

ADMINISTRATIVE LEAVE, DISCIPLINE AND SANCTIONS HOUSE STAFF PROCEDURES

ADMINISTRATIVE LEAVE

A House Officer may be placed on paid administrative leave and instructed not to return to the institution when the Director, Health Care System or the Director of Graduate Medical Education (GME Director) determines that such action is in the best interest of the University or the House Officer. Administrative leave does not constitute or imply a disciplinary sanction for cause.

DISCIPLINE OF HOUSE OFFICERS

1. The University may terminate or suspend without pay the appointment of any House Officer demonstrated not to have the appropriate or desired level of competency deemed advisable for the performance of duties assigned to him/her or for behavior or conduct proscribed by the policies of OHSU.
2. Sanctions less severe than termination or suspension without pay (such as suspension with pay, probation or reprimands) shall be applied in accordance with departmental or program policies.
3. House Officers are appointed on a fixed term, year to year basis. This procedure applies only to the termination or suspension without pay of a House Officer during the term of the yearly appointment. House Officers are advised that non-renewal of their yearly appointment upon expiration of the one year term does not constitute a termination of their appointment, but is only an expiration of the term of the appointment and is not subject to this procedure.

DEFINITIONS OF CAUSE FOR IMPOSITION OF SANCTIONS ON A HOUSE OFFICER

Conduct constituting cause for imposing sanctions on a House Officer includes, but is not limited to:

1. Violations of sections (2) through (6) of the OHSU Terms and Conditions of Academic Employees Engaged in Patient Care (Policy #03-30-060);
2. Failure to meet any standards or requirements of the residency program;
3. Conduct included within the definition of "cause" as provided by OHSU policies relating to personnel actions; or
4. Failure to demonstrate an acceptable degree of competency or other performance as deemed necessary or appropriate for the residency program.

INITIATION OF FORMAL PROCEEDINGS

If the Program Director of a residency program of the OHSU shall determine to his/her satisfaction that there is cause to terminate or suspend without pay the appointment of a House Officer, the Program Director shall request that the GME Director and OHSU Legal Counsel assess whether there are legal grounds to impose such a sanction. If grounds exist, then after consultation with the Dean and the Director Health Care System, the GME Director shall authorize OHSU Legal Counsel to prepare formal written charges. The charges shall state specifically the fact(s) alleged to be the cause for termination or suspension without pay. Within ten (10) days after the authorization to prepare formal written charges,

the charges shall be delivered personally or sent by certified mail and first class mail to the House Officer. A copy shall also be provided to the GME Director and the Program Director.

REQUEST FOR HEARING

With ten (10) days after the delivery or mailing of the formal written charges to the House Officer, the House Officer may request in writing a hearing on the charges. If the House Officer fails to respond or declines a hearing, the GME Director may then request that the Director, Health Care System terminate or suspend without pay the appointment of the House Officer. If the request is approved, the Director, Health Care System shall give the House Officer written notice of the action. The date of termination or suspension without pay shall be no sooner than ten (10) days from the date of the written notice from the Director, Health Care System and shall be specified in the written notice. In the event of termination, one month's pay shall be given to the House Officer beyond the date of the termination.

HEARING

If the House Officer requests a hearing on the charges, such hearing shall be before one or more members of the School of Medicine faculty, who are members of the Medical Staff, and a house officer. The GME Director shall make the appointment(s).

CONDUCT OF HEARING

The hearing shall be conducted in accordance with a manual prepared and administered by the OHSU Office of Legal Counsel.

REPORT

The faculty member(s) who hear(s) the matter shall make findings based upon the hearing record with respect to each specification in the formal charges. The member(s) shall, within 10 days of the hearing, submit a written report with the findings and recommendation to the GME Director as to whether or not there should be a termination or suspension without pay of the appointment of the House Officer. The Program Director for the House Officer's residency program and the House Officer shall also be given copies of the findings and recommendations.

ACTION BY THE DIRECTOR, HEALTH CARE SYSTEM

The GME Director shall decide whether the findings and recommendations should be accepted, modified or declined. The GME Director shall forward the GME Director's recommendation and the Committee's report to the Dean and the Director, Health Care System. The Director, Health Care System shall promptly, after receipt of the report and after having a reasonable opportunity to consult with the Dean of the School of Medicine give the House Officer written notice of the decision as to whether or not to terminate or suspend without pay the appointment of the House Officer.

DATE OF TERMINATION OR SUSPENSION WITHOUT PAY

If the appointment of the House Officer is to be terminated or suspended without pay, the appointment shall not be terminated or suspended without pay sooner than ten (10) days following the date of written notice from the Director, Health Care System and shall be specified in the written notice; provided, however, that in the event of termination, the House Officer shall receive salary for one month from the date of termination.

APPROVED BY GMEC: October 28, 2004