



**THE GEORGE  
WASHINGTON  
UNIVERSITY**  
WASHINGTON, DC

Responsible University Official: Associate Dean for Graduate  
Medical Education, DIO  
Responsible Office: SMHS Office of GME  
Most recent revision: November 18, 2019

## **RESIDENT MISCONDUCT POLICY**

### **Policy Statement**

The purpose of this policy is to establish a process for the investigation and determination of allegations of Resident misconduct raised in the post-graduate training programs at The George Washington University School of Medicine and Health Sciences.

### **Definitions**

Resident – refers to all Interns, Residents and Fellows participating in an ACGME-accredited program of post-graduate medical education.

Post-Graduate Training Program – refers to an ACGME-accredited residency or fellowship educational program.

Reportable Actions – The decision not to promote a Resident, not to renew a Resident’s contract, to suspend a Resident from the program, or to dismiss a Resident from the program are each considered “Reportable Actions.” Reportable Actions are those actions that the program must disclose to others upon request, including future employers, credentialing organizations, hospitals, and licensing and specialty boards.

Misconduct- Improper professional behavior; intentional wrongdoing; violation of a law, standards of practice, policies of the program, department, university or hospital. Misconduct may also constitute unprofessional behavior, which could trigger action under the Academic Improvement Policy. These actions may proceed simultaneously.

### **Who Needs to Know This Policy**

All Post-Graduate Training Programs sponsored by the GW School of Medicine and Health Sciences (SMHS)

### **Policy Contact**

Associate Dean for Graduate Medical Education, DIO

## **Who Approved This Policy**

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Graduate Medical Education Committee (GMEC)

## **History/Revision Dates**

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Created: May 16, 2011

Amended: June 15, 2015

Amended: November 18, 2019

## **Process**

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### **Initial Inquiry**

1. Allegations of Misconduct. A Resident, attending physician, patient, employee of the George Washington University (GWU) Hospital, the GW University, the GW Medical Faculty Associates, Inc., any hospital or clinic where the Resident is rotating, or any other person who believes that a Resident has engaged in misconduct or improper behavior of any kind should immediately report their concerns to the Resident's supervisor, who in turn should communicate the allegations to the Resident's Program Director, or report the incident directly to the Program Director.
2. Upon receipt of a complaint regarding the conduct of a Resident, the Program Director should conduct an inquiry, as follows:
  - a. Meet with the person making the allegation of misconduct to understand the nature of the complaint and any related information.
  - b. Meet with the Resident to provide notice of the existence of the complaint, to give the Resident an opportunity to respond to the allegations, and to identify any witnesses to the alleged misconduct. This meeting should be documented.
  - c. Based on the information received from the complaint, and the information received from the Resident, the Program Director must determine if a continued inquiry needs to take place in order to reach a conclusion to the matter. To determine if further inquiry is necessary, the Program Director should contact the Associate Dean for Graduate Medical Education (GME) or his/her designee to review the allegations and determine the appropriate next steps. If the Program Director, with the consent of the Associate Dean for GME, determines that a continued inquiry is not warranted, one does not need to be conducted.
  - d. If the Program Director, with the consent of the Associate Dean for GME, determines that a continued inquiry is warranted, a Full Inquiry

will be initiated by the Associate Dean for GME. The Associate Dean for GME will determine if others need to be consulted about the Full Inquiry, including but not limited to Human Resources, Title IX Office, GW Police, the Dean of the School of Medicine and Health Sciences, Department Chair, General Counsel, administrators of the hospital or clinic where the Resident was rotating, administrators of the GW Hospital and/or the Medical Faculty Associates, Inc.

- e. A Full Inquiry may also be requested by the Dean of the School of Medicine and Health Sciences, Office of the General Counsel and/or Human Resources.
- f. The Associate Dean for GME will decide whether the Resident may be removed from duty (with or without pay) pending the outcome of the Full Inquiry and appeal. If no findings of misconduct are found, the resident's pay will be reinstated in full.
- g. All allegations of sexual harassment will be reported immediately to Human Resources and investigated by the University Title IX Office.

### **Full Inquiry**

1. The Associate Dean for GME or his/her designee will conduct the Full Inquiry. If the Full Inquiry is conducted by a designee of the Associate Dean for GME, the Associate Dean for GME shall oversee the process.
2. The findings of the Full Inquiry will be documented by the Associate Dean for GME and memorialized in a written report that will be provided to the Program Director and the Resident.
3. Upon completion of the Full Inquiry report, the Associate Dean for GME will appoint a misconduct review panel consisting of no more than three (3) members. The panel will review the Full Inquiry Report, meet with the Resident to provide an opportunity for him/her to respond to the report, and determine an appropriate course of action. This determination may be made in consultation with others including but not limited to the Program Director, the Associate Dean for GME, Human Resources, and the Office of the General Counsel.
4. If the determination of the panel is that misconduct occurred the following actions may be taken by the panel including, but not limited to:
  - a. ***A written warning-*** A written warning may be given to the Resident if the misconduct does not rise to the level requiring a Reportable Action, and if the Resident has the ability to learn from his or her experience. This written warning should outline future expectations.
  - b. ***Reportable actions*** – The following are Reportable Actions that may be taken depending upon the seriousness of the findings of the Full Inquiry:
    - i. Non-promotion to the next PGY level
    - ii. Non-renewal of contract
    - iii. Suspension
    - iv. Dismissal from the residency or fellowship program
  - c. The Associate Dean for GME will provide written notification of this action to the Resident and Program Director.

- d. The Program Director must disclose Reportable Actions to others upon request, including without limitation, future employers, privileging hospital, licensing and specialty boards.
- e. Residents who are subject to a Reportable Action may request a review of the decision as provided in this Policy.

### **Request for Review**

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A review of the decision to take a Reportable Action may be requested by the Resident. A Request for Review should be submitted to the Associate Dean for GME within fourteen (14) days of learning of the Reportable Action. Upon receipt of the Request for Review, the Associate Dean for GME will determine whether the matter is reviewable under this Policy, and if so, the Associate Dean of GME shall advise the Dean of the School of Medicine and Health Sciences or his/her designee. The Dean of the School of Medicine and Health Sciences or his/her designee will determine whether this Policy was followed. That is, that the Resident received notice and an opportunity to be heard, and the decision to take the Reportable Action was reasonably made.

The decision resulting from this Request for Review is a final and binding decision. The Dean of the School of Medicine and Health Sciences or his/her designee will notify the Resident, Program Director, and the Associate Dean for GME of the decision. There will be no further reviews.