

Chair will investigate the complaint, attempt to reconcile differences and propose a solution. The Department Chair will provide a written statement of his/her recommendation to all parties within four (4) business days from receipt of the complaint.

- e. If the complaint is against the Department Chair, the resident should present the complaint to the Chair of the Campus GME Committee (GMEC).

3. Hearing Request.

- a. If the resolution recommended either by the Department Chair or the Chair of the Campus GMEC is rejected by the resident or the person against whom the complaint was filed, each may, within four (4) business days, request a hearing by submitting a written request to the Chair of the Campus GME Committee.
- b. The hearing request must include the original written complaint and remedy sought the basis of disagreement with the proposed resolution and a copy of the Department Chair's written recommended resolution.

4. Hearing Procedure. Upon receipt of the written requests for a hearing, the Chair of the Campus GMEC, having gained assurance that the complaint does not fall under purview of another dispute forum, will, within four (4) days, initiate the process for establishing a Resident Hearing Panel according to the following procedure:

- a. The panel shall consist of a faculty member from the Campus GMEC appointed by the Chair of the GMEC to serve as chairperson. The Chair of the Faculty Grievance Committee will appoint an additional faculty member who will be a full-time physician from a clinical department and may, but is not necessarily required to be, a member of the Faculty Grievance Committee. The Chair of the GMEC will appoint an additional faculty member who will be a clinician involved in graduate medical education, but may not be a member of the GMEC. The fourth member of the Panel will be a housestaff officer. The fifth member of the Panel will be a resident appointed by the President of the Housestaff. The appointed Panel members shall not be from the resident's department or from the department of the party made the subject of the complaint. No panel member shall have a conflict of interest in this matter. The Chair of the Campus GMEC shall immediately notify both parties of the composition of the Panel. Each party has the right to request to replace any of the proposed members of the panel on the basis of conflict of interest. This request must be submitted in writing to the Chair of the Campus GMEC within three (3) business days of notification of the panel composition. The decision of the Chair of the Campus GMEC will be final.
- b. Within four (4) business days, the Panel will coordinate and set a date for the hearing. If the resident plans to have an attorney present, he/she shall notify the Chair of the Panel no later than five (5) days before the hearing date. The party(s) against whom the complaint is made may also have an attorney present only in advisory capacity. An attorney from the Office of General Counsel may attend in an advisory capacity as well.
- c. Within five (5) business days, the parties will submit copies of the original written complaint/response, copies of documentation and a list of the witnesses to be presented at the Hearing, and the Chair of the Panel will distribute these to the opposing party and the Panel members. Each party will then have three (3) business

- l. Upon receipt of the written recommendations for dismissal/Disciplinary Action Form, the resident may initiate the appeal process by submitting to the Chair of the campus GMEC within five (5) business days, a written notice of appeal. In the event the resident elects not to appeal the decision or the resident fails to appeal within the prescribed five (5) business days, the resident will be deemed to have waived the option to appeal. Upon receipt of the findings of the ad hoc Appeals Committee or after time has expired to appeal or, the Regional Dean/Associate Dean for Educational Programs will then submit in writing to the Dean a final recommendation for action. The Dean will then review the recommendation and render a decision, which shall be communicated in writing to the Educational Programs, and Program Director.
- m. The resident shall have no clinical duties during this process, but the resident will be provided salary and insurance benefits during the process (provided the resident has not exhausted sick and/or vacation leave time) not to exceed 45 calendar days from the receipt of the request for consideration. The Program Director may assign duties to the resident, other than clinical, during the review period, if applicable.
- n. Upon receipt of the notice of appeal from the resident, the Chair of the Campus GMEC shall appoint an ad hoc Appeal review Subcommittee consisting of two (2) faculty members of that committee, a chief Resident, and a house officer. Membership of this Subcommittee shall exclude faculty and housestaff from the department of the appealing resident. The Subcommittee shall be charged to review the recommendation of dismissal.
- o. At least five (5) days prior to the hearing, the resident and the Program Director shall provide to each other and the Review Subcommittee all relevant documents that will be used in the appeal process to include, but not limited to, the written request for appeal, all reports, evaluation and recommendations related to the action taken and his/her file as maintained by the Office of Graduate Medical Education. All documents submitted to the Review Subcommittee shall be deemed confidential and

committee and Program Director). All evidence offered must be reasonably related