I. INTRODUCTION
Graduate Medical Education training refers to the second stage of medical education, during which medical school graduates are prepared for independent practice in a medical specialty. The foremost responsibility of the GME training program is to provide an organized education program with guidance and supervision of the Resident, facilitating the Residents professional and personal development while ensuring safe and appropriate care for patients. Graduate medical education involves the development of clinical skills and professional competencies and the acquisition of detailed factual knowledge in a medical specialty. These professional standards of conduct include, but are not limited to, professionalism, honesty, punctuality, attendance, timeliness, proper hygiene, hour and procedure record keeping, compliance with all applicable ethical standards and UCLA policies and procedures, an ability to work cooperatively and collegially with staff and with other health care professionals, and appropriate and professional interactions with patients and their families.

A Resident, as part of his or her GME training program, is in a hospital, other clinical setting, or research area. A Resident's appointment is academic in nature. All such appointments, either initial or continuing, are dependent upon the Resident maintaining good standing and meeting overall and year specific educational expectations in a GME training program. Dismissal from a GME training program will result in the Resident's automatic dismissal from any and all related appointments such as medical staff membership.

The procedures set forth below are designed to provide the UCLA School of Medicine and UCLA residents and fellows (“Residents”) an orderly means of resolving differences. These Policies and Procedures apply to all UCLA School of Medicine sponsored and ACGME approved programs. These Policies and Procedures shall be the exclusive remedy for appealing reviewable academic actions. Deviation from these procedures that does not result in material prejudice to the Resident will not be grounds for invalidating the action taken. UCLA School of Medicine recognizes that the primary responsibility for remedial academic actions relating to Residents and clinical training programs resides within the departments and the individual training programs. Therefore, academic and performance standards and methods of GME training and evaluation are to be determined by each clinical department and/or program at UCLA School of Medicine. There may be variances regarding these standards among the various departments and programs.

Residents and their program directors and faculty are encouraged to make efforts to resolve disagreements or disputes by discussing their concerns with one another. When appropriate, reasonable efforts should be made to take remedial action(s) that best address the deficiencies and needs of the individual Resident and/or the GME training program. Actions are at the discretion of UCLA and need not be progressive. UCLA may select those action(s) described below which it deems appropriate.

A. Definitions (for the purpose of these Policies and Procedures):

**Academic Deficiency:** The terms “Academic Deficiency” or “Deficiencies” mean unacceptable performance or conduct, including failure to achieve, progress or maintain good standing in the GME training program, or achieve and/or maintain professional standards of conduct as stated below.

**Chair:** “Chair” means the Chair of the Resident’s specialty or subspecialty department, or designee.

**Resident Evaluation Committee:** “Resident Evaluation Committee” means a regularly constituted committee of the department or division that reviews the academic performance of Residents, or a committee specially selected by the GME Committee for the purpose of reviewing the academic performance of Residents.

**Dismiss or Dismissal:** “Dismiss” or “dismissal” means dismissal from a GME Training Program or non-renewal of Resident's appointment after the seventh month of the Resident's academic year.

**Resident:** “Resident” includes all residents / fellows in a UCLA School of Medicine ACGME Sponsored program and appointed by UCLA's School of Medicine to the titles of Resident Physician, Chief Resident Physician, Resident Physician/Subspecialist IV-IX, Other Post-MD Trainee II-IX.
GME Training Program: “Graduate medical education training program” or “GME training program” refers to a formal postgraduate medical training program sponsored by the UCLA School of Medicine and approved by the ACGME and the UCLA GMEC (Graduate Medical Education Committee).

Medical Disciplinary Cause or Reason: “Medical disciplinary cause or reason” applies to a Resident who holds a license from the Medical Board of California and means that aspect of a licentiate’s competence or professional conduct that is reasonably likely to be detrimental to patient safety or to the delivery of patient care in accordance with Business and Professions Code section 805.

Program Director: “Program Director” means the GME Training Program Director or designee for the Resident’s specialty or subspecialty.

II. ACADEMIC ACTIONS - NON-DISMISSAL

A. Administrative Actions

1. Additional Time

Additional time in the GME training program within the GME training program or beyond the expiration of the Resident’s appointment may be required to meet the educational objectives and certification requirements of the department or the specialty. The Resident will be notified in writing of any requirements for additional time. Funding for additional time extending beyond the original period of appointment will be permitted only at the discretion of UCLA and upon written confirmation by the Program Director. Academic credit will be given only for full participation in the regular program unless otherwise approved by the Program Director.

2. Automatic Suspension

The Resident will automatically be suspended from the GME training program for any of the following reasons:

a. failure to complete and maintain medical records as required by the medical center or hospital in accordance with the center’s/hospital’s medical staff bylaws and/or rules and regulations; or
b. failure to maintain active, unrestricted state licensure requirements by the Medical Board of California; or
c. failure to maintain proper visa status; or
d. unexcused absence from GME Training Program for five or more calendar days.

The period of automatic suspension should not exceed 14 (fourteen) calendar days; however, other forms of academic action may follow the period of automatic suspension.

The Chair will promptly notify the Resident of his/her automatic suspension. In addition, for subsections b, c, and d above, the Resident will be provided the documentation upon which the suspension is based and a written notice of the intent to consider the Resident to have automatically resigned at the end of the suspension period (see Part II.A.2. below). The Resident may utilize the suspension period to rectify (a) or to respond to the notice of intent under (b), (c) or (d) which can include correcting the problem identified in (b) or (c). If the Resident is suspended under (a) and does not complete the medical records as required within the 14 day suspension period, other academic action may be instituted.

The Resident will not receive any academic credit during the period of automatic suspension. The Resident stipend will continue to be paid while on automatic suspension status.

3. Automatic Resignation

Automatic resignation from the GME training program will not entitle the Resident to the procedures contained in Part III.B. of these Policy and Procedures.

a. Failure to Provide Visa or License Verification

Failure of the Resident to provide verification of an appropriate and currently valid visa or verification of current compliance with state licensing requirements of the state Medical Board of California during the 14 day automatic suspension period may result in the Resident’s automatic resignation from the GME training program. Additionally, residents must obtain California medical licensure before the beginning of their third year of postgraduate training (fourth year for IMG’s). Failure to obtain initial licensure, as per California law, will result in automatic resignation, non-appointment as a PGY 3 (or PGY 4 for IMGs).

b. Absence Without Leave

The Chair will review any materials submitted by the Resident regarding the absence without leave and notify the Resident of his/her decision. Failure to respond to the written notice of intent or failure to adequately explain the unexcused absence to the satisfaction of the Chair will result in the Trainee’s automatic resignation from the GME training program.

4. Administrative Leave

Administrative Leave - Investigatory leave and conditional leave of absence are not intended to replace any leave that a Resident may otherwise be entitled to under state or federal law, or University policy. Vacation, Sick, Maternity/Paternity, Family Leave are not part of the Grievance Policies and Procedures. Please refer
to the Housestaff Policies on General Leaves.

a. Investigatory Leave

A Chair may place a Resident on investigatory leave in order to review or investigate allegations of deficiencies or concerns. The leave will be confirmed in writing, stating the reason(s) for and the expected duration of the leave. The alleged deficiency should be of a nature that warrants removing the Resident from the GME training program. The Chair should, as soon as practical under the circumstances, conclude the investigation and either return the Resident to the program or initiate action under these Policy and Procedures. The Resident will be paid for the period of investigatory leave.

b. Conditional Leave

A conditional leave of absence from the GME training program may be provided only under exceptional circumstances, at the Chair’s discretion and upon the Resident’s request. At the end of the conditional leave, the Chair will determine whether to re-admit the Resident conditionally, unconditionally, on probation, or to seek the Resident’s dismissal pursuant to the procedures contained in these Policy and Procedures. The Resident will not be paid a stipend for the period of the conditional leave.

B. Non-Reviewable Academic Actions

The following actions are non-reviewable:

Letter of Counseling; Notice of concern; Probation; and Suspension.

1. Letter of Counseling

A letter of counseling may be issued by the Program Director, Chief Resident or Faculty member to a Resident to address deficiency or concern that needs to be remedied or improved. Letters of counseling should describe the nature of the problem and suggestions for remedial actions or changes required on the part of the Resident. Failure to achieve improvement, or a repetition of the conduct may lead to Notice of Concern or other actions. Letters of Counseling should be used for minor, isolated problems that may be communicated verbally as well. For the purposes of this policy and for responses to any inquiries, a Letter of Counseling does not constitute a disciplinary action and may be, by mutual agreement be removed from the resident’s file.

2. Notice of Concern

A notice of concern may be issued by the Program Director to a Resident to address an academic deficiency that needs to be immediately remedied or improved. Notices of concern should be in writing and should describe the nature of the deficiency and any necessary remedial actions required on the part of the Resident. The Program Director will review the notice of concern with the Resident. Failure to achieve immediate and/or sustained improvement, or a repetition of the conduct may lead to additional notices or other actions. Notices of concern should not be used for minor, isolated problems that can be communicated and addressed less formally. For the purposes of this policy and for responses to any inquiries, a notice of concern does constitute a disciplinary action.

3. Probation

The Chair should use probation for Residents who are in jeopardy of not successfully completing the requirements of a GME training program or who are not performing satisfactorily. Conditions of probation will be communicated to the Resident in writing and should include: a description of the reasons for the probation, any required remedial activity, and the expected time frame for the required remedial activity. Failure to correct the deficiency within the specified period of time may lead to an extension of the probationary period or other academic actions. Probation should be used instead of a notice of concern when the underlying deficiency requires added oversight. The probationary period should be not less than 30 days and its duration should be appropriate for the issue(s) of concern.

4. Suspension

The Chair may suspend the Resident from part or all of the Resident’s usual and regular assignments in the GME training program, including clinical and/or didactic duties, when the removal of the Resident from the clinical service is required for the best interests of the Resident and/or the GME training program. The suspension will be confirmed in writing, stating the reason(s) for the suspension and its expected duration. Suspension generally should not exceed sixty calendar days. Suspension may be coupled with or followed by other academic actions. The Resident’s stipend will continue to be paid while the Resident is on suspension status.

C. Academic Actions Reviewable by Resident Evaluation

The following actions are reviewable by the Resident Evaluation Committee:

an Adverse Annual Evaluation; non-renewal of appointment; the requirement of a Resident having to repeat an academic year; the denial of a UCLA Certificate of Completion of Training.
1. Adverse Annual Evaluation
Residents will only be entitled to a review by the Resident Evaluation Committee for annual evaluations that are adverse (overall unsatisfactory or marginal) ("Adverse Annual Evaluation"). Residents will be notified by the Program Director of any overall marginal or unsatisfactory evaluations or letters sent to their specialty/subspecialty board.

2. Non-Renewal Of Appointment Before 8 Months
The Resident’s appointment is for a one year duration, which is renewed annually when there are no educational or clinical concerns. Due to the increasing level of responsibilities and increasing complexity of clinical care over the course of the Resident’s training, satisfactory completion of prior academic year(s) or rotation(s) does not ensure satisfactory proficiency in subsequent years or rotations. A Resident may have his/her appointment not renewed at any time there is a demonstrated failure to meet programmatic standards. The Program Director should provide each Resident with a written evaluation at least twice per year. The first evaluation should occur by the end of the seventh month of the appointment term. If prior to the end of eight months (no later than February 28th of the academic year), the Chair concludes that the Resident’s appointment should not be renewed for the following year, the Chair will notify the Resident that his/her appointment will not be renewed for the following academic year. The Resident will be permitted to conclude the remainder of the academic year unless further academic action is taken. A Resident who is notified of the non-renewal of his/her appointment for the following year will be entitled to the procedures contained in Part III.B.

3. Requirement That Resident Must Repeat An Academic Year
A Resident may be required to repeat an academic year for cause or in lieu of dismissal from the Program due to unsatisfactory progress at the sole discretion of the Program Director.

4. Denial Of University Certificate of Completion
If the Program Director, in consultation with the Chair, decides not to award the Resident a University Certificate, of successful completion of the program, the Program Director will notify the Resident as soon as reasonably practicable of this intent.

5. Resident Evaluation Committee Review Procedures
The Resident will be notified as soon as reasonably possible that s/he has received an overall marginal or unsatisfactory evaluation, or an evaluation requiring the repetition of the current academic year, or of the decision of the Program Director to not grant the Resident a University Certificate. The Resident will also be provided the name of and manner by which to contact the Resident Evaluation Committee Chair to appeal the Program’s decision.

The Resident may, within ten working days of this notification, provide the Resident Evaluation Committee Chair a written statement detailing the reasons s/he believes s/he should not be required to repeat the academic year, should have had his/her appointment renewed (for the Resident notified of nonrenewable within the first 8 months of the beginning of the academic year), or should not have received an overall marginal or unsatisfactory evaluation, or should be granted a UCLA Certificate of Completion of Training. The Resident Evaluation Committee will review the Resident’s statement within 10 working days of its receipt. The Resident may, in its discretion, permit or request the personal attendance of the Resident. The Resident Evaluation Committee will orally notify the Resident of its decision within three calendar days of its meeting, and provide the Resident a written decision within 10 working days of the oral notification. The decision of the Resident Evaluation Committee will be final. Failure by the Resident to timely request a review before the Resident Evaluation Committee will be deemed an acceptance by the Resident of the academic action.

III. ACADEMIC ACTIONS - DISMISSAL
A. Grounds for Action
The following actions, if grieved, are reviewable by the Dean of the School of Medicine:
Dismissal from the GME training program, including termination of appointment at any time for a medical disciplinary cause or reason; non-renewal of appointment after 8 months of each appointed year.

1. Dismissal From GME Training Program
Based on the Program Director’s discretion as approved by the Chair, a Resident may be dismissed from a GME training program for academic deficiencies, including any of the following reasons:
a. a failure to achieve or maintain programmatic standards in the GME training program;
b. a serious or repeated act or omission compromising acceptable standards of patient care, including an act which constitutes a medical disciplinary cause or reason;
c. unprofessional or unethical behavior that is considered unacceptable by the GME training program;
d. a material omission or falsification of a GME training program application, medical record, or University or medical document.

2. Non-Renewal of Appointment After 8 Months
The non-renewal of the Resident’s appointment later than 8 months after the start of that academic year, whether or not the Resident has been subject to any other actions, may be reviewed by the Dean of the School of Medicine.

B. Dismissal Procedures
The procedures contained in this Part III.B apply only to those actions reviewable by the Dean listed in Part III of these Policy and Procedures. Failure to timely grieve will be deemed an acceptance by the Resident of the academic action.

The ad hoc committee will handle all procedural matters during the pendency of the hearing. At all other times, before and after, including up to the Dean’s final decision, the Associate Dean of Graduate Medical Education (“Associate Dean”) will make all such decisions.

1. Level One - Informal Review
When the Program Director, with approval of the Chair, determines that grounds exist to dismiss a Resident from the training program, the Program Director will provide the Resident with a written notice of the intent to dismiss. This notice will include a statement of the reason(s) for the intended dismissal, a copy of the materials upon which the intended dismissal is based, and a statement that the Resident has a right to respond in writing to the Chair within ten (10) working days of receipt of the notice. If the Resident submits a written response within the ten-day period, the Chair will review it and decide whether dismissal is appropriate. Within ten (10) working days thereafter, the Chair or Program Director will notify the Resident of the Chair’s decision by letter that shall also be copied to the Associate Dean. If the decision is to uphold the proposed dismissal, the letter should include the reasons for upholding the proposed dismissal, provide the effective date of the dismissal, and include a copy of these Policy and Procedures. Attempts at informal resolution do not extend the time limits for filing a formal grievance unless the Resident and the Program Director so agree, or upon the approval of the Associate Dean. The Resident will continue to receive regular stipends and benefits until the effective date of the dismissal.

2. Level Two - Formal Review
If the Resident wishes to appeal the decision to dismiss, the Resident (“Complainant”) must file a written complaint with the Associate Dean no later than thirty (30) calendar days after the Chair’s decision is received by the Resident. The written complaint should concisely explain why the Complainant believes the Chair’s decision was arbitrary and capricious and should address the specific reasons for the dismissal set forth in the Program Director’s notice of intent to dismiss.

The Complainant may be assisted or represented by another person at his or her own expense. UCLA may also be represented. If the Complainant or UCLA is represented by an attorney, he/she shall notify the other party 15 calendar days prior to the prehearing conference or 30 calendar days prior to the hearing. The Complainant must appear in person at the hearing, even when represented. The failure of the Resident to appear in person at the hearing will be deemed a voluntary dismissal of his/her complaint.

Within ten (10) working days of receipt of the complaint, or as soon thereafter as is practicable, the Associate Dean will appoint an Ad Hoc Formal Review Committee to hear the complaint. The Committee will consist of either three or five members, at least one of which shall be a member of the full-time faculty, one senior trainee (PGYIII or higher), and one member of the Graduate Medical Education Committee. The Associate Dean will designate one of the Committee members to be the Committee Chair. In most cases, one of the Committee members should be from the same department as the Complainant; however, individuals who were substantially involved in any earlier review of the issues raised in the complaint, or who were substantially involved in any incident underlying the complaint generally should not sit as a member of the Committee. The Committee may, at its 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. Until the appointment of a Committee Chair, the Associate Dean will resolve all issues related to these procedures.

The Hearing will ordinarily be held within forty-five (45) calendar days of receipt of the complaint by the Associate Dean. Unless otherwise agreed by the Parties and the Chair, the Complainant and his/her advocate, if any, will meet at least fifteen (15) calendar days prior to the Hearing at a prehearing conference with the Committee Chair and the University representative and University advocate (if any) to agree upon the specific issues to be decided by the Committee. If the parties are unable to reach an agreement on the issues to be decided, the Committee Chair will determine the issues to be reviewed. Issues that were not raised in
the complaint may not be raised in the Hearing absent a showing of good cause. At this conference, the parties may raise other procedural and substantive issues for decision by the Chair. At least seven (7) calendar days prior to the Hearing or at another date agreed to by the Parties and the Chair, all documents to be introduced as evidence at the hearing and names of all witnesses shall be exchanged. With the exception of rebuttal witnesses and documents used in rebuttal, any witnesses not named and documents not exchanged seven calendar days before the hearing may, at the Committee Chair's discretion, be excluded from the Hearing. The Hearing will provide an opportunity for each party to present evidence and cross examine witnesses. The Committee Chair has broad discretion regarding the admissibility and weight of evidence and is not bound by federal or state rules of evidence. If requested by a party, the Committee will take judicial notice of (i.e., recognize as a fact the existence of) any University policies. The Committee Chair will rule on all questions of procedure and evidence. The hearing will be recorded on audio tape by the University unless both parties agree to share the cost of a court reporter, or one party elects to pay the entire cost for the reporter in order to have a transcript for its own use. The Complainant may listen to the audio tape and may purchase a copy of the audio tape. The Dean of the School of Medicine, or designee, will be the custodian of the audio tape and any stenographic record, and will retain the recording for five years from the time the Dean's decision becomes final. Unless both the Complainant and the University agree to an open hearing, 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 complaint 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; other potential witnesses will be excluded temporarily. However, the Complainant, his/her advocate and the University's representative and its advocate will at all times have the right to attend the hearing. The Complainant has the burden to prove by a preponderance of the evidence that the dismissal was arbitrary and capricious. The University will initially come forward with evidence in support of the Program Director's decision. Thereafter, the Complainant will present his/her evidence. The parties shall have the opportunity to present rebuttal evidence. The Committee Chair has the right to limit rebuttal evidence in accordance with his/her authority. At the discretion of the Committee, briefs may be submitted. The Committee Chair will determine the appropriate briefing schedule (if any). If briefs are not requested, each party shall have the opportunity to present a closing statement. Following the close of the Hearing, including receipt of any briefs, the Committee will present its written recommendation(s) to the Complainant, the Chair, Program Director, Associate Dean and the Dean of the Medical School. This recommendation(s) should occur, absent unusual circumstances, within fifteen (15) calendar days of the Hearing's conclusion, or if briefs are submitted, within fifteen (15) calendar days of the date the briefs are submitted. The Committee will evaluate the evidence presented. The decision of the Program Director, as approved by the Chair, will be upheld if the Committee finds that the University has met its burden and established by a preponderance of the evidence that the Chair's decision was not arbitrary and capricious. C. Decision By Dean Within fifteen (15) working days of receipt of the Committee’s recommendation(s), either party may submit a final written response to the Committee’s recommendation(s) to the Dean of the Medical School. Any such response submitted to the Dean must be limited to:

a. Whether the record presented to the Committee contained sufficient evidence to support the Committee’s recommendation; or
b. whether there is new evidence that could not reasonably have been introduced at the hearing and would be likely to change the result.

After receipt of the Committee’s recommendation, the parties’ written response (if any), and the record, the Dean within 60 calendar days, or as soon as reasonable thereafter, will take any action deemed appropriate, including remanding the matter back to the Committee with instruction for further review and recommendation. The Dean's ultimate decision will be final and will be in writing and sent to the Program Director, the Chair, the Complainant, and the Committee Chair.

Remedy
If the Complainant is reinstated, the remedy will not exceed restoring the Complainant’s stipend payment, benefits, or any rights lost as a result of the action, less any mitigating income earned from another source.

Approved by the Graduate Medical Education Committee
Effective: 9/1/06