

<b>UNIVERSITY OF MARYLAND MEDICAL CENTER</b> <b>POLICY AND PROCEDURE MANUAL</b>	<b>PAGE:</b> 1 of 4	<b>PROCEDURE NO:</b> <b>GMS-C</b>
	<b>EFFECTIVE DATE:</b> 10/25/01	<b>REVISION NO:</b>
<b>SUBJECT:</b> <b>DUE PROCESS HEARING PROCEDURE</b>	<b>FUNCTION:</b> <b>RESIDENCY TRAINING PROGRAMS</b>	
<b>APPROVALS:</b> Final - Executive Vice President & Chief Operating Officer _____  <b>Concurrences:</b> _____ _____		

### 1. Purpose

As the sponsoring institution, UMMC assures that each residency training program has an educational environment in which a resident may raise and resolve issues without fear of intimidation or retaliation which includes:

- resident organization or forum to address issues and exchange information relating to working conditions and educational program
- a process for residents to address concerns in a confidential and protected manner;
- implementation of fair policies for academic or disciplinary action taken against residents; and
- establishment of a fair policy for adjudication of resident's complaints and grievances.

As provided in the UMMC House staff Agreement, a house staff member (intern, resident, or fellow) is entitled to a Grievance Hearing to appeal any action by UMMC (a) which could result in his or her dismissal; or (b) which could significantly threaten his or her intended career development. (Hearings under this procedure are not available with respect to actions of the Medical Staff on matters that are the responsibility of the Medical Staff under its By-laws).

House staff members are encouraged to attempt first to resolve any grievance informally by meeting with the appropriate program director or department chairman.

A house staff member who believes he or she has been discriminated against or harrassed on the basis of his/her race, color, creed, religion, sex, national origin, disability, veteran status shall contact the Human Relations Department.

### 2. Scope

This policy applies to all residents and fellows in training.

### 3. Responsibility

It is the responsibility of all residents, program directors, and UMMC management to comply with this policy.

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#### 4. Policy

##### 4.1 Request for Hearing

A house staff member may request a Hearing concerning any action by UMMC (a) which could result in his other dismissal or (b) which could significantly threaten his or her intended career development. The house staff member shall give the Senior Vice President, Medical Affairs and Clinical Effectiveness a written request for a hearing within 14 calendar days after the house staff member receives notice of a pending action against him/her or within 14 calendar days of the incident that he/she wishes to grieve. The request for a Hearing shall include a complete description of the basis for the grievance.

##### 4.2 Selection of Hearing Panel

Within 14 calendar days after the Senior Vice President receives the request for Hearing he/she will designate a three person Hearing Panel. No member of the panel shall have participated in the decision or action that the house staff member is grieving. In addition, if the house staff member requests, no member of the panel shall have previously been substantially involved in any other decision or action directly involving the house staff member. Where possible and practical, the Panel shall consist of two members of the faculty of the house staff member's department and one member of the house staff. If potential conflicts require that one or more panel members come from other departments, the Senior Vice President will attempt to select them from departments in related disciplines. The Senior Vice President shall designate one of the faculty members as the Panel chairman.

##### 4.3 Scheduling of Hearing

The Senior Vice President shall schedule the Hearing to occur within 30 calendar days after he/she receives the request for Hearing.

##### 4.4 Copy of any Charges to House staff Member

If the house staff member is grieving action taken against him/her, he/she must be given a written explanation of the basis for the action at least 10 calendar days before the scheduled Hearing date.

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#### 4.5 Hearing Procedure

- i The Hearing need not be conducted strictly in accordance with the rules of law relating to the examination of witnesses or presentation of evidence. Any relevant matter upon which responsible persons customarily rely in the conduct of serious affairs shall be considered.
- i The house staff member will be given the opportunity to refute the findings or rebut the explanation relating to any adverse action by his/her own statements, testimony of witnesses and presentation of evidence.
- i UMMC is permitted, but not required, to present evidence through testimony and documents.
- i Legal counsel for the house staff member or UMMC may be present, but may not participate in the Hearing. The hearing will be closed, and its proceedings are confidential.
- i A full and complete record of the Hearing will be made by tape recording or court stenographer. Copies of all documentary evidence shall be preserved.
- i If the house staff member fails to appear for his/her Hearing without good cause, he/she will be deemed to waived his/her request for a hearing.

#### 4.6 Panel Recommendation

Following the Hearing, the Panel will make a recommendation to the Senior Vice President on the basis of a majority vote. The Panel forwards its decision, which includes findings of fact and conclusions, with all documentary evidence, and the tape or transcript of the hearing (if available) to the Senior Vice President within 14 calendar days after the termination of the Hearing.

#### 4.7 Senior Vice President Decision

After review of the Hearing Panel's recommendation, the Senior Vice President will advise the house staff member of his/her decision no later than 21 calendar days following the Hearing. The Senior Vice President provides the house staff member with a copy of the Panel's recommendation.

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#### 4.8 Maintenance of Record of Hearing

The Senior Vice President shall maintain the tapes or stenographic transcript and documentary evidence from the Hearing for at least 4 years from the date of the Hearing. The house staff member may obtain a copy of the record upon paying the cost of reproduction.

#### 4.9 Delegation

The Senior Vice President may delegate responsibilities under this policy to members of management or the Medical Staff. As long as the parties are acting in good faith, if they are unable to observe the time limits set forth in Sections 4.2 – 4.7 of this policy, the times shall be extended without prejudicing or increasing the rights of any party.