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TITLE: Resident/Fellow Disciplinary Process

POLICY STATEMENT:

This policy is applicable if a resident/fellow wishes to appeal a decision to terminate his/her appointment due to disciplinary reasons.

This policy does not apply if a resident/fellow wishes to appeal a decision of non-promotion, non-renewal, or dismissal based on academic/training reasons. In these cases, the resident/fellow must follow the “Resident/Fellow Academic Remediation and Procedure for Academic Grievance” (GMEC policy7).

PROCEDURE: A resident/fellow may be subject to corrective or disciplinary action, up to and including termination of appointment. Evidence of behavior meriting corrective or disciplinary action may include, but is not limited to: unprofessional behavior toward colleagues, patients or staff; drug or alcohol abuse; criminal activity; violation of UVM Medical Center rules, regulations, bylaws, personnel policies, or the “Resident/Fellow Appointment and Training Agreement”; any of the activities constituting unprofessional conduct under the Medical Practice Act of the State of Vermont, 26 V.S.A. Section 1354; conduct representing lack of competence, skill, judgment, and/or specific knowledge; and for immoral, illegal, unprofessional or unethical behavior.

1. The program director must notify the GME Designated Official (DIO) and/or GME Director about the disciplinary violation(s) and provide the date and time for the meeting with the resident/fellow to discuss the violation(s) identified.
2. The program director and either one faculty member and/or the program’s GME program administrator shall meet with the resident/fellow to present the evidence of the disciplinary violation(s) and provide an opportunity for the resident/fellow to present their perspective.
3. The program director can dismiss the charges made, require a disciplinary action plan, suspend the resident/fellow while further investigation occurs, or terminate the resident’s/fellow’s training contract.
 - a. The program director’s decision should be provided in writing to the resident/fellow within three (3) business days after meeting with the resident/fellow.
4. The resident/fellow may appeal the decision by submitting a written request to the GME DIO within ten (10) days from the date the decision notification was sent stating that the resident/fellow would like a hearing and providing a written objection to the statement of causes.
5. Upon receipt of a written request, the DIO shall appoint a Hearing Committee, which shall consist of the following specified members:
 - a. DIO or his/her designee;
 - b. Human Resource representative;
 - c. GME Program Director who is a voting member on the GMEC and not members of the grievant’s department;
 - d. Resident/Fellow who is a voting member of the GMEC; and
 - e. A resident/fellow or faculty member chosen by the resident/fellow who has brought the appeal.
6. The hearing shall occur no later than two (2) weeks following the resident’s/fellow’s written request to the DIO for a hearing, unless the resident/fellow and the DIO mutually agree to an extension of the four week period.
7. At his/her sole discretion, the Program Director may place the resident/fellow on unpaid suspension until the Hearing Committee renders its decision. If the termination decision is reversed, the resident/fellow will be paid retroactively..
8. The format for the hearing shall be as follows:

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- a. The Program Director, or the director's designee, shall present evidence of the conduct against the resident/fellow, which is believed to warrant the termination of appointment.
 - b. The resident/fellow shall have an opportunity to present relevant evidence.
 - c. The hearing will be conducted without the presence of outside counsel and is not required to follow the rules of evidence.
9. The Hearing Committee shall issue written finding(s) and render a decision within five (5) business days. Said finding(s) and decision shall be furnished to the resident/fellow. The decision of the Hearing Committee is final and binding.

DEFINITIONS:

- DIO – Designated Institutional Official
- GME – Graduate Medical Education
- GMEC – Graduate Medical Education Committee

REFERENCES: Accreditation Council for Graduate Medical Education, Institutional Requirements

REVIEWERS:

OWNER: Karen Miller, Dir GME

APPROVING OFFICIAL: Melissa Davidson M.D., GMEC