

UC Riverside, School of Medicine Policies and Procedures**Policy Title:** Academic Actions**Policy Number:** 950-09-020

Responsible Officer:	Associate Dean for Graduate Medical Education
Responsible Office:	Graduate Medical Education
Origination Date:	05/08/2012
Date of Revision:	11/14/2019
Scope:	UCR SOM Graduate Medical Education

I. Policy Summary

To establish a uniform policy and procedure that adheres to due process, for use in investigating and responding to academic or behavioral performance by a Trainee that does not meet expected standards. To establish fair procedures for the adjudication of Trainee grievances related to actions which could result in dismissal, non-renewal of appointment, probation, suspension, remediation etc.

Every effort is made to ensure that Trainee-faculty communication is participatory, collegial and open-ended. In accordance with this policy, UCR School of Medicine has adopted a procedure to ensure that any problems arising from the Trainees' programs and activities are discussed and equitably resolved.

II. Definitions

Refer to Definitions page.

III. Policy Text

Trainee physicians are subject to disciplinary actions including but not limited to oral reprimands, written reprimands, suspensions, non-renewal of agreement and discharge for misconduct or sub-standard performance. A grievance procedure shall not be used to question rule, policy or procedure established by an authorized faculty or administrative body.

IV. Responsibilities

N/A

V. Procedures**A. Administrative Actions**

Disciplinary Actions: The Trainee may be subject to disciplinary actions from the training program for any of the following reasons:

1. Failure to complete and/or maintain medical records as required by UCRSOM and/or the training site in accordance with bylaws, rules and regulations.

2. Failure to comply with the California State Medical Board or Osteopathic Board's licensing requirements.
3. Three or more days of unexcused absences.
 - a. A written explanation of unexcused absence will be accepted for review by the program within three (3) business days of the first day of absence. The Program Director will review the explanation and any supporting documentation submitted by the Trainee regarding the absence without approval and will notify the Trainee within five (5) business days whether the absence was approved or not.
4. Failure to satisfactorily complete a rotation deemed essential to training by ACGME.
5. It is determined by the Program Director and the Chair in consultation with the GME Office that continued clinical activity by a resident at a training site would present a danger to patients, the Trainee or the program.

B. Automatic Resignation

Any of the following circumstances will result in Automatic Resignation. In the case of an Automatic Resignation, a Trainee will not be afforded the right to due process procedures.

1. Failure to provide visa or license verification. If a Trainee is unable to provide verification of a valid visa or current compliance with the state licensing requirements, or provide a written extension, the result will be automatic resignation.
2. Loss of rotation privileges at an affiliate institution. If the Trainee's privileges to rotate at an affiliate institution deemed essential to the training requirements by ACGME are cancelled and the trainee is placed on suspension, a meeting between the DIO, Program Director, Chair and the affiliate institution's leadership will be held on an urgent basis (within 48-72 hrs) in order to resolve this matter but definitely within the 14 calendar day suspension period.

C. Suspension and Leaves

Administrative Leave and Administrative Suspension: A Program Director and the Chair in consultation with the GME office may place a Trainee on administrative leave or administrative suspension during the review or investigation involving:

1. Deficiencies in performance
2. Potential health or safety issues
3. Breach in professionalism

The Program Director in consultation with the Chair and the GME office will notify the UCR SOM HR department at the initiation of the administrative leave/administrative suspension and will determine whether to return the Trainee to the program or initiate actions as soon as practicable. The Program Director and

the Chair in consultation with the GME Office will confirm whether the trainee will be paid or not for the administrative leave/administrative suspension period, in consultation with applicable laws and University policies.

Conditional Leave: Requested by the Trainee and approved by the Program Director only under exceptional circumstances. The Program Director and the Chair in consultation with the GME Office will determine whether the Trainee will be re-admitted to the program either conditionally, unconditionally or if they will seek the Trainee's dismissal. Trainee will not be paid for the conditional leave period.

VI. Actions

A. Non-Appealable Academic Actions

1. **Verbal Counseling:** An instance of problematic behavior (can be more than once) and the recommended corrective actions between the Program Director and the trainee. Does not constitute a disciplinary action.
2. **Letter of Concern:** An instance of problematic behavior (can be more than once) and the recommended corrective actions will require a letter of concern. This letter does not constitute a disciplinary action.
3. **Performance Improvement Plan:** This plan (attached) will be issued by the Program Director when a pattern of deficiencies has been identified. The plan will include a list of the identified problems/issues with required corrective actions to meet immediate and sustained improvement. The Program Director will notify the resident in writing and a copy of the letter will be forwarded to the GME office.

B. Appealable Academic Actions

1. **Remediation:** Failure to successfully complete the Performance Improvement Plan may require a trainee to be placed on remediation. The Program Director, Chair and the GME office will meet and discuss the circumstances prior to a resident being put on remediation. The Trainee will be issued a letter that will include the reasons why the Performance Improvement Plan was not completed, and the corrective action plans to meet immediate and sustained improvement as part of remediation process.
 - a. The Program Director in consultation with the Chair and the GME office will notify the Trainee of the disciplinary action. The Program Director will also notify the UCR SOM Human Resources (HR) department of this action. The Trainee may utilize the disciplinary period (not to exceed 14 business days) to rectify and or respond to the identified problem.
 - b. Any trainee that wishes to grieve these actions should speak with the Program Director within seven (7) business days to resolve this issue. The trainee may also request a meeting with the Program's Clinical

Competency Committee. The trainee is not allowed to have an attorney at this meeting.

- c. The resident may also consult confidentially and informally with the UCR Ombudsman. Discussion with the Ombudsman office does not constitute filing an appealable action. The phone number of the Ombudsman office is 951-827-3213. More information is available at the website, help.ucr.edu/office-ombuds.

2. Probation: A decision to put a trainee on Probation will be taken jointly by the Program Director, Chair and the GME Office. This is deemed essential when a trainee is in jeopardy of not completing satisfactorily the requirements of the training or when their performance is unsatisfactory. The written correspondence will include a detailed description of the deficiencies, the corrective actions that must be taken and completed. A copy of the probation correspondence must be forwarded to the UCR SOM HR.

3. Suspension: A Trainee may be suspended by a joint decision of the Program Director, Chair and the GME Office from all or part of their regular training assignments for:

- a. Unprofessional or unethical behavior as determined by the Program Director.
- b. Failure to comply with state law, federal law, UCR policy and hospital policy.
- c. Concerns of safety to patients, faculty, staff or the Trainee themselves.

The Program Director in consultation with the Chair and the GME Office will confirm the suspension in writing to the Trainee. The letter will state the duration and whether the suspension is paid or unpaid in accordance with other University policies. The suspension will stand unless overturned by an appeal and may be coupled with or followed by other academic actions.

4. Non-Renewal of Appointment: A Trainee may have his/her appointment not renewed at any time if there is demonstrated, documented failure to meet standards of the program. The Trainee will be permitted to complete the remainder of the academic year unless further actions are deemed necessary. The Program Director in consultation with the Chair and GME office should notify the Trainee of non-renewal prior to six (6) months before the end of the Trainee's appointment.

Requirements for Repeating an Academic Year: A Trainee may be required to repeat an academic year due to unsatisfactory performance or other deficiencies. This requirement will be at the collective discretion of the Program Director, Chair, DIO and the GMEC in addition to ensuring that sufficient funds are available for repeating the academic year.

5. Dismissal from Training Program: Based on the Program Director's decision in consultation with the department Chair and the GME office, a Trainee may be dismissed from the training program for academic deficiencies, including any of the following reasons:
- a. Failure to achieve or maintain programmatic standards in the training program
 - b. Serious or repeated acts or omissions compromising patient care standards, including any act that constitutes a medical disciplinary cause or reason
 - c. Unprofessional unethical behavior
 - d. Material omission or falsification of medical records of other University document(s)
 - e. Confirmation of adverse findings or reports including but not limited from a criminal background check, law enforcement and/ or regulatory agency that may indicate a risk to patients, other individuals, or the University.

VII. Appeals

A. Appeals Committee

For all procedures/appeals the Dean of UCR SOM will appoint an 'Appeals Committee' to serve a TWO-year term to hear all appeals. The Committee will consist of FIVE members, at least one of which shall be a senior trainee from another specialty (PGY 3 or higher if possible) and FOUR faculty members (one each from Family medicine, Internal medicine, Psychiatry and one specialty) of the Graduate Medical Education Committee. Any individual (resident/fellow from a program) who was involved in any of the issues which lead to the disciplinary action(s) will not have their Program faculty or a Department member sit as a member of this Committee. The DIO will designate one of the Committee members to be the Committee Chair.

B. Formal Review Process

When the Program Director, in consultation with the Chair and the GME Office, determines that grounds exist to dismiss, or to not renew a Trainee's appointment the Program Director will provide the Trainee with a written notice which will include a statement of the reason(s) for the intended appealable academic action and especially dismissal or non-renewal. The notice will also include a statement that the Trainee has a right to respond/appeal in writing to the DIO within ten (10) calendar days of receipt of the notice. If the Trainee does not respond, the intended action shall become final on the eleventh (11th) calendar day after receipt of the notice. If the Trainee submits a written response/appeals within the ten-day period, the DIO will review the response and refer the matter to the Appeals Committee. The Appeals Committee will hold a hearing/meeting with the Trainee and separate meetings with the other appropriate parties to review documents pertaining to the reason for this decision within 15 calendar days. After

the Appeals Committee submits their findings to the DIO, the DIO will notify the Trainee and the Program Director of the decision in writing or by email. The document will include a statement of the reasons for the determination to overturn or uphold the decision and provide an effective date of dismissal or non-renewal, if applicable. A copy of this document will be sent to the UCR SOM HR.

The Trainee may be assisted or represented by another person at his or her own expense. If the Trainee is represented by an attorney, he/she must notify the DIO in the Trainee's response and request for appeal within 5 business days of initiating the appeal. UCR SOM may also be represented, however, only if the Trainee is represented. The Associate Dean of GME/DIO may, at their discretion, request that an attorney from the Office of the General Counsel be appointed to provide independent legal counsel to the Committee. This attorney shall not vote in the Committee's deliberation process. The Trainee must appear at the hearing, even if represented. The failure of the trainee to appear in person for the full duration of the hearing will be deemed a voluntary dismissal of his/her appeal.

Every effort will be made to hold the hearing as soon as possible once the DIO receives the appeal. A pre-hearing review with the Trainee, their advocate, if any, the Program Director (or University representative) and their advocate, if any, and the Committee Chair will be held in order to review and agree upon issues, substantive and procedural, to be decided on by the Committee. The Trainee will be informed through a list of documents and witnesses for the hearing in a letter and from the DIO within three (3) business days after the pre-hearing review.

The Trainee shall submit a list of all documents to be introduced as evidence and the names of all witnesses within five (5) business days after the DIO provides the Trainee a list of the documents and witnesses. Any documents or witnesses not disclosed at this time, with the exception of rebuttal witnesses or documents, may be excluded from the hearing at the discretion of the Committee Chair.

The hearing will take place within seven (7) business days after the Trainee provides their list of witnesses and documents unless the parties agree to a different timeline. The hearing will be closed. All materials, reports and other evidence introduced and recorded during the course of a closed proceeding may not be disclosed until the final resolution of the appeal under these procedures except as may be required by applicable law. At the request of either party or the Committee Chair, only the witness testifying may be present and other potential witnesses will be excluded. However, the Trainee, his/her advocate and the Program Director (or University representative) and his/her advocate will at all times have the right to attend the hearing. The hearing will be recorded by a court reporter.

The hearing will provide an opportunity for each party to present evidence and question witnesses. It is the responsibility of the Trainee to establish that the dismissal or non-renewal was unwarranted and unsubstantiated. The Committee Chair will rule on all questions of evidence and procedure.

The Appeals Committee will evaluate the evidence presented and prepare a recommended decision that shall contain written findings of fact and conclusions. The decision of the Program Director will be upheld if the Committee finds that the Trainee has not met his/her burden to establish that the Program Director's decision was arbitrary and capricious. The recommended decision shall become final after seven (7) calendar days unless a further appeal is filed.

If any of the end dates listed above land on a weekend or a School holiday, the final date will be the Monday or the day after the holiday.

C. Decision by the Dean

The non-prevailing party may submit to the Dean of the SOM, a final written appeal to the Appeals Committee's recommendation, with a copy of the appeal to the prevailing party. The appeal must be submitted within five (5) business days and must be limited to:

1. Whether there was sufficient evidence to support the Appeals Committee's recommendation; or
2. Whether there is new evidence that could not have reasonably been introduced at the hearing and could possibly have changed the recommendation.
3. The prevailing party will have five (5) calendar days to submit their response to the appeal.
4. The Dean will have fifteen (15) calendar days to:
 - a. Uphold the Appeal Committee's recommended decision; or
 - b. Reject the Appeal Committee's recommendation; or
 - c. Remanding the matter back to the Appeal Committee with instructions for further review.

The Dean's decision will be final. The written decision will be sent to the Program Director, Department Chair, the Trainee, the Associate Dean/DIO and the Appeals Committee Chair.

D. Remedy

If the Trainee is successful in the appeal process, the remedy will not exceed restoring the Trainee's stipend payments from the original date of dismissal or non-renewal, benefits or any rights which were lost as a result of the action.

VIII. Forms/Instructions

N/A

IX. Related Information

N/A

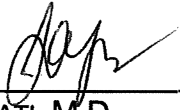
X. Revision History

New 5/18/12

Revised 11/20/13

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Revised 11/14/2019

Approval(s):



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12-13-19

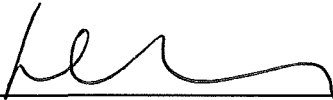
DATE



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