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| Title: Fair Hearing | Policy Number: GME-13 |
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PURPOSE: To establish a policy for all HealthPartners Institute-sponsored post-graduate medical/dental training programs (“Sponsored Programs”) for the guidelines for the fair hearing process.

This policy applies to all Sponsored Programs accredited by the Accreditation Council for Graduate Medical Education (ACGME), the Council on Podiatric Medical Education (CPME) and the Commission on Dental Accreditation (CODA).

DEFINITIONS: Not Applicable

POLICY:

1. Trainees may request a fair hearing after an action has been taken by the Program that results in Probation or Termination.
2. A written request for a fair hearing must be emailed to the DIO, with a copy to the Program Director, within ten (10) business days of the written notification of their Probation or Termination. If the trainee fails to request a fair hearing by this deadline, the trainee’s rights to a Fair Hearing shall be deemed to be waived.
3. After the request for a fair hearing has been received by the DIO, and it is confirmed that the Program Director has also been notified, a fair hearing board will be organized by the DIO or their designee.
4. The DIO or their designee will appoint a fair hearing board consisting of the following five voting members:
 - a) Chair: A physician representing the medical staff leadership of HealthPartners (e.g. Medical Director, Hospital Chief of Staff, Chair of the Patient Care Committee, etc.);
 - b) Two faculty members from other HealthPartners Institute-sponsored programs not directly associated with the trainee who requested the Fair Hearing; and
 - c) Two trainees from HealthPartners Institute-sponsored programs not directly associated with the trainee who requested the Fair Hearing and who are at similar levels of training as the trainee.
5. In addition to the five voting members listed above, the following members of administration will staff and serve as advisors to all fair hearing committees:

- a) A Human Resources representative of the trainee's employer group.
 - b) An Office of Health Professional Education team member to act as the meeting organizer and to provide technical assistance for the meeting.
6. The fair hearing will occur within fifteen (15) business days of receipt of the written request for the fair hearing.
 7. Neither the trainee nor HealthPartners shall be represented by legal counsel at the proceeding. However, both the trainee and the Program may produce witnesses in-person and/or written statements of support and documentation on their behalf. The trainee has the right to examine their training file. Both the trainee and the Program will be given a deadline to provide the documentation that they will use for the fair hearing in advance of the hearing. In addition, at the fair hearing the trainee shall have the following rights:
 - a) The right to hear the information that was used by the Program to make the decision to place the trainee on Probation or to terminate the trainee;
 - b) The right to present their opinion of their performance and how they believe they are meeting the expected academic, clinical, and professional standards;
 - c) The right to present written documentation that supports their opinion described in b) above; and
 - d) The right to ask questions about the information provided by the Program and the Program's witnesses.
 8. The Program will also have the opportunity to ask questions of the trainee and the trainee's witnesses during the fair hearing.
 9. The proceedings of the fair hearing shall be recorded.
 10. The fair hearing board shall establish the appropriateness of the discipline by a majority vote.
 11. The DIO or their designee shall create a written fair hearing report documenting the decision of the fair hearing. This report will be provided to the trainee and the Program Director within 2 business days of the fair hearing.
 12. All decisions by the fair hearing board are considered final.

PROCEDURE: See above.

RELATED DOCUMENTS: GME-3 Evaluation of Trainees.

REFERENCE MATERIALS: Not Applicable

ADDITIONAL INFORMATION: Not Applicable

COMMITTEE/POLICY SPONSOR AND OWNER: Graduate Medical Education Committee