MISCONDUCT POLICY

Residents/fellows who participate in accredited residency/fellowship programs sponsored or administered by the University at Buffalo must adhere to the highest standards of professional conduct, as detailed in the UB Graduate Medical Education (GME) Resident Code of Professional Conduct. Residents/fellows who fail to adhere to these standards, or who otherwise demonstrate misconduct, are subject to the actions described in this policy.

General Statements

1. Suspension and Immediate Dismissal are actions that may be taken in response to reports of resident/fellow Misconduct, as defined below. Collectively, Suspension and Immediate Dismissal are referred to as Misconduct Actions throughout this policy.

2. Misconduct includes behavior that the resident/fellow knew or should have known was wrong or noncompliance with the UB GME Resident Code of Professional Conduct.

3. Misconduct Actions are taken by the Program Director. In certain circumstances, the Program Director may consult with Program faculty, CMOs and/or other hospital representatives prior to taking a Misconduct Action, but prior consultation is not required.

4. The Designated Institutional Official (DIO) or designee must be consulted prior to all Misconduct Actions.

5. Residents/fellows must be notified in writing of Misconduct Actions, using the delivery method(s) that the Program Director believes are most likely to be received by the resident/fellow (e.g., hand delivery; certified mail, return receipt requested; or electronic mail, read receipt requested). The written notice should also be reviewed with the resident/fellow in person when practicable.

6. Written notice of Misconduct Actions must include: reason(s) for the action; effect on length of training and board eligibility (where applicable); and a statement that the resident/fellow has the right to request a review under the UB GME Academic Action and Misconduct Review Policy.

7. Copies of Misconduct Actions must be maintained in the resident’s/fellow’s Program file, with an additional copy provided to the GME office.

Actions in Response to Reports of Misconduct

Suspension:

Suspension is imposed by a Program Director when the resident’s/fellow’s conduct is serious enough to warrant the immediate, temporary removal of the resident/fellow from the Program.

Suspension may be considered, among other things, for misconduct or noncompliance with the UB GME Resident Code of Professional Conduct. A hospital Chief Medical Officer (CMO) or
his designee may also initiate a hospital/health system-specific suspension for violation of hospital/health system by-laws, rules, or regulations.

An investigation into the resident’s/fellow’s conduct may be conducted by the Program Director, and/or appropriate university or hospital personnel following suspension and, based on the findings of the investigation, may result in: reinstatement to the Program without further action; reinstatement with reclassification and further action under the UB GME Academic Action Policy; or immediate dismissal, as the circumstances warrant.

The DIO will promptly notify CMOs of affected hospital(s) or their designees of resident/fellow suspensions and reinstatements.

**Immediate Dismissal:**

Immediate dismissal may be considered as an alternative to suspension for Misconduct. The Program Director, in consultation with the DIO, shall have the discretion to determine whether Suspension or Immediate Dismissal is appropriate. Neither Suspension nor Immediate Dismissal requires providing the resident/fellow with prior notice or an opportunity to remediate.

The DIO will promptly notify CMOs of the affected hospital(s) or their designees of resident/fellow dismissals.

**Review of Misconduct Actions**

Residents/fellows are entitled to review of Misconduct Actions as described in the UB GME Academic Action and Misconduct Review Policy.