

NOTICE OF PROPOSED REGULATION

Date: February 15, 2006

REGULATION TITLE:

College of Medicine Policies and Procedures for Discipline,
Grievances, Nonrenewal, Suspension or Dismissal of a Resident

REGULATION NO.:

6C1-5.076

SUMMARY: This regulation is being repealed. Its provisions will be incorporated in the annual resident physician contract.

AUTHORITY: BOG Resolution dated January 7, 2003

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION

IS: Rebecca J. Holt, Executive Secretary, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Dr. Douglas Barrett, Sr. Vice President for Health Affairs

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

~~RULES OF
UNIVERSITY OF FLORIDA~~

~~6C1-5.076 University of Florida College of Medicine Policies and Procedures for Discipline, Grievances, Nonrenewal, Suspension or Dismissal of a Resident.~~

~~(1) The position of the resident (the term resident applies to interns, residents and fellows) presents the dual aspects of a student in post-graduate training and a participant in the delivery of patient care. A resident's continuation in the training program is dependent upon satisfactory performance as a student and the maintenance of satisfactory professional standards in the care of patients. Behavior that reflects poorly on the professional standards, ethics and collegiality are all components of a resident's academic evaluation. Disqualification of a resident as a student or as a member of the health care team disqualifies the resident from further continuation in the program.~~

~~(2) Grievances: A grievance is defined as dissatisfaction when a resident believes that any decision, act or condition affecting his or her program of study is arbitrary, illegal, unjust or creates unnecessary hardship. Such grievance may concern, but is not limited to, the following: academic progress, mistreatment by any University employee or student, wrongful assessment of fees, records and registration errors, discipline (other than nonrenewal or dismissal) and discrimination because of race, national origin, sex, marital status, religion, age, veteran's status, or disability, subject to the exception that complaints of sexual harassment will be reviewed by the Chair of the Sexual Harassment Committee.~~

~~(a) Prior to invoking the grievance procedures described herein, the resident is strongly encouraged to discuss his or her grievance with the person(s) alleged to have caused the~~

~~grievance. The discussion should be held as soon as the resident becomes aware of the act or conditions that is the basis for the grievance. In addition, or alternatively, the resident may wish to present his or her grievance in writing to the person(s) alleged to have caused the grievance. In either situation, the person(s) alleged to have caused the grievance might respond orally or in writing to the resident.~~

~~——(b)—— If a resident decides against discussing the grievance with the person(s) alleged to have caused such, or if the resident is not satisfied with the response, he or she may present the grievance to the Chair or Associate Chair. If, after discussion, the grievances cannot be resolved, the resident may contact the Director of Graduate Medical Education (DGME). The DGME will meet with the resident and will review the grievance. The decision of the DGME will be communicated in writing to the resident and constitute the final action.~~

~~——(3)—— Procedure for Suspension. The Chief of Staff of a participating and/or affiliated hospital where the resident is assigned, the Dean or Dean's designee, the DGME, the President of the Hospital, the Chair, Associate Chair or Program Director (PD) may at any time suspend a resident from patient care responsibilities. The resident will be notified of the reasons for the suspension and will be given an opportunity to provide information in response within five (5) working days of the date the notice was issued. The resident may be suspended from further patient care and may be assigned to such other duties as determined and approved by the Chair or Associate Chair. The resident shall be reinstated (with or without the imposition of academic probation or other conditions) or termination proceedings shall be commenced within thirty (30) days of the date of suspension. Such suspension and assignment of the resident to other duties may continue until final conclusion of the process. The PD may direct that the~~

~~resident use accrued annual leave during the suspension. The resident shall be afforded all due process and appeal procedures as set forth below.~~

~~——(4)—— Procedure for Nonrenewal.~~

~~——(a)—— A resident's contract may be non-renewed in the event of unsatisfactory performance or training progress, failure to adhere to acceptable behavior, loss of requisite funding for the program and/or the determination by the Senior Associate Dean that it is in the best interests of the program. In the event that the PD decides not to renew a resident's appointment, the resident shall be provided written notice. Programs should provide a resident with as much written notice of the intent not to renew as the circumstances will reasonably allow, prior to the end of the agreement of appointment.~~

~~——(b)—— If requested in writing by the resident, within five (5) working days of the date the notice was issued, the Chair or Associate Chair will meet with the resident; this meeting should occur within ten (10) working days of the written request. The resident may present relevant information regarding the proposed nonrenewal decision. The resident may be accompanied by an advisor during this meeting held pursuant to these procedures.~~

~~——(c)—— If the Chair or Associate Chair determines that nonrenewal is appropriate, he or she will use his or her best efforts to present the decision in writing to the resident within ten (10) working days of the meeting. If a determination of nonrenewal is made, the resident will be provided with appropriate notice, an opportunity to be heard, and all due process and appeal procedures as set forth below.~~

~~——(5)—— Procedure for Dismissal.~~

~~——(a)—— In the event the PD of a training program concludes that a resident should be dismissed prior to completion of the program, the PD shall inform the Chair or Associate Chair in writing of this decision and the reason or reasons for the decision.~~

~~——(b)—— The resident will be notified and provided a copy of the letter of proposed dismissal, and, upon request, will be provided with previous evaluations, complaints, counseling letters and other documents that support the recommendation. If requested in writing by the resident, within five (5) working days of the date the notice was issued, the Chair or Associate Chair will meet with the resident; this meeting should occur within ten (10) working days of the written request. The resident may present relevant information regarding the proposed decision. The resident may be accompanied by an advisor during any meeting held pursuant to these procedures but the advisor may not speak on behalf of the resident.~~

~~——(c)—— If the Chair or Associate Chair recommends termination, he or she will use their best efforts to present the decision in writing to the resident within ten (10) working days of the meeting. The resident shall be informed of the right to appeal and meet with the DGME.~~

~~——(6)—— Procedure for Appeal:~~

~~——(a)—— If the resident appeals a decision the appeal must be made in writing to the Director of Graduate Medical Education or designee(s) within 10 working days from receipt of the Chair's or Associate Chair's decision. Failure to institute such an appeal within 10 working days will render the decision final.~~

~~——(b)—— The DGME or designee(s) will be provided the recommendation, previous evaluations, counseling letters, and other documents that support the recommendation. The resident will be notified of the date of the meeting with the DGME or designee(s). The meeting should occur within fifteen (15) working days of the DGME's or designee(s)' receipt of the~~

~~appeal. The DGME may conduct an investigation and uphold, modify or reverse the recommendation for suspension, nonrenewal or dismissal. The DGME or designee(s) will notify the resident in writing of the conclusion of the appeal. If the decision is to uphold a suspension, the decision of the DGME or designee(s) is final. If the decision is to uphold the nonrenewal or dismissal, the resident may file within ten (10) working days a written appeal to the Dean of the College of Medicine or designee. Failure to file such an appeal within ten (10) working days will render the decision of the DGME or designee(s) final.~~

~~——(c)—— The Dean or designee will inform the DGME or designee(s) of the appeal. The DGME or designee(s) will provide the Dean or designee a copy of the recommendation with accompanying documents and any other material submitted by the resident or considered in the appeal decision. The Dean or designee should render a decision within fifteen (15) working days, but failure to do so is not grounds for reversal of the decision. The Dean or designee shall notify in writing the Chair or Associate Chair, the DGME, the PD and resident of the decision. The decision of the Dean or designee shall be final.~~

Specific Authority: [BOG Resolution dated January 7, 2003-1001.74\(4\) FS.](#)

~~——Law Implemented 1001.74(10), (19), 1001.75(3), 1006.60, 1006.61, 1006.62, 1012.92 FS.~~

History--New 8-15-78, Formerly 6Cl-5.76, Amended 12-28-87, 5-23-96, 7-3-01, 6-27-02, 1-7-03, 6-3-03, [Repealed](#)_____.