-promotion; or dismissal. ^(Core)