

RESIDENT HANDBOOK

SECTION VI: ACADEMIC ACTIONS

RESIDENT DUE PROCESS

INTRODUCTION

- I. Residents may request due process, as described in this policy, when any of the following disciplinary actions is contemplated:
 - a. Probation/remediation
 - b. Suspension
 - c. Demotion
 - d. Non-promotion
 - e. Dismissal from a program
 - f. Non-renewal of contract (NNR)
 - g. Residents may also request a due process hearing under this policy when remediation is contemplated under the Remediation and Progressive Performance Review Policy in this Handbook.
- II. Disciplinary action may be taken for:
 - a. Academic or knowledge-based reasons (such as failure to meet educational and training standards or requirements)
 - b. Misconduct, including any prohibited conduct as defined by Title 2, Chapter 6 of the Nevada System of Higher Education (NSHE) Code or violation of any policy or procedure contained in the Kirk Kerkorian School of Medicine at UNLV Resident Handbook
 - c. Unprofessional conduct

POLICY

Residents may seek review of probation, suspension, demotion, non-promotion, dismissal, non-renewal of contract, and remediation by requesting due process as described in this policy.

PROCEDURE

- I. **Informal Resolution:** Nothing in this policy shall be construed to either disallow or mandate the informal resolution of complaints. Complaints resolved by informal means may be written or verbal. Residents and departments are encouraged, although not required, to seek informal resolution of issues that arise whenever possible. Informal resolution of concerns may be done within a department, through a departmental evaluation, or by the department's Clinical Competency Committee (CCC). Informal resolution by agreement may include performance improvement or remediation. The informal resolution reached shall be described in writing with a copy to the resident's file. The imposition of performance improvement as an informal resolution of a complaint is limited to one time only.

- II. **Written Complaints:** When disciplinary action is contemplated following a complaint, the complaint must be submitted in writing to the chair of the resident's department with copies to the associate dean for graduate medical education. When the complaint involves the resident's activities at an affiliated hospital, a copy will also be sent to the hospital CEO or hospital COO. Written complaints should describe the specific activity, conduct, deficiency, or other basis constituting the grounds for the complaint, and provide supporting documentation if it exists. Upon receipt of written complaint, the department chair may seek informal resolution (described in paragraph III (A)) or may request a hearing by a panel of the Resident Performance Review Committee.
- III. **Request for Resident Performance Review Committee Panel Hearing:** The associate dean for graduate medical education shall convene a pan

- V. **Hearing Panel:** Upon receiving a request under this policy to convene the Resident Performance Review Committee, the associate dean for medical education shall establish a Hearing Panel from among the members of the Resident Performance Review Committee.
- a. The panel shall be comprised of three program directors/associate program directors and one senior resident for a total of four members.
 - b. The associate dean for graduate medical education shall serve on the panel as a non-voting member.
 - c. None of the panel members shall be from the same department as the resident or program director requesting the hearing to avoid conflicts of interest.
 - d. The associate dean for graduate medical education shall make every effort to select a panel from among the standing members of the Resident Performance Review Committee.
 - e.

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- vi. Deliberate at the close of the presentations before the panel
- vii. Provide recommendations to the dean, with a copy to the associate dean for graduate medical education. The recommendations will set forth the committee's findings and decision and the reason(s) for reaching such decision. The committee's deliberations will not be recorded.
- viii. The panel shall make one or more of the following recommendations to the dean:
 1. No action against the resident
 2. A verbal or written reprimand
 3. A period of monitoring, after which the panel, or its successors, will reconvene to review the case and make its final recommendation
 4. The repetition of certain training or education
 5. Remediation
 6. Suspension from the residency program for a specified length of time
 7. The continuance or discontinuance of an emergency suspension by the dean (if in place)
 8. Demotion
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the attention of the dean by the resident, the department, the associate dean for graduate medical education or any member of the panel.

- XI. Technical departures from or errors in following the procedures established in the NSHE Code or in any applicable stated prohibition, policy, procedure, rule, regulation, or by law of a System institution under which disciplinary procedures are being invoked shall not be grounds to withhold disciplinary action unless, in the opinion of the dean, the technical departures or errors were such as to have prevented a fair and just determination of the charges.
- XII. The associate dean for graduate medical education will be required to notify the Nevada Board of