



UMKC Resident Disciplinary Action Policy and Procedure

October 15, 2012

Purpose: To establish a uniform policy and procedures that adhere to due process for use in investigating and responding to academic or behavioral performance by a resident that does not meet expected standards.

Scope: This policy and procedure applies to all residents and fellows in programs sponsored by UMKC School of Medicine. Each program or department may have additional policies intended to further define the required procedures, however, the guidelines provided in this policy must be followed.

Definitions:

Academic Performance includes the knowledge, skills, and attitudes necessary to achieve competence in the core areas of medical knowledge, patient care, communication, professionalism, practice-based learning and systems-based practice.

Behavioral Misconduct includes improper behavior; intentional wrongdoing; violation of a law, standard of practice, or program, hospital, or university policy. Examples include dishonesty, plagiarism, false documentation, discriminatory or harassing behavior, and being unfit for duty.

Education Committee is the training program committee responsible for the evaluation of residents or fellows and for monitoring their progress through the proscribed curriculum of training.

Procedures:

1. Failure to Meet Academic Expectations.

A. Education Committee. Each training program will have an Education Committee, composed of selected faculty members from the specialty. At the program's discretion, other personnel (housestaff, administrative staff) may also participate in the Education Committee. The Education Committee is responsible for monitoring and reporting on the academic performance of each of the program trainees.

B. Problem Identification. Deficiencies in academic performance will be identified and evaluated by the Education Committee of the training program. These deficiencies are typically identified in the course of routinely reviewing the formal evaluations of resident performance, including end of rotation evaluations, performance on standardized tests or in structured patient contacts, patient satisfaction surveys, 360 degree evaluations and all other formal resident performance evaluations.

The Education Committee will accept unsolicited and informal evaluations of resident academic performance, but the Education Committee will not consider disciplinary action without substantiation of the concerns through at least one formal evaluation mechanism or through a comprehensive assessment of the resident's performance.

C. Performance Feedback. It is expected that all learners will receive routine, structured feedback. If it is deemed that the deficiency is serious enough to warrant additional action, the Education Committee may decide to issue a formal Letter of Academic Deficiency. This letter should include the following: a specific description of the deficiency including examples, a remediation plan with expected timeline for remediation, performance goals with appropriate methods to assess accomplishment, and consequences of either meeting or not meeting the expected goals. The letter should be signed by the program director.

It is expected that in addition to the written warning, the resident or fellow will receive initial and ongoing mentoring by faculty, to give the resident every opportunity to remediate his or her deficiency. The Education Committee will monitor progress through the remediation plan.

The learner that successfully meets the goals and expectations outlined in the Letter of Academic Deficiency will receive a letter confirming successful completion of the remediation plan.

D. **Failure to Remediate.** If a resident or fellow fails to successfully achieve the goals set in the Letter of Academic Deficiency, the Education Committee may consider additional action. The resident must have the opportunity to formally respond to the academic concerns prior to the Education Committee's decision on additional action. At this time, the Education Committee may recommend no further action, another Letter of Academic Deficiency, or a more serious disciplinary action including probation, extension of training, election not to promote, non-renewal of contract or dismissal. With each of these actions, the resident or fellow should receive a letter outlining the proposed action and including all of the elements required in a Letter of Academic Deficiency (except for instances of proposed dismissal, where the remediation plan and performance goals are not relevant). The letter must also notify the resident or fellow of their right to request review of the decision and the processes and timeline of the review request.

E. **Request for Review.** The resident or fellow has the right to request review of any disciplinary action that has the potential to adversely affect the course of his or her training or career (including probation, extension of training, election not to promote, non-renewal of contract or dismissal). The resident or fellow must request this review within 14 days of receipt of the decision of the Education Committee. The request for review should be submitted to the program director. An individual or group of individuals independent of the training program's Education Committee must conduct this review. The review should include a comprehensive assessment of resident or fellow performance, a report (verbal or written) from the Education Committee, and an opportunity to meet and interview the resident or fellow. The resident or fellow must have the opportunity to present their perspective to the reviewer(s). A legal or advisory representative may be present during the interview acting in an advisory capacity to the resident or fellow but may not otherwise actively participate in the proceedings. In preparation for this presentation, the resident or fellow must have access to all of the information provided to the reviewer(s) a minimum of five days prior to the review. After consideration of all available information, a final decision will be submitted to the Education Committee and the resident or fellow.

F. **GME Committee Review.** It is the program director's responsibility to submit to the GME Committee the summary of any disciplinary action resulting probation, extension of training, election not to promote, non-renewal of contract, dismissal, or any other action that could adversely affect the course of training of the resident or fellow. The GME Committee will review the case file to confirm that this policy has been followed and that the trainee has had appropriate opportunities for remediation and due process.

G. **Employer Review.** In some situations, a final review by the trainee's employer may be allowed. The resident can confer with the GME office if this issue becomes relevant.

2. Behavioral Misconduct

A. **Problem Identification.** Behavioral misconduct may be identified through the formal training program evaluation system, but will often be identified by informal, or incident, reports to the program administration.

B. **Initial Investigation.** Upon receipt of a report of behavioral misconduct, through formal or informal channels, an investigation of the complaint should be undertaken. This investigation may be directed by the program director, or may be assigned to another faculty member. At a minimum, this investigation must include review of the complaint and a discussion with the accused resident or fellow. If there is insufficient information to conclude that misconduct may have occurred, no further action will be taken. If there is evidence suggesting possible sexual harassment, the GME office is to be notified immediately. For all other areas of behavioral misconduct, the matter will be referred to the Education Committee for review.

C. **Education Committee Review.** The Education Committee will review the submitted complaint, the evidence gathered by the initial investigation, and meet with the accused resident or fellow. The Education Committee may also collect additional information, independent of the initial investigation. The resident or fellow must have the opportunity to formally answer to the submitted accusation before any disciplinary action is considered. In order to fairly respond to the submitted accusation, the resident or fellow must have access to all information provided to the Education Committee.

If the inquiry by the Education Committee finds that no misconduct occurred, no action will be taken and the case will be closed. If the committee finds that behavioral misconduct did occur, the following disciplinary actions may be considered: a verbal or written warning, referral to an appropriate educational or treatment program (e.g. Missouri Impaired Physicians program),

probation, extension of training, election not to promote, non-renewal of contract, or dismissal. Written notification of the Education Committee decision will be sent to the resident or fellow.

D. Request for Review. The resident or fellow has the right to request review of any disciplinary action that has the potential to adversely affect the course of his or her training or career (including probation, extension of training, election not to promote, non-renewal of contract or dismissal). The resident or fellow must request this review within 14 days of receipt of the decision of the Education Committee. The request for review should be submitted to the program director. An individual or group of individuals independent of the training program's Education Committee must conduct this review. The review should include a complete review of the entire case file, a report (verbal or written) from the Education Committee, and an opportunity to meet and interview the resident or fellow. The resident or fellow must have the opportunity to present their perspective to the reviewer(s). A legal or advisory representative may be present during the interview acting in an advisory capacity to the resident or fellow but may not otherwise actively participate in the proceedings. In preparation for this presentation, the resident or fellow must have access to all of the information provided to the reviewer(s) a minimum of five days prior to the review. After consideration of all available information, a final decision will be submitted to the Education Committee and the resident or fellow.

E. GME Committee Review. It is the program director's responsibility to submit to the GME Committee the summary of any disciplinary action resulting probation, extension of training, election not to promote, non-renewal of contract, dismissal, or any other action that could adversely affect the course of training of the resident or fellow. The GME Committee will review the case file to confirm that this policy has been followed and that the trainee has had appropriate opportunities for remediation and due process.

G. Employer Review. In some situations, a final review by the trainee's employer may be allowed. The resident can confer with the GME office if this issue becomes relevant.

Reportable Actions. Reportable actions are those actions that the training program or GME administration must disclose to others upon request, including future employers, privileging hospitals, and licensing or specialty boards. A final disciplinary decision that results in extension of training, election not to promote, non-renewal of contract, or dismissal is considered a reportable action.

Revision Date: October 15, 2016



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Date: October 15, 2012