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TITLE: Resident/Fellow Disciplinary Process

POLICY STATEMENT:

This policy is applicable if disciplinary process is needed for a resident/fellow and if a resident/fellow wishes to grieve a disciplinary decision for non-academic or non-clinical misconduct.

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” (GME Policy7).

POLICY: A resident/fellow may be subject to corrective or disciplinary action for just cause, 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; habitual or excessive use or abuse of drugs, alcohol, or other substances that impair their ability to practice medicine; criminal activity; violation of UVM Medical Center rules, regulations, bylaws, personnel policies, or the “Conditions of Appointment and Training for GME Residents/Fellows”; any of the activities constituting unprofessional conduct under the Medical Practice Act of the State of Vermont, 26 V.S.A. Section 1354; and for immoral, illegal, unprofessional or unethical behavior.

PROCEDURE:

1. The program director must notify the GME Designated Institutional 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. If the resident/fellow believes they have been subjected to corrective action without due process and/or without just cause, the resident/fellow may grieve the decision in accordance with the Agreement By and Between UVM Medical Center and the CIR/SEI (“The Agreement”), Article XIV.*
 - a. A formal grievance must be filed in writing (14.02, Step 2).
 - b. Upon request by the filing party, a meeting to discuss the grievance shall be held, which shall include the following members on behalf of UVMMC:
 - i. Resident’s/Fellow’s Program Director;
 - ii. DIO or designee;
 - iii. Human Resources GME representative.
 - c. If the grievance is not resolved at Step 2, the grievance may be appealed in writing (14.02, Step 3).
 - d. Upon receipt of written request of the appeal, the DIO shall appoint a Hearing Committee, which shall consist of the following specified members:
 - i. DIO or designee;
 - ii. Human Resources representative not involved in the initial decision;
 - iii. GME Program Director who is a voting member of the GMEC and not a member of the grievant’s department;
 - iv. A resident/fellow who is a voting member of the GMEC and not a member of the grievant’s program; and

- v. A resident/fellow or faculty member chosen by the resident/fellow who has brought the grievance.
 - e. At the sole discretion of the Program Director, the resident/fellow may be placed on paid or unpaid suspension at any point during the disciplinary process. If a termination or unpaid decision is reversed, the resident/fellow will be paid retroactively.
 - f. The format for the hearing shall be as follows:
 - i. The Program Director, or their designee, shall present evidence of the conduct against the resident/fellow, which is believed to warrant the disciplinary action.
 - ii. The resident/fellow shall have an opportunity to present relevant evidence.
 - iii. The hearing will be conducted without the presence of outside counsel and is not required to follow the rules of evidence.
 - g. The Hearing Committee shall issue written finding(s) and render a decision, which shall be final, unless the resident/fellow wishes to appeal the decision to arbitration as outlined in The Agreement, Sections 14.03-14.05.
5. At the resident's/fellow's request, the resident/fellow shall have the right to have a union representative present at all steps of the grievance and arbitration process.

*Time limits for all steps in the grievance and appeal process are delineated in The Agreement.

DEFINITIONS:

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

REFERENCES:

Accreditation Council for Graduate Medical Education, Institutional Requirements
GME 7 Resident/Fellow Academic Remediation and Procedure for Academic Grievance

OWNER: Vanessa Goodwin, Dir GME

APPROVING OFFICIAL: Melissa Davidson M.D., GMEC