Title: Disciplinary and Appeal Policy and Procedures
No.: GME-218

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Distribution: All

Page: 1 of 7

Policy Statement
This policy establishes procedures covering informal and formal discipline. It covers two distinct levels of discipline and a subsequent right of the house officer to initiate the Appeal Procedures outlined below. This policy and the procedures provided herein comprise the exclusive remedies available to housestaff who is appealing discipline, including formal discipline or nonrenewal of appointment or whose contract of appointment is modified or terminated.

This policy does not and is not intended to constitute an employment contract or alter any house officer agreement, nor is it intended to create for housestaff any legally enforceable contractual right.

Procedure
Following the receipt of reliable information that the house officer’s clinical judgment or proficiency in clinical skills, medical knowledge, patient care necessary to the practice of medicine is deficient or impaired, or the house officer is deficient in any of the six Accreditation Counsel for Graduate Medical Education (ACGME) core competencies (patient care, medical knowledge, practice based learning and improvement, systems based practice, professionalism, and interpersonal and communication skills) or in the case of misconduct, policy violation, neglect of duty, violation of the house officer contract, failure to maintain a valid license to practice medicine, threat to patient safety, or any other malfeasance, misfeasance, or misconduct the following disciplinary procedures shall be implemented until the deficiency is corrected or the house officer is terminated from the program.

LEVEL I- INFORMAL DISCIPLINARY ACTION
If a department chair, program director, the Graduate Medical Education Committee (GMEC) chair, or the Vice Dean of GME deems a house officer’s performance or conduct to be deficient and the ordinary elements of the educational program or evaluations appear to be unavailing, the program director should informally counsel or administer a written warning. Informal counseling or a written warning is given in the following circumstances:

<table>
<thead>
<tr>
<th>Informal Counseling or Verbal Warning</th>
<th>Responsible Party</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Program Director</td>
<td>An unstructured counseling session between the house officer and the program director, following the evaluation process as outlined in the Housestaff Handbook. Informal counseling or verbal warning is designed to identify a house officer’s minor infraction. A written record of the date and content of the discussion, as well as the underlying situation precipitating the informal counseling shall be maintained in the house officer’s file.</td>
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<td></td>
<td>Department Chair</td>
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<td>GMEC Chair</td>
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<td>Vice Dean GME</td>
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Written Warning

Program Director
Department Chair
GMEC Chair
Vice Dean GME

A written warning is appropriate when a prior verbal warning has not resulted in the satisfactory performance, needed improvement or when the initial misconduct or performance inadequacy indicates the need for action stronger than a verbal warning. The Program Director shall notify the GME Office of an intent to place the house office on written warning status. The written warning should note the unacceptable conduct or action that caused the warning, as well as the program’s improvement expectations and corrective action to resolve the deficiency. The Office of the General Counsel will review the drafting of the document(s) related to the written warning prior to distribution to the identified house officer. The house officer shall sign a copy of the written warning. The house officer will receive a copy of the written warning. A copy of the written warning will be placed in the house officer’s file and a second copy will be sent to the Vice Dean of Graduate Medical Education (GME).

Informal counseling and corrective action, including oral or written warnings, are distinct from the categories of formal discipline set forth below, and accordingly, should not be cited as disciplinary in the event a reference, credentialing or training verification is requested.

LEVEL II - FORMAL DISCIPLINARY ACTION

If informal disciplinary action above fails to resolve an issue, or in cases of serious or repeated misconduct or policy violations, a program director may administer formal discipline as set forth below. In certain cases and at the discretion of the Program Director, formal disciplinary action may be appropriate without the administration of informal disciplinary action. A house officer’s appointment in the residency program may be conditioned, suspended or terminated in the following circumstances:

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<tr>
<th>Probation</th>
<th>Responsible Party</th>
<th>Action</th>
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Probation is generally the second step of a series of disciplinary actions for a house officer (after a written warning). A house officer may also be placed on probation without a preliminary or written warning if circumstances warrant an immediate probation decision. Probation is appropriate in circumstances that include, but are not limited to, failure to meet the academic expectations of the training program, a lapse in complying with the responsibilities of the program, the house officer contract or GME policies and procedures, or other serious misconduct and/or performance problems.

The Program Director shall notify the GME Office of
intent to place the house officer on probation. The Program Director meets with GME Office to:
1. Ascertain the validity of the action with regard to the issues.
2. Construct a statement of probation that outlines due process and right to appeal within 14 days of receipt.

The statement shall identify: (1) the areas of deficiency and the reason(s) for the decision to place the house officer on probation; (2) the improvements that must be achieved by the house officer during the probation period (remediation plan or remediation steps); and (3) the length of the probation period, including the date the probation began or will begin and the date by which the house officer will be re-evaluated or his/her status reconsidered or when probation will end if performance has sufficiently improved. The Office of the General Counsel will review the draft of the document(s) prior to distribution to the house officer.

The probation notification shall be in writing and signed by the house officer. Copies of the probation notification shall be placed in the house officer’s file and in his/her administrative file located in the GME Office. The house officer may appeal the decision through the procedures set forth below.

Upon successful completion of remediation plan and probation, the Program Director will notify the house officer and the GME Office and document the completion of probation in the house officer’s file. If the remediation plan or remediation steps and the probation are not completed successfully, a house officer may be continued on probation, may be suspended, may repeat a year, may not be renewed or may be terminated.

A probation period occurring during training will be noted in all letters of reference, training verification and credentialing requests.

**Suspension**  
Program Director  
A Program Director, at his/her discretion, may impose immediate summary suspension with or without pay for some or all of the house officer’s duties and training for circumstances including, but not limited to, violations of policies, rules, laws and misconduct, recurring administrative lapses and/or performance problems, including but not limited to failure to provide patient care
consistent with expectations, disregard for patient safety or welfare, failure to work in a collegial manner with others, failure to obtain or renew house officer’s license for the practice of medicine, or conduct of a house officer that is reasonably likely to threaten the safety or welfare of patients. The time during which a house officer is suspended will not be counted toward completion of the training time required to be eligible for board examination(s).

The Program Director should notify the GME Office of intent to suspend the house officer. The Program Director meets with GME Office to:
1. Ascertain the validity of the action with regard to the issues.
2. Construct a statement of suspension that outlines due process and right to appeal within 14 days of receipt.

The statement shall identify: (1) the reason(s) for the decision to suspend the house officer; (2) the improvements that must be achieved by the house officer during the suspension; (3) the effective date of the suspension and the end date if the end date is not indefinite due to the need to investigate or for other reasons; (4) any specific duty or requirement the house officer must fulfill in order to return to the program; (5) whether the house officer will be paid while on suspension; and (6) the fact that the suspension will not be counted toward completion of the training time required to be eligible for board examination(s). The Office of the General Counsel will review the draft of the document(s) prior to distribution to the house officer.

The suspension notification shall be in writing and signed by the house officer. Copies of the suspension notification shall be placed in the house officer’s file and in his/her administrative file located in the GME Office. The house officer may appeal the decision through the procedures set forth below.

Upon completion of the suspension, the Program Director will notify the house officer and the GME Office and document the completion of suspension in the house officer’s file. Following a suspension, a house officer may have the suspension continued, may be put on probation, may repeat a year, may not be renewed or may be terminated.
A suspension period occurring during training will be noted in all letters of reference, training verification and credentialing requests.

**Termination or Intent Not to Renew, Intent to Repeat a Year**

If a house officer is terminated during the appointment period or given a notice of an intent not to renew at the end of the house contract term, or the house officer is given notice to repeat a year, the house officer may appeal the through the procedures set forth below.

Program Director shall meet with Vice Dean of the Office of GME to draft the notice of termination, notice of intent not to renew or notice of intent to repeat a year. The Office of the General Counsel will review the draft of the document(s) prior to distribution to the house officer.

The notification of termination, notification of intent not to renew or notification to repeat a year shall be in writing. Copies of the notification shall be placed in the house officer’s file and in his/her administrative file located in the GME Office. The notification of termination or notification of intent not to renew or notification to repeat a year will be noted in all letters of reference, training verification and credentialing requests.

**Appeal Procedure**

The Appeal Procedures set forth below apply only to a house officer who has received a notice of probation, notice of suspension, notice of termination, notice of intent not to renew, notice of intent to repeat a year or any notice of continuation of probation or suspension (formal discipline).

**STEP 1:** House officer has fourteen calendar (14) days from the receipt of a written warning, notice of probation, notice of suspension, notice of termination, notice of intent not to renew, notice of intent to repeat a year or any notice of continuation of probation or suspension to file an appeal by filing a written letter with the Chair of the Department. Upon receipt of such a letter of dispute, the Chair shall meet with the house officer to settle the dispute. The Chair of the Department will issue a written statement to the house officer concerning his/her decision. If the house officer fails to file a letter of dispute with the Chair of the Department within the fourteen (14) calendar day time frame, his/her rights pursuant to this Appeal Procedure shall be deemed to be waived.

**STEP 2:** If the dispute is not resolved to the satisfaction of the house officer, house officer may appeal the decision of the Chair of the Department within fourteen (14) calendar days of receipt of the Chair’s
decision to the Vice Dean of GME. Such appeal shall be considered at a hearing by a Performance Dispute Resolution Committee prior to the rendering of a final decision by the Vice Dean of GME. If the house officer fails to file a letter of dispute with the Vice Dean of GME within the fourteen (14) calendar day time frame, his/her rights pursuant to this procedure shall be deemed to be waived.

**Performance Dispute Resolution Committee Members**
The Performance Dispute Resolution Committee ("Committee") members shall be comprised of:

1. Two house officers appointed by the Vice Dean to serve one academic year on the Committee. The house officers shall not be from the same Department.
2. Two members of USF faculty appointed by the Vice Dean to serve once academic year on the Committee. Such faculty shall not be Program Directors or Chairs of a Department. Each faculty member shall be from different departments.
3. One house officer and one USF faculty appointed by the Vice Dean to serve as an alternate ("Alternate") for one academic year and should be (although not required to be) from different departments than the faculty member and house officer serving on the Committee during the academic year. The alternate shall be appointed by the Vice Dean of GME.

One member of the Committee shall be selected as chair of the Committee by the members. The Committee shall have the right to recommend adoption, rejection or modification of the discipline that has been imposed to the Vice Dean of Graduate Medical Education.

**Hearing Procedures:**

1. The house officer will be given written notice of the time and place of the hearing before the Committee.
2. The GME office will provide all material relevant to the Committee, including the house officer’s letter of dispute.
3. The Committee will permit the house officer to submit whatever material the house officer believes to have bearing on the dispute for the Committee’s consideration.
4. All Committee members should be present throughout the hearing. The house officer must personally appear at the hearing.
5. The house officer may bring an attorney, or other advisor, who can assist the house officer, however, the attorney/advisor will not be allowed to represent the house officer during the hearing participate in the deliberation of the Committee.
6. The house officer may examine his/her residency/fellowship files prior to or at the hearing.
7. The house officer will be afforded an opportunity to make an oral presentation to the Committee at the hearing.
8. Although evidence may be presented, the hearing is not a legal proceeding, does not follow the rules of law or of evidence, and is not subject to laws relating to the conduct of legal proceedings.
9. The Committee will review all material relevant to the dispute, including material presented at the hearing, will interview appropriate individuals (prior to, during or following the hearing), and will issue a written report of findings and a recommendation to the Vice Dean of GME.
10. Because the Committee is advisory to the Vice Dean of GME and is not serving as the institutional official, the committee report is not subject to appeal, cross-examination or negotiation.

The appellate review shall not be deemed to be concluded until all the procedural steps provided above have been completed or waived by the house officer.

STEP 4: FINAL DECISION
The Vice Dean of GME shall render the final agency decision for the College of Medicine and the University of South Florida. Notwithstanding any other provision in this policy, no house officer shall be entitled to more than one hearing and one appellate review of the same matter.

Timeline: Recognizing that it is in everyone’s best interest to resolve disputes expeditiously, it is difficult to meet or enforce strict time lines. Every effort will be made to expedite each step in the appeal process, but emphasis will be placed on fairness rather than speed.

APPROVED:

[Signature]

Vice Dean, Graduate Medical Education

[Signature]

Dean, College of Medicine

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