

**UNC School of Medicine
General Surgery Residency**

Policy on Resident Discipline, Complaints and Grievances

June 2012

GRIEVANCES

It is the policy of this Program to encourage fair, efficient, and equitable solutions for problems that arise out of the appointment of the Resident Physician to the Program.

Grievances may involve academic or other disciplinary actions taken against residents that could result in dismissal, non-renewal of a resident's agreement, non-promotion of a resident to the next level of training, or other actions that could significantly threaten a resident's intended career development or the work environment. Before bringing a grievance regarding either a disciplinary action or a complaint related to the work environment, a Resident Physician should first attempt to resolve it by consulting with (1) the most senior resident on the involved service; (2) the Chief of the involved service; (3) the Program Director; (4) the Department Chairperson, or the Designated Institutional Official (DIO) in the Graduate Medical Education Office (in the order specified).

DISCIPLINARY ACTION, SUSPENSION OR DISMISSAL (In conjunction with the UNC Hospitals Policy on Handling Academic or Performance Problems)

1. Academic

In the event a Resident Physician encounters difficulty meeting and/or maintaining performance standards (academic difficulty), the Resident Physician should seek out the advice and guidance of his/her advisor or the Program Director. Likewise, if the Program Director knows that a Resident Physician's performance is unsatisfactory, he or she must contact the Resident Physician and provide adequate written notice and guidance to the Resident Physician about his or her performance and possible remedial/corrective action. If the Program Director has notified the Resident Physician about his or her unsatisfactory performance, offered advice and guidance, and, if appropriate, remedial/corrective action, and the Resident Physician continues his or her unsatisfactory performance, it is the prerogative of the Program Director to take what he/she considers appropriate action. Appropriate action may include, but is not limited to: remediation, probation, suspension, and non-reappointment to or dismissal from the Program (see *UNC Hospitals Graduate Medical Education Policy on Handling Academic or Performance Problems; UNC Hospitals Graduate Medical Education Policy on Reappointment, Non-Reappointment and Dismissal*).

Under any circumstances in which the Program Director determines that the unsatisfactory performance of the Resident Physician may constitute a threat to patient safety, he or she may immediately suspend or reassign the Resident Physician pending a final decision by the Program Director, in conjunction with

the DIO, regarding the ability of the Resident Physician to continue in the Program. The DIO, or his/her designee, is available to the Resident Physician to review those instances of non-reappointment, suspension or dismissal in which the Resident Physician believes that this academic corrective action was not justified or improper. The Resident Physician who faces disciplinary action, suspension or dismissal may file an appeal in accordance with the *University of North Carolina Hospitals Graduate Medical Education Grievance Procedures Policy; UNC Hospitals Graduate Medical Education Policy on Reappointment, Non-Reappointment and Dismissal*.

2. Other / Additional Corrective Actions

In the event allegations of scholastic dishonesty, theft, or allegations of conduct that is prohibited by the University of North Carolina Health Care System (UNC HCS), The University of North Carolina System, or by federal, state or local law, are levied against a Resident Physician, the Program may seek to terminate the appointment of the Resident Physician prior to the end of the appointment term. In any event in which it is determined that a Resident Physician constitutes a threat to patient safety, the Resident Physician may be immediately suspended or reassigned pending an inquiry by the Program Director. If allegations are levied against the Resident Physician that may be subject to such action, the Program Director will conduct an investigation into the allegations. If the investigation reveals that the allegations appear to be substantiated, notice of the allegations will be discussed with the Resident Physician and a written summary will be forwarded to the GME Office. The Resident Physician who faces disciplinary action, suspension or dismissal may file an appeal in accordance with the *University of North Carolina Hospitals Graduate Medical Education Grievance Procedures Policy; UNC Hospitals Graduate Medical Education Policy on Reappointment, Non-Reappointment and Dismissal*.

3. NON-REAPPOINTMENT

In instances where a resident's appointment is not renewed, the Program Director will provide the resident with a written notice of intent not to reappoint no later than four months prior to the end of the resident's current appointment term. However if the circumstances or events occur within the four months prior to the end of the appointment term, the resident will be provided with as much written notice of the action as possible. The Resident Physician may appeal the non-reappointment decision in accordance with the *University of North Carolina Hospitals Graduate Medical Education Grievance Procedures Policy*.

Mark J. Koruda, MD
Program Director

Date