1. If the Training Committee takes an adverse action against a Program, the Program may request a hearing before an appeals panel. If a written request for such a hearing is not received by the Chair of the Training Committee within 30 days following receipt of the Letter of Notification, the action of the Training Committee will be deemed final and not subject to further appeal.

   a. If a hearing is requested, a panel shall be appointed according to the following procedures: The Program shall receive a copy of the list of potential appeals panel members from the SSO CGSO Program Directors Committee and Training Committee and shall have an opportunity to delete a maximum of one-third of the names from the list of potential appeals panel members. Within 15 days of the receipt of the list, the program shall submit its revised list to the Chair of the Training Committee. Although all committee members are expected to behave in an unbiased manner, in order to ensure that a potential conflict of interest is minimized, any committee member who was involved in the site visit prompting the probationary status, who trained at the program in question, or trained at the same program (within 5 years) with the program director of the program in question, or who is practicing in the same referral area as the program in question, will automatically be disqualified independent of the program’s deletion requests.

   b. A five-member appeals panel will be constituted by the Training Committee from among the remaining names on the list. The panel must include the Vice-Chair of the Training Committee and Vice President of the Society. If either of these individuals will not be available in a timely fashion or are deemed ineligible due to a conflict of interest as detailed above in section 1.a, the Vice President of the Society will be substituted with the President-elect of the Society or the Vice-Chair of the CGSO Program Director Committee and/or the Chair of the Training Committee may be substituted for the Vice-Chair of the Training Committee. The other three members will be chosen by the Training Committee from the revised list of potential panel members. A representative from the American Society of Breast Surgeons Education Committee, who is appointed by the President of the American Society of Breast Surgeons and meets conflict of interest requirements, should also be included.
2. When a hearing is requested, the following policies and procedures shall apply:

a. When a Program requests a hearing before an appeals panel, the Program holds the accreditation status determined by the Training Committee with the term under appeal affixed to the status. For example, if the Training Committee determines probationary status for a Program, and the Program appeals the decision, the status of the Program shall be “probation, under appeal”. This accreditation status shall remain in effect until a final determination on the accreditation status of the Program is made.

None the less, at this time fellows and any candidates (applicants who have been invited to interview with the sponsoring institution) must be informed in writing as to the confirmed adverse action taken by the Training Committee on the accreditation status. A copy of the written notice must be sent to the Chair of the Training Committee within 50 days of receipt of the Training Committee’s Letter of Notification.

b. Hearings conducted in conformity with these procedures shall be held in Chicago at the SSO office headquarters in space agreed upon by all parties within two months of the Training Committee’s receipt of the appeals letter. In some cases, a videoconference for all parties may be arranged in lieu of a face-to-face meeting.

c. The documents comprising the program file, the record of the Training Committee’s action, together with oral and written presentations by the appealing Program, shall be the basis for the recommendations of the appeals panel.

d. The appeals panel shall review the written record and receive written copies of the presentations at least ten days prior to the appeals meeting.

e. Proceedings before an appeals panel are not of an adversary nature as typical in a court of law, but rather they provide an administrative mechanism for peer review of an accreditation decision about an educational Program.

f. The Program may not amend the statistical or narrative descriptions on which the decision of the Training Committee was based in preparing for an appeal hearing. The file is considered “frozen” at that time with respect to the addition of any information not previously presented to the Training Committee. The appeals procedures limit the appeals panel’s jurisdiction to clarification of information at the time when the adverse action was confirmed by the Training Committee. Information about the Program subsequent to that time may not be considered in the appeal. Furthermore, the appeals panel shall not consider any changes in the Program or descriptions of the Program that were not in the record at the time when the Training Committee reviewed the Program and confirmed the adverse action.
g. Presentations shall be limited to clarifications of the record and to arguments which address compliance by the Program with the published standards for accreditation and the review of the Program according to the administrative procedures which govern accreditation of Programs. Presentations may include written and oral elements. The appellant may make an oral presentation to the appeals panel, but this presentation shall be limited to one hour.

h. The appellant shall communicate with the appeals panel only at the hearing or in writing through the Chair of the Training Committee.

i. The Program may submit additional written material within 15 days after the hearing. The intention to submit such material must be made known to the appeals panel at the hearing.

j. The appeals panel shall make recommendations to the SSO Executive Committee as to whether substantial, credible, and relevant evidence exists to support the action taken by the Training Committee in the matter that is under appeal. The appeals panel will make recommendations as to whether there has been substantial compliance with the administrative procedures which govern the process of accreditation of the fellowship programs. The burden of proof shall lie with the appealing Program.

k. The appeals panel shall submit its recommendation to the SSO Executive Committee within 20 days after receipt of additional written material or 20 days after the end of the hearing, whichever is later. The SSO Executive Committee shall act on the appeal at its next regularly-scheduled meeting.

l. The decision of the SSO Executive Committee in this matter shall be final. There is no provision for further appeal.

m. The Chair of the Training Committee shall, within fifteen (15) days following the final Executive Committee decision, notify the Program under appeal of the decision of the SSO.

n. If the decision for probation is upheld, the process of removal from probation will begin with the submission of a plan of action to the Training Committee addressing major concerns from the prior site visit (see Enacting Probation policy).

o. If the decision for probation is overturned, the probationary status will be removed immediately and accreditation status returned; however, accreditation will not be granted for more than 2 years and annual progress reports will be required at a minimum during that time.

p. The appellant is fully responsible for the Appeal Fee of $5,000.
3. Under exceptional circumstances, Programs can go from an approved status to unapproved status by immediate withdrawal of their accreditation by unanimous vote of the Training Committee. This decision would be indirect response to an egregious action by the training Program. When this occurs, Programs wishing to appeal such a decision would be subject to the same appeals process as detailed above.

Approved March 2020