

Due Process Flowchart (excluding suspension)

Departmental Education Review Committee and Program Director (PD) make decision to impose discipline after consulting with the Graduate Medical Education (GME) Office. PD provides Notice of Action and supporting documentation to GME Office. Resident continues to receive pay until final decision on dismissal, throughout suspension or until contract expires, if non-renewed.

PD meets with resident and provides Notice of Action form and supporting documentation, unless resident is unable or unwilling to meet with PD. Resident may accept discipline, or request a hearing. Effective date of disciplinary action is either acceptance of discipline or final decision after hearing(s).

If resident requests hearing, must provide notice and response, if desired to Department Head and GME Office within 7 days of receipt of Notice of Action. Resident must notify GME Office when retains counsel. GME Office provides copies of all documents to all parties, and DRC once constituted.

Department Education Review Committee appoints Discipline Review Committee (DRC) which notifies parties of hearing date within 10 days of appointment. Hearing must be set thereafter as expeditiously as possible.

No later than 7 days prior to hearing, each party provides names of witnesses to each other. Only those witnesses will be permitted to testify. Hearing is closed to the public, is recorded by court reporter, and if appeal occurs, GME Office orders transcript. University representative carries the burden of proof, presents first and last, and each party is entitled to opening statement, cross-examination of witnesses and summation.

DRC deliberates in closed session, makes decision w/in 10 days. Resident may appeal decision to GMEC if grounds exist. **No new evidence will be considered.** Appeals Committee submits decision. Decision is **FINAL**. PD may have to notify licensing board if discipline is imposed.

PD may give resident notice of deficiency(ies), which does not constitute disciplinary action, if work is below par, but does not rise to level of "just cause" for discipline.