



Academic Remediation Appeals Policy # 027.000

INITIAL EFFECTIVE DATE: 3/5/2026	LAST REVISION DATE: 3/5/2026	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT Office of Graduate Medical Education
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POLICY STATEMENT

The FIU GME Office ensures that all residents/fellows are afforded due process in matters involving academic remediation. Only one appeal may be made per remediation decision.

Over the course of training in graduate medical education, a resident/fellow is expected to acquire progressive and increasing competence in the six core ACGME competencies towards a final goal of being ready for independent/autonomous practice in the respective specialties to graduate from the training program. When deficiencies occur and performance is not satisfactory for their level of training, the Program Director (PD), in consultation with the Clinical Competency Committee (CCC) decides on a remediation method for the resident/fellow. Majority of the residents/fellows understand and follow through the remediation and benefit with successful outcome that is satisfactory performance and progression in their competencies. Sometimes, when the resident/fellow is not in agreement with the remediation decision, the resident/fellow shall have an opportunity to appeal to such decisions through a clearly defined process, ensuring their right to procedural fairness.

REASON FOR POLICY

The purpose of this policy is to establish a fair and consistent process by which FIU Graduate Medical Education (GME) resident/fellow may appeal a decision involving an academic remediation outcome such as suspension, non-renewal of appointment, non-promotion, or dismissal from training.

This policy ensures compliance with Accreditation Council for Graduate Medical Education (ACGME) Institutional Requirements and aligns with FIU’s standards of due process, transparency, and equity.

DEFINITIONS	
TERM	DEFINITIONS



Academic Remediation outcome	A decision resulting in suspension, non-renewal of contract, non-promotion, or dismissal from a residency or fellowship program. (Refer to the GME policy on Remediation of struggling learners)		
	Remediation Method	Appealable to GMEC	Reportable to Medical Board
	Performance Improvement Plan (PIP)	No	No
	Probation	No	Yes
	Non-Promotion	Yes	Yes
	Suspension	Yes	Yes
	Non-Renewal /Dismissal/Termination	Yes	Yes
	<ul style="list-style-type: none"> Note: Remediation decisions such as PIP, or probation are not appealable. Designated Institutional Official (DIO): The individual responsible for oversight of all ACGME-accredited programs at FIU/Baptist Health. Graduate Medical Education Committee (GMEC): The institutional body responsible for approving and monitoring compliance with GME policies. A resident/fellow is any resident or fellow participating in a FIU sponsored ACGME-accredited training program. 		

ROLES AND RESPONSIBILITIES

1. Notification of Remediation Decision

Within three (3) business days after the Program Director’s formal decision:

- The Program Director must meet with the resident/fellow (in person if possible) to:
 - Provide written documentation on the remediation decision and the relevant plan and resources per policy.
 - Inform the resident/fellow of their right to appeal and provide a copy of this policy with disclosure that resident/fellow will not be subject to retaliation if they choose to appeal the remediation decision per policy.
- Both parties sign the documentation acknowledging receipt. If the resident/fellow refuses to sign, the Program Director notes this on the document.

2. Notification to the DIO

Within three (3) business days of meeting with the resident/fellow, the Program Director must notify the DIO in writing and provide signed copy of the documentation.

3. Resident/Fellow Appeal Request

- The resident/fellow has **five (5) business days** after notification to submit a written appeal to the DIO.

- The appeal must outline:
 - The facts supporting the appeal,
 - The reason(s) the resident/fellow disagrees with the decision, and
 - The remedy requested by the resident/fellow instead of the decision offered.

Failure to submit a timely written appeal waives the right to appeal, and the remediation decision becomes final.

4. Review and Appointment of Appeal Committee

- Within ten (10) business days, the DIO reviews the appeal for compliance and appoints an **Ad Hoc Appeal Review Committee** composed of:
 - Two Program Directors (outside the trainee's department), and
 - One resident/fellow representative (outside of the trainee's program).
- The DIO and GME Director serve as **ex officio** members.
- All members of the Ad-Hoc committee agree to responsibly use the academic records for the review and recommendation purposes only and not share them.

5. Status During Appeal

The resident/fellow will have **no clinical duties/training rotations** during the appeal process but may perform other non-clinical functions at the Program Director's discretion. Salary and benefits continue until the final decision. The resident/fellow shall continue to maintain credentials and badge access during the appeals process, unless the PD determines to remove them as part of the decision.

6. Hearing Schedule and Preparation

- Within five (5) business days of committee appointment, the Appeal Committee meets to:
 - Set a hearing date,
 - Review procedures, and
 - Assign a chairperson.
- At least five (5) business days prior to the hearing, both parties exchange:
 - All documents to be reviewed, and
 - Not required but if opted to, provide the name(s) of the witnesses to the committee.

7. Hearing Procedures

- Both parties present relevant evidence.
- The resident/fellow bears the **burden of proof** to demonstrate that the academic remediation decision is unjustified.
- Witnesses may only be present at the hearing while testifying and must leave upon concluding of their testimony after the other party has had an opportunity to question the witness.
- Resident's/Fellow's family, significant others and legal counsel are not allowed to attend this academic due process hearing.
- The hearing is audio recorded; copies may be requested in writing.



- Committee Deliberation: Following each party's presentation of evidence, the hearing will be concluded, and the Appeal Committee will deliberate in closed session.
- Within seven (7) business days of the hearing's conclusion, the Committee Chair submits written findings and recommendations to the DIO.

8. Due Process Review

If the resident/fellow believes that procedural due process was not followed, they may notify the DIO in writing within three (3) business days. If the DIO determines procedural error materially affected the outcome, a new Appeal Committee will be convened.

9. Final Decision

- The DIO determines to uphold or decline the appeal committee's recommendation and shares the information with the Dean of the College of Medicine and/or the Dean's representative (Senior Associate Dean for Academic Affairs/Vice Provost), who reviews and issues the **final written decision**.
- Notification to the resident/fellow will be made in printed copy via certified mail, hand delivery, or email with acknowledgment receipt.
- This concludes the Academic due process for the appeal and Dean's decision is final.

10. Recordkeeping and Reporting

- The GME Office retains all records confidentially.
- Reporting to external entities (e.g., licensing boards) will occur only after a final determination.

11. Contract and Benefits

- Resident's/Fellow's will continue to receive salary and benefits during the appeal process. Any sick or vacation days during the appeal process must be approved in advance.
- In appeals of dismissal, salary and benefits will end on the date of Dean's final determination.
- Resident/Fellow will contact the Human Resources Office to arrange for continuation of health insurance under COBRA, if benefits end.

RELATED RESOURCES

[GME Policy: 026.000 Academic Underperformance of a struggling Learner in GME](#)
[GME Policy: 015.002 Resident/fellow Appointment, Promotion, and Renewal](#)

CONTACTS

Graduate Medical Education, DIO



FLORIDA
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HISTORY

Initial Effective Date: 10/10/2025

Review Dates: 2/24/2025

Revision Dates: 3/5/2026



Procedure Title # 0000.00a

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PROCEDURE STATEMENT

A procedure supports a policy by describing in detail the process to implement the policy. The procedure area is used to define how the policy will be administered and operationalized. Write the procedure in a clear, concise and easily understood manner. Keep it as simple and straight forward as possible. This area will typically be longer than the policy statement.