

	Johns Hopkins School of Medicine Postdoctoral Research Fellows Policies and Forms	<i>Policy Number</i>	P&F001
		<i>Effective Date</i>	05/01/2020
	<i>Subject</i> Probation, Suspension and Termination Policy for Postdoctoral Research Fellows	<i>Page</i>	1 of 4
		<i>Supersedes</i>	N/A

This document applies to the following Participating Organizations:

Johns Hopkins University School of
 Medicine

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I. INTRODUCTION

The purpose of this policy is to describe the procedures to be employed when School of Medicine Postdoctoral Fellows fail to meet the performance or conduct standards of their research workplace or training program, or act in a manner that violates Johns Hopkins University or School of Medicine policies, applicable laws or regulations, or otherwise engage in unprofessional conduct. It is the School of Medicine’s policy to employ procedural fairness in matters that may lead to probation, suspension, or termination of Postdoctoral Fellows. In the interests of all concerned parties, the following procedures are to be followed whenever a Postdoctoral Fellow’s performance or conduct requires that action be taken under this policy. This policy applies to all trainees appointed as research-only Postdoctoral Fellows in the School of Medicine, regardless of funding source or duration of appointment.

II. DEFINITIONS

Postdoctoral Fellow: Postdoctoral Fellows are individuals appointed in the School of Medicine who have received a doctoral degree (PhD, MD, or equivalent) and are engaged in a defined period of mentored, advanced training to enhance the research and professional skills needed to transition to an independent career.¹ Postdoctoral Fellows do not include: Advanced Specialty Training Program trainees, residents, clinical postdoctoral fellows, or other clinical trainees in Accreditation Council for Graduate Medical Education (“ACGME”)-accredited or ACGME-equivalent programs.

Probation: Probation shall be used for Postdoctoral Fellows who are in jeopardy of not successfully completing the requirements of their appointed position or program, who have been unsuccessful at remediating prior concerns, or if an initial concern regarding their performance or conduct is sufficiently serious to warrant immediate probation.

Postdoctoral Fellows may be placed on probation at the recommendation of their Principal Investigator, Program Director, or authorized departmental representative. Conditions of probation shall be communicated to the Postdoctoral Fellow in writing and should include: the reasons for the probation, an individualized learning or remediation plan that must be satisfied as a condition for removal from probation, the expected time frame for required remedial activity, and potential consequences if the Postdoctoral Fellow fails to successfully remediate. Failure to correct the deficiency, concern, or conduct within the specified period of time may lead to an extension of the probationary period or disciplinary action, including suspension or termination.

The probation period is temporary and the duration should be appropriate for the issue(s) of concern. Probation periods should not be less than 30 days and typically do not extend beyond 6 months. To provide sufficient time to transition into a new laboratory or training program, Postdoctoral Fellows are not eligible to be placed on probation during the first 30 days (1

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month) after their appointment start date unless circumstances warrant more immediate action, as determined in consultation with the Associate Dean for Postdoctoral Affairs. The Postdoctoral Fellow's salary and benefits shall continue during the period of probation.

The Department Director and the Associate Dean for Postdoctoral Affairs are to be notified in writing of the probation and provided with a copy of the notice of probation issued to the Postdoctoral Fellow. Prior to issuing a notice of probation, the issuer (Principal Investigator, Program Director) is encouraged to consult with the Associate Dean for Postdoctoral Affairs. Notices of probation are to be kept on file with the Department² and may be disclosed in response to requests or queries relating to verification of training, letters of employment, letters of reference, or performance concerns.

Suspension: Suspension is a disciplinary action taken to address serious deficiencies, concerns, or conduct. A Postdoctoral Fellow may be suspended from part or all their usual and regular assignments when removal from the program or research site is required because of a serious and/or repeated failure to meet performance or conduct standards for the program or appointment; failure to comply with a University or School of Medicine policy or procedure or applicable law or regulation; or due to otherwise unprofessional conduct.

The Associate Dean for Postdoctoral Affairs must be consulted prior to issuing a notice of suspension. For international Postdoctoral Fellows, the Office of International Services must also be consulted on the conditions of the suspension prior to issuance.

Postdoctoral Fellows who are placed on suspension shall receive a written notice of suspension that is signed by the Principal Investigator, Program Director, or departmental representative and includes: the reason(s) for suspension, the conditions of suspension (e.g. duration, permissible activities), its expected duration, and criteria for reinstatement. The period of suspension generally should not exceed 60 calendar days and may be combined with or followed by additional disciplinary action. A Postdoctoral Fellow's salary and benefits shall continue during the period of suspension. Suspension will remain in the Postdoctoral Fellow's file and may be disclosed in response to requests or queries relating to verification of training, letters of employment or reference, performance concerns, or disciplinary actions.

Termination: Postdoctoral Fellows may be terminated from their appointed position and/or training program for failure to meet the terms of prior disciplinary action or if an initial problem is sufficiently serious to warrant immediate separation from the laboratory, training program, or institution. Written notice of termination due to unsatisfactory performance³ shall be no less than four (4) months and requires prior approval from the Department Director and the Associate Dean for Postdoctoral Affairs. In cases involving misconduct or violation of School of Medicine or University policy or applicable laws or regulations, the four-month notice requirement may be waived with approval from the Associate Dean for Postdoctoral Affairs. For international Postdoctoral Fellows, the Office of International Services shall be notified immediately upon issuance of the termination notice.

A written notice of termination shall be provided to the Postdoctoral Fellow and should include: the reason(s) for termination, the effective date, and any conditions for the remainder of the appointment period (e.g. level of permissible access to the laboratory, expected work to be completed prior to departure, anticipated time away from the lab to secure another position). The Postdoctoral Fellow's salary and benefits will be terminated effective as of the end date (see also Salary and Benefits section below).

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Termination is considered a disciplinary action. Termination shall remain in the Postdoctoral Fellow's file and may be disclosed in response to requests or queries relating to verification of training, letters of employment or reference, performance concerns, or disciplinary actions.

Note: Termination differs from non-renewal in that the latter is not a disciplinary action and is subject to different procedures and requirements (see School of Medicine Policy on Selection, Appointment and Reappointment of Postdoctoral Fellows).

III. PROCEDURES

In advance of probation, suspension, or termination, the Principal Investigator, Program Director, or departmental representative should have evidence that supports the need for formal remediation and/or disciplinary action. This should include written documentation of the date and nature of previous warnings, notices of concern, or other communications given to the Postdoctoral Fellow whose performance or conduct fails to meet expected standards. Before instituting such a disciplinary action, the Principal Investigator, Program Director, or departmental representative are expected to provide the Postdoctoral Fellow with appropriate counseling and/or establish a remediation plan, if relevant. However, if a concern is so serious that it poses immediate and/or serious danger to the University or the University community, immediate suspension or termination prior to procedural review may be appropriate.

It is recommended that the Principal Investigator or Program Director notify their Division and/or Department of any concerns that may require disciplinary action. In cases where disciplinary action is being considered, Postdoctoral Fellows should be referred to the Associate Dean for Postdoctoral Affairs for assistance and consultation on School of Medicine resources, policies, and procedures.

Postdoctoral Fellows may appeal a suspension or termination decision to the Vice Dean of Education. Appeals are to be submitted in writing to the Vice Dean for Education within 7 days of receipt of the notification. The Vice Dean's review will be limited to review of whether the procedures set forth in this policy were followed and the decision will be final.

IV. SALARY AND BENEFITS UPON PROBATION, SUSPENSION, AND TERMINATION

1. In instances of probation and suspension, salary and benefits shall continue during a period of probation or suspension, as applicable.

2. In instances of termination, salary and benefits shall terminate as of the effective date of the termination. The Postdoctoral Fellow may elect to procure and maintain health insurance coverage under COBRA so as to provide continuous health care insurance coverage, in which case the Postdoctoral Fellow is responsible for all premiums.

Footnotes:

[1] Adapted from National Institutes of Health and National Science Foundation definitions (2007).

[2] Probation is not formal disciplinary action and, therefore, not part of the Postdoctoral Fellow's permanent file.

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[3] Termination cannot be based on a change in the Principal Investigator's or Training Program's funding status.