

CODE OF CONDUCT VIOLATIONS/NON-ACADEMIC DEFICIENCIES REVIEW PROCEDURES

The University of Connecticut School of Medicine (UConn SOM) and all of its major affiliates have codes of conduct that apply to resident/fellow participation in program related duties wherein residents/fellows are expected to act in a professional, courteous, respectful, and confidential manner. The resident/fellow contract states that residents/fellows shall abide by all rules, regulations and bylaws of the program, clinical department, and institution in which they are assigned. Violating these rules may be cause for disciplinary action up to and including dismissal.

All Code of Conduct Violations have the potential to interfere with a resident's/fellow's performance and therefore may interfere with a resident's/fellow's ability to meet the expectations and requirements of a resident's/fellow's academic program and employment.

Program Directors, faculty, other residents/fellows, patients and any other individual who has contact with resident/fellow physicians can report suspected Code of Conduct violations. If there is an allegation of a Code of Conduct violation, the Program Director, the DIO/designee and the Associate Dean of Graduate Medical Education (GME) will be notified. An allegation of a Code of Conduct violation will be investigated by the Program Director. If the alleged Code of Conduct violation is sufficiently serious, the DIO/designee may, at his/her discretion, conduct the investigation in lieu of the Program Director. When appropriate, the Office of Institutional Equity and/or law enforcement may also be involved in the investigation of an alleged Code of Conduct violation. When the Office of Institutional Equity and/or law enforcement investigate an alleged Code of Conduct violation that falls within their purview, they will provide a report of their findings to the individual conducting the investigation.

During the period of investigation, it may be necessary to remove a resident/fellow from active participation in the clinical and educational responsibilities of the program (see [Administrative Leave Policy](#)).

In the course of an investigation of an alleged Code of Conduct violation, those investigating the alleged Code of Conduct violation (the Program Director or the DIO/designee) will meet with the resident/fellow after providing notice in order to provide the resident/fellow the opportunity to be heard regarding the alleged violation. To the extent that the Clinical Competency Committee (CCC) or any other committee will provide input into the decision of whether or not to substantiate the Code of Conduct violation, any mitigating or other information provided by the resident/fellow must be shared with the Clinical Competency or other committee. Prior to the meetings, the resident/fellow will be given written notice of the alleged Code of Conduct violation and the potential consequences of a substantiated violation. These meeting (s) and/or attempt(s) to meet will be documented.

If a resident/fellow has been placed on Administrative Leave due to a reported or suspected Code of Conduct violation, and the alleged Code of Conduct violation is not substantiated, the resident/fellow will return to the program unless any other leave status applies.

When the alleged Code of Conduct violation is investigated by the Program Director, the Program Director, in consultation with the DIO/designee, will determine if the Code of Conduct violation is substantiated by

a preponderance of the evidence. The Program Director will meet with the resident/fellow to inform them of the outcome of the investigation. The Program Director, in consultation with the DIO/designee, will decide if the resident/fellow is to receive a Letter of Misconduct (LoM). If so, the options are a Letter of Misconduct (LoM) or a Letter of Misconduct with Adverse Action (LoMAA).

When the alleged Code of Conduct violation is investigated by the DIO/designee, they will determine if the Code of Conduct violation is substantiated by a preponderance of the evidence. The DIO/designee will meet with the resident/fellow to inform them of the outcome of the investigation. The DIO/designee, in consultation with the Program Director, will decide if the resident/fellow is to receive a Letter of Misconduct (LoM). If so, the options are a Letter of Misconduct (LoM) or a Letter of Misconduct with Adverse Action (LoMAA).

Adverse Actions include:

- Delayed promotion of a resident/fellow with extension of contract/appointment
- Non-renewal of contract/appointment
- Termination/dismissal

Of note:

- All Adverse Actions will be reflected on the Final Residency/Fellowship Training Summary Verification form.
- If an Adverse Action is delayed promotion or non-renewal, a resident/fellow may remain in the training program during the appeal process at the discretion of the Program Director in consultation with the GME Office or at the discretion of the DIO/designee. If a resident/fellow remains in the training program during the appeal process, they will receive pay and benefits. If the resident/fellow does not remain in the training program during the appeal process, they will not receive pay but benefits will continue through the appeals process.
- If a resident/fellow is terminated/dismissed, they will not receive pay, but benefits will continue throughout the appeal process.
- If an Adverse Action of termination/dismissal is rescinded at any level of appeal, the resident/fellow will rejoin the training program. Pay will be reinstated and will be retroactive to the termination/dismissal date.
- If an Adverse Action of delayed promotion, non-renewal or termination/dismissal is rescinded at any level of appeal, the resident/fellow will return in any remedial status in existence prior to the Adverse Action.

Letter of Misconduct (LoM)

When the Program Director investigates an alleged Code of Conduct Violation, the Office of Graduate Medical Education must be contacted by the Program Director as soon as it is determined that a Letter of Misconduct may be required.

A Letter of Misconduct (LoM) is a formal written notification that states the nature of the Code of Conduct violation and outlines the expectations of what corrective action/remediation is necessary for the resident/fellow to successfully complete training. This status is not appealable.

The Letter of Misconduct must be delivered to the resident/fellow within 3 business days of the decision of the Program Director or DIO/designee to issue the Letter of Misconduct and in a manner which requires a signed and dated receipt of delivery to the resident/fellow and a witness signature.

If the remediation is successful and there are no further concerns in training, this status will not be reflected on the Final Residency/Fellowship Training Summary Verification form.

The resident's/fellow's program file will include the following:

- Documentation of (1) the meeting (s) to discuss the Code of Conduct Violation and (2) delivery of a Letter of Misconduct to the resident/fellow
- Documentation of outcome of the corrective action/remediation:
- Successful remediation or
- Transition to a Letter of Misconduct with Adverse Action (LoMAA)

Letter of Misconduct with Adverse Action (LoMAA)

When the Program Director investigates an alleged Code of Conduct violation, the Office of Graduate Medical Education must be contacted by the Program Director as soon as it is determined that a Letter of Misconduct with Adverse Action may be required.

A Letter of Misconduct with Adverse Action (LoMAA) is a formal written notification that states the nature of the Code of Conduct violation, the Adverse Action, and where applicable, what corrective action/remediation is necessary for the resident/fellow to successfully complete training.

Adverse Actions include:

- Delayed promotion of a resident/fellow with extension of contract/appointment
- Non-renewal of contract/appointment
- Termination/dismissal

Adverse Actions, not the Letter of Misconduct are appealable. A resident/fellow who receives an LoMAA must be provided with access to the appeals process.

The Letter of Misconduct with Adverse Action must be delivered to the resident/fellow within 3 business days of the decision of the Program Director or DIO/designee to issue the Letter of Misconduct and in a manner which requires a signed and dated receipt of delivery to the resident/fellow and a witness signature.

The resident's/fellow's program file will include the following:

- Documentation of (1) the meeting (s) to discuss the Code of Conduct Violation and (2) delivery of a Letter of Misconduct with Adverse Action to the resident/fellow
- Documentation of outcome of the corrective action/remediation:
 - Successful remediation when the Adverse Action is extension of training or
 - Non-renewal of contract/appointment or
 - Termination/dismissal

The status of a resident/fellow with an LoMAA will be reflected on the Final Residency/Fellowship Training Summary Verification form.

A Letter of Misconduct with an Adverse Action may not be removed from a resident's/fellow's official GME file.

Appeal of Non-Academic Adverse Action

A resident/fellow is entitled to appeal an Adverse Action. At each level of appeal, the charge of the person or committee hearing the appeal is to determine if (1) appropriate process was followed and (2) the decision to impose an Adverse Action was made on reasonable grounds. At each level of appeal, the person or committee hearing the appeal will either rescind or uphold the Adverse Action.

If an Adverse Action is upheld at any level of appeal, the resident/fellow must be informed about his/her right to appeal this decision to the next level of appeal.

If an Adverse Action of extension of training is rescinded at any level of appeal, the Adverse Action will be removed from the Letter of Misconduct. The resident/fellow must still meet any requirements for corrective action/remediation outlined in the Letter of Misconduct. In this situation, because the Adverse Action is removed from the LoM, this status will not be reflected on the Final Residency/Fellowship Training Summary Verification form.

If an Adverse Action of non-renewal of contract or termination is rescinded at any level of appeal, the Adverse Action will be removed from the Letter of Misconduct. The Program Director or DIO/designee, at his or her discretion, may amend the Letter of Misconduct to include a required remediation/corrective action plan or to add additional requirements to the Letter of Misconduct. In this situation, because the Adverse Action is removed from the LoM, this status will not be reflected on the Final Residency/Fellowship Training Summary Verification form.

If the Adverse Action is upheld upon appeal, the status of a resident/fellow with an LoMAA will be reflected on the Final Residency/Fellowship Training Summary Verification form.

Appeals Process when the Program Director Issues a Letter of Misconduct with Adverse Action

The timelines outlined in the appeals process that follows may be adjusted if agreed upon by all parties.

Level 1: Appeal to the Department Chair, Department Designee* or GME Designee**

The resident/fellow has the right to appeal the Adverse Action. The first level of appeal is to the Department Chair. If the Department Chair sits on the CCC, or if the Department Chair is the Program Director, or if the Department Chair must recuse themselves due to any conflict, the resident/fellow appeal is to a Department Designee. If an appropriate Department designee is not identified, the resident/fellow appeal is to a GME Designee.

The resident/fellow must notify the Department Chair or Department or GME Designee of his/her request to appeal in writing within three (3) business days of receiving the LoMAA. The Department Chair or Department or GME Designee must acknowledge receipt of the appeal in writing to the resident/fellow. Email is acceptable.

The resident/fellow and the Program Director must submit any documents they wish to be considered for the appeal to the Office of Graduate Medical Education within five (5) business days of the appeal request.

The Department Chair or the Department or GME Designee must meet with the resident/fellow and any additional sources (i.e., the Program Director, other faculty, staff, etc.) as they deem appropriate within ten (10) business days of receiving the documents. The resident/fellow will be given an opportunity to provide input at his/her meeting with the Department Chair or Department or GME Designee prior to any decision being made.

The Department Chair or the Department or GME Designee must reach a decision regarding the appeal and must deliver said decision in writing to the resident/fellow and the Program Director within three (3) business days of concluding the review. The decision must be delivered in a manner which requires a signed and dated receipt of delivery to the resident/fellow.

The resident/fellow must sign and date the written decision to acknowledge receipt of said document within two (2) business days and deliver the signed copy to the Department Chair or Department or GME Designee and to the Office of Graduate Medical Education. If the resident/fellow fails to do so, it will be so noted in resident's/fellow's file.

Level 2: Appeal to the Associate Dean for Graduate Medical Education/Designee**

The resident/fellow has the right to appeal the decision of the Department Chair or Department or GME designee. The second and final level of appeal is to the Associate Dean for Graduate Medical Education. If the Associate Dean for Graduate Medical Education must recuse themselves from the appeal, the appeal will be to a GME Designee. The Associate Dean for Graduate Medical Education or Designee will convene an ad hoc committee to hear the appeal. The ad hoc committee is advisory to the Associate Dean for Graduate Medical Education or GME Designee.

The resident/fellow must notify the Associate Dean for Graduate Medical Education or the GME Designee of his/her request to appeal in writing within three (3) business days of receiving the written decision of the Department Chair or Department or GME Designee. The Associate Dean for Graduate Medical Education or GME Designee must acknowledge receipt of the appeal in writing to the resident/fellow. Email is acceptable.

The resident/fellow and the Department Chair or Department or GME Designee from level 1 of the appeal must submit documents they wish to be considered for the appeal to the Office of Graduate Medical Education within five (5) business days of the appeal request.

The Associate Dean for Graduate Medical Education or GME Designee and the members of the ad hoc committee must meet with the resident/fellow and any additional sources (i.e., the Program Director, other faculty, staff, etc.) as they deem appropriate within ten (10) business days of receiving the documents. The resident/fellow will be given the opportunity to provide input at their meeting with the ad hoc committee and Associate Dean for Graduate Medical Education or GME Designee prior to any decision and/or recommendation being made.

The Associate Dean for Graduate Medical Education or GME Designee must reach a decision regarding the appeal and must deliver said decision in writing to the resident/fellow and the Program Director within three (3) business days of concluding the review. The decision must be delivered in a manner which requires a signed and dated receipt of delivery to the resident/fellow.

The resident/fellow must sign and date the written decision to acknowledge receipt of said document within 2 business days and deliver the signed copy to the Associate Dean for Graduate Medical Education or GME Designee and to the Office of Graduate Medical Education. If the resident/fellow fails to do so, it will be so noted in the resident's/fellow's program file.

***The Department Designee will be a faculty member of the resident's/fellow's Department. This faculty member may not be a member of the Clinical Competency Committee of the residency or fellowship program, nor may they be the advisor assigned to the resident/fellow. This faculty member cannot have had any prior involvement with the resident's/fellow's situation that led to the contemplated Letter of Misconduct with Adverse Action unless this requirement is not possible. The Department Designee will be selected by the Designated Institutional Official (DIO).**

**** The GME designee will be a voting member of the GMEC. This individual cannot be faculty in the resident's/fellow's training program, nor can they have any prior involvement with the resident's/fellow's situation that led to the contemplated Letter of Misconduct with Adverse Action unless this requirement is not possible. The GME Designee will be selected by the Designated Institutional Official (DIO).**

The Dean of the School of Medicine will be notified of the final decisions of the Associate Dean for Graduate Medical Education or GME Designee regarding Adverse Actions. The Dean of the School of Medicine will also be notified if there is no appeal of an Adverse Action.

Appeals Process when the DIO/Designee Issues a Letter of Misconduct with Adverse Action

The timelines outlined in the appeals process that follows may be adjusted if agreed upon by all parties.

Appeal to the Associate Dean for Graduate Medical Education/Designee**

The resident/fellow has the right to appeal the Adverse Action. The appeal is to the Associate Dean for Graduate Medical Education. If the Associate Dean for Graduate Medical Education must recuse themselves from the appeal, the appeal will be to a GME Designee. The Associate Dean for Graduate Medical Education or Designee will convene an ad hoc committee to hear the appeal. The ad hoc committee is advisory to the Associate Dean for Graduate Medical Education or GME Designee.

The resident/fellow must notify the Associate Dean for Graduate Medical Education or the GME Designee of his/her request to appeal in writing within three (3) business days of receiving the Letter of Misconduct with Adverse Action. The Associate Dean for Graduate Medical Education or GME Designee must acknowledge receipt of the appeal in writing to the resident/fellow. Email is acceptable.

The resident/fellow and the DIO/designee must submit documents they wish to be considered for the appeal to the Office of Graduate Medical Education within five (5) business days of the appeal request.

The Associate Dean for Graduate Medical Education or GME Designee and the members of the ad hoc committee must meet with the resident/fellow and any additional sources (i.e., the Program Director, other faculty, staff, etc.) as they deem appropriate within ten (10) business days of receiving the documents. The resident/fellow will be given the opportunity to provide input at his/her meeting with the ad hoc committee and Associate Dean for Graduate Medical Education or GME Designee prior to any decision and/or recommendation being made.

The Associate Dean for Graduate Medical Education or GME Designee must reach a decision regarding the appeal and must deliver said decision in writing to the resident/fellow and the Program Director within three (3) business days of concluding the review. The decision must be delivered in a manner which requires a signed and dated receipt of delivery to the resident/fellow.

The resident/fellow must sign and date the written decision to acknowledge receipt of said document within 2 business days and deliver the signed copy to the Associate Dean for Graduate Medical Education or GME Designee and to the Office of Graduate Medical Education. If the resident/fellow fails to do so, it will be so noted in the resident/fellow program file.

**** The GME designee will be a voting member of the GMEC. This individual cannot be faculty in the resident's/fellow's training program, nor can they have any prior involvement with the resident's/fellow's situation that led to the contemplated Letter of Misconduct with Adverse Action unless this requirement is not possible. The GME Designee will be selected by the Designated Institutional Official (DIO).**

The Dean of the School of Medicine will be notified of the final decision of the Associate Dean for Graduate Medical Education or GME Designee regarding adverse actions. The Dean of the School of Medicine will also be notified if there is no appeal of an Adverse Action.

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