

**WVU SOM GME Academic Discipline and Dismissal Policy (Institutional Requirement 4.4.b.)**

A. Each program shall develop a disciplinary system to ensure resident/fellow physicians are competent, professional, and ethical within the standards of care. Programs shall have a written procedure for implementation of the system and institution of corrective or disciplinary actions. The procedures shall be revised periodically and be in accordance with WVU School of Medicine GME and ACGME policies.

B. Programs may take corrective or disciplinary action including dismissal for cause including, but not limited to:

1. Unsatisfactory academic or clinical performance
2. Failure to comply with the policies, rules, and regulations of the resident/fellow physician program, the WVU School of Medicine, or other facilities where the resident/fellow physician is trained
3. Revocation or suspension of license
4. Violation of federal and/or state laws, regulations, or ordinances
5. Acts of moral turpitude
6. Insubordination
7. Conduct that is detrimental to patient care
8. Unprofessional conduct
9. Failure to pass USMLE Step 3 or COMLEX 3

C. Corrective or disciplinary actions may include, but not be limited to:

1. Issue a warning or reprimand
2. Impose terms of remediation or a requirement for additional training, consultation, or treatment
3. Institute, continue, or modify an existing summary suspension of a resident/fellow physician's appointment
4. Terminate, limit, or suspend a resident/fellow physician's appointment or privileges

5. Non-renewal of a resident/fellow physician's appointment
6. Dismiss a resident/fellow physician from the program
7. Any other action that the Program or Sponsoring Institution deems is appropriate under the circumstances

Level I Intervention:

1. Oral and/or Written remediation, counseling or other adverse action:
  - i. Minor academic deficiencies that may be corrected at Level 1 include
    - a. Unsatisfactory academic or clinical performance
    - b. Failure to comply with the policies, rule, and regulations of the Program, or University, or other facilities where the resident/fellow physician is trained
  - ii. Corrective action for minor academic deficiencies or disciplinary offenses which do not warrant probation with remediation, as defined in the Level II Intervention, shall be determined and administered by each program.
  - iii. Corrective action may include oral or written counseling, or any other action deemed appropriate by the program under the circumstances.
  - iv. Corrective action for such minor academic deficiencies and/or offenses are not subject to appeal. The resident/fellow is not entitled to legal representation during a Level 1 Intervention meeting.

Level II Intervention:

1. Probation Plan or other Adverse Action:
  - i. Serious academic or professional deficiencies may lead to placement of a resident/fellow physician on probation. An academic or professionalism deficiency that is not successfully addressed while on probation may lead to non-reappointment, or other disciplinary action.

- ii. The Program Director shall notify the resident/fellow physician in writing that they have been placed on probation and the length of the probation.
- iii. A corrective and/or disciplinary plan will be developed that outlines the terms and duration of probation and the deficiencies for which probation was implemented. The resident/fellow is not entitled to legal representation during the Level II Intervention meeting.
- iv. Failure of the resident/fellow physician to comply with the terms of the plan may result in termination or non-renewal of the resident/fellow physician's appointment, or non-promotion to the next PG level of training.

Level III Intervention:

- 1. Dismissal and/or Non-reappointment – Any of the following may be cause for dismissal or non- reappointment, including failure to comply or address the deficiencies within the corrective and disciplinary plan as outlined in the Level II Intervention. The resident/fellow is not entitled to legal representation during the Level III Intervention meeting.
  - i. Demonstrated incompetence or dishonesty in the performance of professional duties, including but not limited to research misconduct.
  - ii. Conduct which directly and substantially impairs the individual's fulfillment of institutional responsibilities, including but not limited to: verified instances of sexual harassment, or of racial, gender-related, or other discriminatory practices.
  - iii. Insubordination by refusal to abide by legitimate reasonable directions of administrators or of the WVU Board of Governors.
  - iv. Physical or mental disability for which no reasonable accommodation can be made, and which makes the resident/fellow unable, within a reasonable degree of medical certainty and by reasonable determined medical opinion, to perform assigned duties.
  - v. Substantial and manifest neglect of duty.
  - vi. Failure to return at the end of a leave of absence.
  - vii. Failure to comply with all policies of WVU Hospitals, Inc.

2. A resident/fellow who is dissatisfied with a Level II or Level III intervention may appeal that decision by following the Academic Grievance Policy and Procedure in Section XI.

Approved by GMEC: December 13, 2024