

APPENDIX I
to
Fellowship Position Appointment
2007-2008

UNIVERSITY OF WASHINGTON SCHOOL OF MEDICINE
GRADUATE MEDICAL EDUCATION PROGRAM
Fellow Physician Policy

I. PREAMBLE

The primary purpose of the appointment of subspecialty fellows is the completion of a graduate training program in accordance with the current standards contained in the "Essentials of Accredited Residencies" adopted by the Accreditation Council for Graduate Medical Education (hereafter referred to as "ACGME").

II. PARTIES SUBJECT TO THIS POLICY AND THEIR RESPONSIBILITIES

This policy applies to the individual fellows in training in accredited programs sponsored by the UWSOM and to the UWSOM itself.

A fellow (who may have been referred to as a senior fellow, graduate fellow, senior fellow-trainee or fellow trainee in the past) shall now be defined as someone who is participating in a subspecialty graduate medical education program and has completed and is board eligible in the prerequisite graduate medical training program in accordance with the standards adopted by the ACGME. This person may in some instances be referred to as "resident" in regard to their training, as noted in the ACGME Directory for Graduate Medical Education.

- A. The Fellow will provide compassionate, timely and appropriate patient care and agrees to serve the training sites and their patients; to accept the duties, responsibilities, and rotations assigned by the Program Director or his/her designee; to abide by the rules and regulations of the hospitals and clinics to which he/she is assigned to the extent these are not inconsistent with this policy; to conduct himself/herself ethically and professionally in keeping with his/her position as a physician; and to abide by the conditions and general responsibilities outlined below.
- B. The Fellow may engage in scholarly research that may involve clinical studies or laboratory investigation of basic biomedical questions. The Fellow will may be on duty under the direction of a faculty sponsor in accord with standard practices of responsible conduct and reporting of research as established by the sponsor's laboratory, department/division, university and federal guidelines. The sponsor will encourage the Fellow to develop independence in research activities according to his/her previous training and record of accomplishment.
- C. The UWSOM shall be responsible for providing faculty supervision of the graduate medical education programs. This responsibility shall include the definition of education program content, evaluation of educational program quality, and evaluation of individual fellows' clinical training and performance. Additionally, the UWSOM agrees to perform a series of administrative and educational functions for the benefit of the fellows and of the affiliated hospitals and clinics. These include issuing stipend checks; providing an office and personnel for the administration of the program; maintaining fellows' records; administering the benefits outlined below; and providing mechanisms for coordination of the program among the affiliated hospitals and clinics, the UWSOM, and the various clinical services.
- D. The UWSOM, as the Sponsoring Institution, has established the Graduate Medical Education Committee (GMEC). The GMEC is chaired by the Designated Institutional Official (DIO) and is composed of GME administrators, program directors and other faculty, residents and fellows. A minimum of six (6) residents and/or fellows sit on the GMEC, including the Housestaff Association

President, appointed Chief Medicine, Surgery, Psychiatry and Pediatrics Residents and three (3) peer-elected residents and/or fellows. The GMEC is responsible for monitoring and advising on all aspects of residency and fellowship education, including the establishment and implementation of policies and procedures regarding the quality of education, work environment, duty hours, supervision, general competencies, stipends, benefits, etc. The GMEC is also responsible for conducting internal reviews of all programs to assess compliance with the ACGME's institutional and program requirements, and for monitoring action plans for the correction of concerns and areas of noncompliance found by the ACGME.

Additionally, the Institutional Resident/Fellow Advisory Committee (IRFAC), which is composed of eight (8) residents and fellows and eight (8) faculty, is a subcommittee of the GMEC that advises on policies relevant to resident and fellow appointment and education. These policies include but are not limited to stipend, fringe benefits, working conditions, supervision, duty hours, grievance and termination procedures, quality of patient care, and the particulars of Residency Position Appointment (RPA) and Fellowship Position Appointment (FPA).

- E. The affiliated hospitals and clinics have agreed through their Graduate Medical Education Affiliation Agreement to provide on an annual basis, funds for those stipends to which they commit themselves; funds and/or services for the support of the Fellow fringe benefit program and due process mechanism stated hereafter; funds for administration of the graduate medical education program; and educational and clinical opportunities.
- F. The UWSOM and the affiliated hospitals and clinics will assure the availability of appropriate, economical, and nutritional meals; rest and sleeping quarters; security for personal belongings; and support facilities conducive to the educational process. The affiliated hospitals and clinics have agreed to provide clean and adequately lighted-for-study on-call rooms with available bathroom facilities. There shall be a sufficient number of on-call rooms so that fellows on-call may sleep and have a secured storage area for books and clothing.

III. CONDITIONS FOR APPOINTMENT & REAPPOINTMENT

Annually, the affiliated hospitals and clinics and the UWSOM shall agree on the number of positions to be offered and their allocation by specialty and resident training level. Each of the affiliated hospitals and clinics shall agree on the number of these positions it will support. Within this authorization, the chief of each clinical service and the respective Department Chair shall make recommendations for appointments to the Dean of the UWSOM (hereinafter referred to as the "Dean"). No appointment will be for more than twelve (12) months.

The Department Chair, with the support of the UWSOM and the affiliated hospitals and clinics, shall provide programs of sufficient quality and duration so that fellows who successfully complete the offered training program will be qualified to sit for subspecialty board certification examinations. This provision assumes that all training program activities will be conducted within the guidelines of external agencies that evaluate and accredit training programs and hospitals. The obligation to train individual physicians in the practice of their specialties includes the provision of inpatient and outpatient settings in which the specialty may be practiced; the provision of equipment and other facilities for the care of patients; the provision of supervision, feedback and evaluation of professional work of the trainees by faculty members of the UWSOM and the affiliated institutions; and the provision of didactic experiences to supplement practical clinical experiences in the manner determined by the Department as appropriate for the individual graduate training program and trainee. If the Fellow's performance evaluation indicates unsatisfactory performance in any aspect of the program, the Program Director may require the Fellow to have a personal evaluation by a recognized fellow counselor as a condition of further participation in the program.

Fellows must be in attendance as required by their duty/training schedule. Fellows are also required to attend the one-day UW Medicine orientation and to complete all online training modules (including but not limited to HIPAA, Infectious Diseases, Bloodborne Pathogens) prior to the commencement of their clinical

duties. Fellows will be paid a single daily rate appropriate to the level of training to attend the UW Medicine orientation. Fellows may also be expected to attend a pre-appointment orientation sponsored by their individual program. The length of the program-sponsored orientation will vary depending on the fellowship program. Compensation for the program-sponsored orientation may be provided in pay or in paid days off throughout the year equal to the number of required program orientation days.

Fellows must also comply with leave of absence request protocols as delineated in Section VII. Fellows may be assumed by the UWSOM to have resigned their appointment if they fail to comply with leave of absence request protocols or if they take unapproved leaves of absence. If by his/her actions, the Fellow is assumed to have resigned his/her appointment, the UWSOM, through the relevant Department Chair, will notify the Fellow in writing the assumption of resignation.

As a part of his/her appointment, the Fellow will be expected to actively participate in the care of all types of patients who may present at the hospital or clinic to which he/she is assigned. In addition, the Fellow will be expected to take an active role in the instruction of medical students, residents and/or other hospital personnel.

Fellows must comply with UW GME policies and procedures, as well as the policies and procedures of the primary teaching sites and affiliated institutions, which include but are not limited to the GME Licensing Policy, Drug Enforcement Administration (DEA) Policy, Outside Professional Activities and Moonlighting, and Physician Impairment and Substance Abuse, and Immunization Policy. Complete policies may be found on the GME Web site located at www.uwmedicine.org.

- A. GME Licensing Policy:** Medical licensure for all fellows is required by the University of Washington School of Medicine. The appointment of the Fellow is conditioned upon his/her compliance with this policy. The responsibility of obtaining and maintaining medical licensure is that of the Fellow and will be assisted by departmental residency/fellowship coordinator and the GME Office. Failure to comply with the licensure requirements set forth in the Licensing Policy may result in the rescission of the Fellow's appointment by the UWSOM and withdrawal of Fellow's privileges, stipends, and benefits.
- B. Drug Enforcement Administration (DEA) Policy:** Fellows and fellows who write prescriptions are required to register for an individual DEA license. Licenses may be obtained on a fee-exempt basis while in training in a UW GME training program; however, such licenses are restricted to activities within the scope of the training program (including activities at UW Medicine sites and other affiliated training sites). Exemption from payment of the application fee is limited to federal, state or local government operated hospitals, institutions and officials. Fellows and fellows who engage in outside professional activities (e.g., moonlighting) at any site outside of UW Medicine must obtain an individual DEA license and may not use their fee-exempt license for this purpose.
- C. Outside Professional Activities and Moonlighting:** Neither the UWSOM, nor any of its training programs, require moonlighting. Rather, such activities are discouraged, believing in general that the time and effort required for training is a full-time endeavor that should be the Fellow's highest priority at all times. Accordingly, Program Directors and the Associate Dean for Graduate Medical Education may not approve moonlighting activities which could, in any way, interfere with the Fellow's approved training program responsibilities. In addition, moonlighting is generally not permitted within UWMC, SCCA, HMC or the clinics associated with these institutions. Nevertheless, in certain circumstances and with prior approval, fellows may engage in moonlighting activities outside the scope of their training program. The Program Directors and the Associate Dean for Graduate Medical Education may withdraw an approval at any time, if he/she determines that the Fellow is not in compliance with the conditions of approval or that it appears that the moonlighting activities are interfering with the Fellow's approved training program.
- D. Physician Impairment and Substance Abuse:** To try to minimize the incidence of physician impairment and substance abuse, Programs will educate fellows about physician impairment, including problems of substance abuse, its incidence and nature and risks both to the involved individuals and patients. Education will include knowledge concerning signs and symptoms of

impairment, emphasizing detection of abnormal behavior associated with use of psychoactive drugs and alcohol abuse. To the extent that its resources allow, the Washington Physicians Health Program will provide individual counseling both to supervisors and to individuals in need. In the latter case confidentiality will be preserved to the extent possible. For both new fellows with a history of impairment and current fellows who experience impairment and/or for whom evidence of substance abuse exists, evaluation will be performed under the auspices of the Physicians' Assistance Committee on an ad-hoc basis by the GME Office and in consultation with the appropriate Medical Directors from the affiliated hospitals. A typology may be used to assist in determining appropriate care and monitoring.

E. Immunization Policy: All fellows must have documented proof of current immunization and/or positive serology against Measles, Mumps, Rubella, Varicella, Tetanus and Diphtheria. (A disease history may be substituted for mumps and chickenpox. If born before 1957 an exemption is given for mumps). Hepatitis B series vaccination is highly recommended for all fellows who are likely to have exposure to blood and body fluids in the workplace. Documentation of the series and/or serology results is required. Fellows who do not wish to be vaccinated are required to fill out a Hepatitis B waiver. In addition, all fellows must provide documentation regarding his/her current TB testing/status.

Each fellow shall be provided with:

- Access to the written evaluation of the Fellow's performance on each rotation in the individual's training program. In addition, the Program Director (or his/her designee) shall, from time to time, discuss with each fellow his/her overall progress toward the educational objectives set by the Fellow's training program. Such discussions shall occur on at least a semiannual basis and shall be in compliance with the applicable Residency Review Committee requirements.
- The current accreditation status of the individual's training program.
- A copy of the current Fellowship Stipend Schedule.
- A copy of this policy and other publicly available information regarding the training program or affiliated institutions on request.

Each fellow applicant and each fellow who is a candidate for reappointment will be informed of any anticipated substantive change in the program to which s/he is applying (e.g., probational status of accreditation, anticipated extensions of training time).

Fellows who desire to voluntarily leave the program prior to completion of the training necessary for certification of the specialty are expected to discuss this action with the Program Director (Department Chair) at the earliest possible time, preferably by January 1 of the training year.

If the UWSOM determines that it is necessary to reduce the size of a fellowship program or to close a fellowship program, currently appointed fellows will be notified of the decision as soon as possible. Every reasonable effort will be made to allow currently appointed fellows in good academic standing to complete their education. If this is not possible, every reasonable effort will be made to assist these fellows in identifying a program in which they can continue their education.

It is clearly understood that the major objective of the graduate medical education program is education and it will be administered through the UWSOM by the respective clinical Department Chair and Fellowship Program Director with the educational needs of trainees foremost in mind. Fellows will not be required to sign a non-competition guarantee as a condition of appointment.

IV. CONDITIONS FOR NON-REAPPOINTMENT

A fellow will be notified of non-reappointment by February 15 of each year, or at least five months prior to the normal termination date of the fellow's existing appointment, if the date of appointment is any date other than July 1. If the Fellow is notified of non-reappointment, the department at its sole discretion may revisit that decision at a later date and may offer re-appointment at that time, but no later than forty-five (45) days prior to the end of the Fellow's existing appointment. The decision on non-reappointment will

be made by the faculty of the department or by a group of faculty specifically charged with evaluating fellow progress in the program. The notification will be by letter containing the reasons for the non-reappointment.

Notwithstanding the period during which a fellow may be re-appointed at the department's sole discretion, if a Fellow receives notice of non-reappointment, the Fellow may request review of that decision according to the following procedure:

- A. Within seven (7) days the Fellow may request reconsideration of that decision by the faculty group that made the decision. The request must be made in writing and must contain a concise statement of the reasons why the Fellow requests reconsideration.
- B. The faculty group that made the original decision must reconsider its decision within seven (7) days after receiving the request for reconsideration and provide a written decision to the Fellow.
- C. After receiving a denial of reconsideration, the Fellow may appeal the decision to non-reappoint within seven (7) days to an ad hoc Non-renewal Review Panel. This panel will consist of three (3) members: two faculty members and one resident member of the UW GMEC.
- D. The Non-renewal Review Panel will hold a meeting to review the decision. The panel will review the letter of non-renewal, the full evaluation file documenting the Fellow's performance, and any materials prepared by the Fellow to support the request for review. At the hearing, the Fellow may be accompanied by a faculty mentor or another fellow. The Fellow may make oral presentations. However, no witnesses will be called. The program director or his/her designee may be present to provide information to the Panel. The Panel may question the Fellow and the representative of the program. The Panel will render its decision in the form of a recommendation to the Dean within seven (7) days.
- E. The Dean will render a decision within seven (7) days of receiving the recommendation of the Non-Renewal Review Panel. If the Dean takes no action within the time period, the recommendation of the Non-renewal Review Panel will automatically be affirmed and the decision will be final.

V. DUTY HOURS

Hours of duty will be established in compliance with the Institutional Hours of Duty Policy and all hours of duty requirements as mandated by the ACGME Duty Hours Standard. Any exceptions to this policy shall be made with approval of the GMEC and appropriate Residency Review Committee (RRC) and shall be reviewed annually.

- A. Fellows will be assigned night rotation and weekend duties when appropriate. The Program shall establish fair and reasonable schedules of hours of duty for fellows, as well as adequate and defined off-duty hours.
- B. Each Program shall maintain a policy on hours of duty (referred to in this policy as "Hours of Duty Statement") that is in keeping with the educational objectives and patient care responsibilities of the Fellowship training program. The Hours of Duty Statement shall also outline how the program meets and monitors the RRC program requirements regarding Hours of Duty.
- C. Each Program is required to track duty hours using VerinformRM. For some programs, fellows may be responsible for updating their daily duty hours in VerinformRM on a weekly basis. Programs in substantial compliance with the ACGME Duty Hours Standard (e.g., less the 70 hours per week on average and have no violations of other aspects of the standard) may monitor duty hours via end-of-rotation duty hour surveys in lieu of daily tracking. Duty hours will be monitored by each Program and by the GMEC on a regular basis. Programs with substantial violations will be required to report to the GMEC on how it is addressing the duty hours problems.

- D. When a Fellow is assigned to a rotation in a department different from his/her parent department, the guidelines of that department apply.

VI. STIPENDS

Stipends will be paid either by the UWSOM to assist fellows in defraying the cost of his/her education or directly by granting agencies. The stipend scale will be responsive to the level of training within the selected programs of the trainee. The UWSOM stipend scale will be determined annually by the University of Washington, in consultation with the Graduate Medical Education Committee, the Institutional Resident/Fellow Advisory Committee and the affiliated hospital and clinics. All stipend scales will be issued for periods not to exceed twelve (12) months. Additional compensation will be provided for the UW Medicine orientation, as noted in Section III above.

VII. FRINGE BENEFITS

The fringe benefit program outlined below is specifically designed for fellows and will be uniform for all fellows whose stipends are paid through the University of Washington payroll system. It will be administered through the UWSOM. Fellows paid through alternate sources will be provided a fringe benefit program comparable to the package outlined below.

- A. Basic Health and Disability Insurance Benefits*:** Fellows who have at least a six-month appointment of fifty percent or greater and receive a monthly stipend may enroll in a University-paid insurance plan consisting of medical, dental, basic life insurance and basic disability income coverage. This plan, which provides for optional additional life insurance and disability income insurance that may be purchased by the individual, is designed and authorized by the Public Employees Benefits Board (PEBB).
- B. Counseling Services:** Fellows are encouraged to discuss problems of either personal or program nature with their Program Director, Division Chief, Department Chair, or with personnel in the Counseling office in the Office of Graduate Medical Education (hereinafter referred to as the "GME Office"). In the event a fellow desires to have professional counseling, the Director of Counseling will seek to assist the fellow in adjusting to the demands of their fellowship. The goal of the Counseling Office is to restore, maintain or improve the quality of life for fellows and their families by providing a variety of services to fellows of the University of Washington including assessment, referral, and counseling with individuals, couples, families and groups.
- C. Educational Meetings:** As part of their fellowship training, fellows may be authorized to attend educational meetings at the discretion of their Department Chair or his/her designee.
- D. Parking:** The availability of free parking varies by service location. Fellows who choose to drive to their assigned training site may be required to pay for parking. Fellows will be provided with pre-paid parking or will be reimbursed by their program within two months of submitting a receipt for parking at any site at which they are required to attend conferences, education and administrative meetings, clinic, or provide call coverage when they are assigned to another location. Fellows are encouraged to use alternative transportation methods such as the Health Sciences Express Shuttle.
- E. Meals:** Meals will be provided to fellows while serving at a given hospital under the following circumstances:
- Fellows required to be on in-house call shall receive dinner or late evening meal, and breakfast, and shall receive lunch if the Fellow is on-call during a weekend or holiday.
 - Fellows who have been on duty a full day and who must remain in the hospital past 7 p.m., but who leave later in the evening shall receive dinner.

* Basic insurance benefit coverage is effective for eligible Fellows during the period of appointment only.

- Fellows who normally take night call from home but who are called back to the hospital for patient care duties will receive meals on those occasions as described in sections 1 and 2.
- Hospitals may provide compensation for meals if meals are not provided. Compensation must be provided to the Fellows within a period of two months of reimbursement request. Requests for reimbursement of meal charges need to be made within a period of two months from the date such charges occur. Compensation levels will be based on the average cost of the various meals at the hospital's cafeteria and hence may vary among institutions. These levels will increase in proportion to the increases in the cafeteria's price schedules. Each hospital will review its compensation levels annually and adjust them as necessary.

F. Uniforms and Laundry of Uniforms: If the Fellow is required to wear a standard uniform the first year, the Fellow will be provided with up to five (5) sets of uniforms at the affiliated hospital to which they are initially assigned. Replacement of uniforms will be the responsibility of the Fellow. Laundry services for uniforms will be provided in accordance with the policies and practices of the Fellow's assigned department and existing hospital assignment.

G. Dependent Care Assistance Program (DCAP): Fellows are eligible to participate in the DCAP, which allows participants to take a deduction from their pay for eligible dependent care expenses before taxes are calculated.

H. Medical Flexible Spending Account (FSA): Fellows are eligible to establish an FSA, which is an IRS-approved, tax-exempt account that saves the account holder money on eligible medical expenses. Money deposited each pay period into a flexible spending account is deducted from the account holder's gross pay before taxes are calculated. These funds are exempt from both federal income and Social Security and Medicare taxes. As the account holder incurs eligible medical expenses, withdrawals may be made from the FSA. Establishing a Medical Expense FSA will save valuable tax dollars on eligible medical expenses.

I. UW CareLink: Fellows may use the UW Carelink assistance program, which provides confidential counseling services, legal and financial services, and critical incident assistance and debriefing.

- **Counseling Services:** In-person assessment and short-term confidential counseling is available for a variety of issues such as: stress, drug/alcohol problems, work-related problems, family and relationship issues, grief, and depression or parenting concerns. There is no cost to the fellow for up to three CareLink sessions per concern. Referral to additional resources may be made after in-person counseling.
- **Legal and Financial Services:** Free 30 minute telephone or in person consultation with local attorney is available for personal/family services, real estate, IRS issues, etc. Fellows may receive a 25% reduction in fees if a network attorney is retained.
- **Critical Incident Assistance and Debriefing:** Assistance available in the case of a critical incident, which could include a coworker's serious illness, death or suicide, a threatening or violent incident in the work setting, or a natural or manmade disaster.

J. Leaves of Absence

Fellows must comply with the requirements for submitting a request for leave of absence. When required, a request for leave of absence must be submitted to the Program Director on the UWSOM GME Leave Request Form. When the need/desire for the leave of absence is foreseeable, the request should be submitted at least thirty (30) days prior to the leave. When the need for the leave is unforeseeable, the request should be submitted as soon as practical. The Program Director must provide fellows with a written statement regarding the effect of leaves of absence, for any reason, on satisfying the requirements of their Residency Review Committee and/or Specialty Board for completion of a fellowship program. Should any approved leaves compromise the necessary time for certification, the Fellow will be allowed to receive additional training sufficient to meet certification requirements. During such additional training, the Fellow will continue to receive salary and fringe benefits at the level of the year of training the Fellow is completing.

Fellows may be eligible for Family Medical Leave under the Family Medical Leave Act. To be eligible, a fellow must have a record of twelve (12) months cumulative State service and have been on duty 1250 hours during the twelve (12) months immediately preceding the family medical leave. Twelve (12) weeks leave of absence without pay shall be granted for the following reasons:

- Because of the birth of a son or daughter of the Resident and in order to care for such son or daughter.
- Because of the placement of a son or daughter with the Resident for adoption or foster care.
- In order to care for the spouse or registered domestic partner, or a son, daughter, or parent, of the Resident, if such spouse or registered domestic partner, son, daughter, or parent has a serious health condition.
- Because of a serious health condition that makes the Resident unable to perform the functions of his/her position.

Eligible residents may request a family medical leave of absence without pay not to exceed twelve (12) weeks during any twelve (12) month period. The twelve (12) month period begins on the Resident's appointment date (typically July 1). The leave for childcare must be taken within the first (12) twelve months of birth, adoption or placement. When medically necessary, family medical leave may be taken intermittently or on a reduced leave schedule. Requests for such leave shall, when practical, be made to the Program Director at least thirty (30) days before the leave is to begin. Family medical leave will be unpaid unless a resident elects to use vacation or sick leave to the extent the circumstances meet the requirements for such leave. During this period of leave, the University shall maintain basic insurance benefits for the Fellow. The Fellow will be responsible for maintaining any optional insurance coverage, other payroll deductions, and insurance co-payments. These provisions are intended to be in compliance with family leave laws as currently enacted or in the future amended.

1. **Vacation Leave**

All fellows will receive twenty-one (21) days of paid vacation per year at the start of each one (1) year appointment period to be broken down as fifteen (15) business days and six (6) weekend days per twelve (12) month appointment. Fellows on duty less than full time will receive vacation leave credit on a pro rata basis. Fellows on duty less than a fifty (50) percent basis are not eligible to receive and/or use vacation leave. This need not be taken in one block of time. Unused vacation leave shall lapse at the expiration of each appointment period.

All vacations will be scheduled with the approval of the head of the clinical service of which the Fellow is a member and will be subject to the University and respective departmental regulation. It is the responsibility of the appropriate fellowship program director to coordinate and communicate the planned vacation and leave schedules with each affiliated hospital and clinic that may be affected.

Coverage During Leave: It is the responsibility of the head of the clinical service to which a fellow is assigned and of the Fellowship Program Director to assure that colleague fellows of the respective departments cover for one another during a Fellow's absence on leave. In arranging such coverage, the principles of the Fellowship Physician Policy and specific departmental policies concerning hours of duty for fellows shall apply. In unusual and rare circumstances, these principles may be waived by mutual consent of both Fellow and the Department.

2. **Sick Leave** (SOM leave request form required for five (5) or more consecutive, calendar, sick leave days)

All fellows will receive seventeen (17) days of paid sick leave at the start of each one (1) year appointment period that will be broken down as twelve (12) business days and five (5) weekend days. Fellows on duty less than a full time schedule shall receive sick leave credit on a pro rata basis. Fellows on duty less than a fifty (50) percent basis are not eligible to receive and/or use sick leave. If sick leave credit is not used by the end of the term of the appointment, the Fellow

may apply the accumulated credit to consecutive, subsequent UWSOM Residency or Fellowship appointment periods. The Fellow may transfer accumulated sick leave when the Fellow is appointed in another UWSOM accredited Residency or Fellowship program. Accumulated sick leave credit that is not transferable shall lapse and is not compensable at the completion or expiration of the appointment to the Fellowship program. Sick leave may be used for the following:

- Personal illness, disability or injury including disability due to pregnancy or childbirth.
- Care for a child under 18 years of age with a health condition that requires treatment or supervision.
- Health Care appointments.
- Care for a spouse, registered domestic partner, or parent with an illness, injury, or serious health condition.

3. Emergency Leave (SOM leave request form required for five (5) or more consecutive, calendar, emergency leave days)

Fellows shall be granted up to three (3) days of paid leave, with one additional day if significant travel is required, for bereavement and, with the approval of the Program Director subject to prior approval of the Dean, up to four (4) days of unpaid leave for other emergent stresses as necessary (e.g., serious illness of a family member). This leave without pay may be extended for an additional three (3) days, and in extraordinary circumstances leave without pay may be further extended, with the approval of the Program Director subject to prior approval by the Dean. The Fellow will inform the Program Director as soon as possible of the need for emergency leave. As soon as possible upon return, the Fellow will indicate his/her reasons for emergency leave in writing to the Program Director for the record.

4. Pregnancy and Childbirth Leave (UWSOM GME Leave Request Form required)

A Fellow shall be provided pregnancy and childbirth leave for the period of time that she is sick or temporarily disabled because of pregnancy or childbirth. Pregnancy and childbirth leave will be unpaid unless the Fellow elects to use vacation leave or sick leave. Pregnancy and childbirth leave may run concurrently with family medical leave provided in Part G, if available. During the period of the pregnancy and childbirth leave that the Fellow is eligible for family medical leave, the University shall maintain the basic insurance benefits for the Fellow. The Fellow will be responsible for maintaining any optional insurance coverage, other payroll deductions, and insurance co-payments. During the period of the pregnancy and childbirth leave that the Fellow is not eligible for or does not elect to use family medical leave, and the Fellow does not have vacation or sick leave that can be used to maintain her on the payroll, the Fellow will be allowed to continue, at her own expense, basic insurance benefits. (See Fringe Benefits on page 6.)

5. Parental Leave (UWSOM GME Leave Request Form required)

Parental leave refers to the time taken off duty to bond with and care for a new-born child or newly placed adoptive or foster child. Fellows may take up to two weeks (14 days) of leave during the first year after the child's birth or placement. The Fellow may use a combination of annual leave, sick leave or unpaid leave during this time. Parental Leave may run concurrently with family medical leave provided in Part G, if available. During the period of the parental leave that the Fellow is eligible for family medical leave, the University shall maintain the basic insurance benefits for the Fellow. The Fellow will be responsible for maintaining any optional insurance coverage, other payroll deductions, and insurance co-payments. During the period of the parental leave that the Fellow is not eligible for or does not elect to use family medical leave, and the Fellow does not have vacation or sick leave that can be used to maintain him/her on the payroll, the Fellow will be allowed to continue, at his/her own expense, basic insurance benefits. (See Fringe Benefits on page 6.)

6. Civil Leave

Fellows receive paid civil leave for jury duty, to serve as trial witnesses, or to exercise other subpoenaed civil duties such as testifying at depositions. Fellows are not entitled to civil leave for civil legal actions that they initiate or when named as a defendant in a private legal action that is unrelated to their University appointment.

Fellows are eligible for civil leave upon immediately upon appointment to the University.

7. Military Leave

Every fellow who is a member of the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave of absence from his/her fellowship training program for a period not exceeding 15 working days during each year. Such leave shall be granted in order that the fellow may report for active duty, when called, or report for active training duty in such manner and at such time as she or he may be ordered to active duty or active training duty. Such military leave of absence shall be in addition to any vacation or sick leave to which the fellow might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay. During the period of paid military leave, the fellow shall receive his or her normal pay.

8. Other Leaves of Absence

Other leaves of absence without pay may be granted for any of the following reasons:

- Educational Leave
- Military Leave (after 15 days of paid leave)
- Leave for government service in public interest
- Other personal reasons, other than health, acceptable to the appointing department

A request for leave of absence without pay is to be submitted in writing to the Department Chair for endorsement and/or recommendation and is to identify the reason for the leave as well as the requested duration. The request will then be forwarded to the Dean for approval or action as appropriate. Normally, requests for leave of absence without pay, or extensions of previously approved requests, involving educational leave and other personal reasons should be approved only if the appointing authority can be reasonably certain that the position from which the Fellow is leaving will be available to the Fellow upon his/her return. Except for extended military service leaves, approved leaves of absence without pay should not exceed twelve (12) months in duration. Extensions of leaves beyond the twelve (12) month limitation must be approved by the Dean. Should any of the leaves provided in this section or in preceding sections compromise the necessary time for certification, the Fellow will be allowed to receive the additional training time without loss of training status. The Fellow is reminded that University basic insurance benefits may be kept in force while on leave of absence, but the monthly insurance premiums become the responsibility of the Fellow taking leave. The Fellow should contact the UW Benefits Office for specifics of coverage.

VIII. PROFESSIONAL LIABILITY COVERAGE

Professional liability coverage for fellows will be provided by the University of Washington at no cost to the Fellow. The coverage will cover each fellow's good faith performance of his/her assigned duties in the training program. Details of coverage are available from the Office of Risk Management. The professional liability program operates on an occurrence basis, and coverage includes insurance for claims filed after completion of the training program. As part of the professional liability coverage, the

University will provide legal assistance through the Attorney General's Division to any fellow who becomes involved in litigation as a result of the good faith performance of his/her assigned duties at the affiliated or approved hospitals and clinics. The professional liability coverage will not apply to "... actions, claims or proceedings arising out of acts taken in bad faith. The following are examples of types of conduct which will normally be deemed to have been taken in bad faith (as defined in RCW 69.50.101 as now or hereafter amended): (1) The act was committed with the willful intention of causing injury or harm, or was reckless or malicious in nature. (2) The act was committed in willful violation of law or University regulations. (3) The act was committed while under the influence of alcohol or a controlled substance." University of Washington Handbook Volume I, Part III, Chapter 5, Section 2.

Coverage may not be provided for "volunteer" activities that are not part of the specific training program. The Fellow should consult with his/her Program Director for clarification of coverage for proposed volunteer activities in advance of undertaking such activities. Granting of coverage will be at the sole discretion of the Director of Risk Management.

IX. GRIEVANCE PROCEDURE

A. Definition

A grievance under this policy shall mean any controversy or claim arising out of an alleged violation of the Fellowship Physician Policy resulting from the misinterpretation or misapplication of these provisions (hereafter referred to as grievance), provided that a grievance shall not include any aspect of the evaluation of academic or clinical performance or professional behavior, the non-reappointment decision or any other academic matters including but not limited to the failure to attain the educational objectives or requirements of the training program.

The grievance process is intended to be an informal process to resolve grievances internally and is not intended to be an adversarial forum. Therefore, throughout the grievance process the Fellow may be accompanied by a colleague fellow, medical student or a medical school Faculty member who hereinafter shall be identified as "associate." The grievant may confer with an associate, however, the associate may not actively participate or present in the proceedings. Attorney representatives may not attend the grievance proceedings.

B. Procedures

Time Limit: The grievance shall be deemed waived if Step #1 is not initiated within ten (10) calendar days after the Fellow knew or should have known of the act or omission upon which the grievance is based. Note: All documentation that the Fellow desires to be considered must be submitted at Step #2 of the grievance procedure and no additional documentation may be submitted by the Fellow after Step #2.

Step #1: An aggrieved Fellow and/or group of Fellows (hereafter referred to as "Fellow") and, at his/her option, an associate, shall bring the grievance to the attention of the appropriate Faculty supervisor involved within ten (10) calendar days after the Fellow knew or should have known of the act or omission upon which the grievance is based. In the case of a group grievance, one or more of the aggrieved Fellows may represent the group as a whole. At that time the Fellow and appropriate Faculty supervisor will determine a time and place within the next seven (7) calendar days to discuss the grievance and attempt to reach a satisfactory solution, if necessary, the meeting may occur after that seven (7) calendar day period (due to required absences).

Step #2: If the grievance is not settled at Step #1, the aggrieved Fellow may present it in writing to his/her Fellowship Program Director within ten (10) calendar days after the meeting in Step #1. The Fellow shall state with particularity in writing the facts upon which the grievance is based, the Article(s) violated, a description of the nature of the violation, and

the requested remedy sought. All documentation that the Fellow desires to be considered must be submitted at this step. Within five (5) calendar days after he/she receives it the Fellowship Program Director shall schedule a meeting on the grievance which may occur after that five day period and shall issue his/her written answer thereto within seven (7) calendar days after the meeting. The meeting shall be attended by the parties to the dispute, and may be attended by the Fellow's associate at the Fellow's option, and the Fellowship Program Director.

Step #3: If the grievance is not resolved at Step #2, the aggrieved Fellow may present the grievance in writing to his/her Department Chair or his/her designee within seven (7) calendar days after the decision in Step #2. If the Department Chair is the Program Director or provides the response at Step #2 then the Fellow should proceed to Step #4. Within ten (10) calendar days after s/he receives the Fellow's written request to review the grievance, the Department Chair or his/her designee shall schedule a meeting on the grievance, which may occur after that ten (10) day period, and shall issue his/her written answer thereto within ten (10) calendar days after the meeting. The meeting shall be attended by the parties to this dispute, and may be attended by the Fellow's associate at the Fellow's option, and the Department Chair or his/her designee. All documentation and information presented at Step #2 shall be presented at Step #3 and all subsequent steps and no additional documentation may be submitted by the Fellow after Step #2.

Step #4: Grievance Committee: The purpose of this committee is to resolve grievances as defined in Section 1. Thus, its sole function is to determine if the provisions of the Fellowship Physician Policy have been complied with. It is not the function of the committee to set new policy or formulate new provisions. If the grievance is not resolved at Step #3, the grievance may be submitted by the aggrieved Fellow, to the Institutional Resident/Fellow Grievance Committee (hereafter known as "Grievance Committee") within seven (7) calendar days after the decision in Step #3. The Grievance Committee will schedule a meeting on this grievance within twenty-one (21) calendar days after receipt of this grievance.

Composition: This committee will be composed of four (4) voting members, including two (2) voting Faculty members and two (2) voting Resident/Fellow members, and a non-voting Chair. Resident/Fellow appointments to the Grievance Committee will be selected by ballot from the body of program representatives for one (1) year terms. Two alternate residents/fellows will also be identified should one or both resident/fellow members not be available to serve on the committee. Program representatives from the Resident/Fellow elected to the Institutional Resident/Fellow Advisory Committee will not be eligible to sit on the standing Grievance Committee. Two (2) Faculty members will be appointed by the Dean or his/her designee for one (1) year terms, and two (2) alternate faculty members will also be identified should one or both faculty members not be available to serve on the committee. Faculty and residents/fellows of the Department involved in the dispute shall not sit as members of the Grievance Committee at the meeting at which that dispute is reviewed and shall be replaced by non-voting members. All remaining program representatives shall be non-active resident/fellow representatives on call for participation in Grievance Committee activities on an as needed basis. Faculty alternates will be appointed by the Dean or his/her designee, if necessary, from the body of the Faculty of the UWSOM; inclusive in this group will be Faculty members appointed to the Institutional Resident/Fellow Advisory Committee.

Chair: The Dean or his/her designee shall appoint the Chair. The Chair will be non-voting and a member of the UWSOM emeritus or full-time Faculty.

Attendance: All proceedings must be attended by four (4) voting Grievance Committee members and the parties to the grievance. If the voting members are not eligible or available to serve, they shall be replaced by an eligible and available non-voting member. Attendance by the non-voting members is encouraged; however, their presence is limited

to observation and no manner of participation is permitted. Attendance of the fellow's associate is permitted at the fellow's option. The appropriate Faculty supervisor(s), the Fellowship Program Director, and the Department Chair or his/her designee are permitted to attend even if not required to be present at the meeting as a party to the grievance. Only the voting Grievance Committee members are permitted to be in attendance during any pre-proceeding meetings (i.e., organizational meetings) and the deliberations of the Grievance Committee.

Decision Making: At the conclusion of the Grievance Committee's review of the grievance, the Committee shall issue a written statement of its findings and render a decision within ten (10) days of its final meeting, which will be transmitted to the parties to the dispute. The Grievance Committee may require more time to render their decision in which case the committee shall notify the parties of the expected time frame of the issuance of the decision which shall not exceed an additional ten (10) calendar days. Each member of the Grievance Committee has one vote and all votes are equal. All decisions of the Grievance Committee are final, unless either party appeals the decision in writing to the Dean within seven (7) calendar days of the date of the decision.

Tie Vote: A tie vote on a grievance in the Grievance Committee will be considered a denial of the grievance.

Step #5: The Dean or his/her designee will issue his/her final decision within ten (10) days of receipt of the appeal of the grievance, unless more time is required in which case the Dean shall notify the parties of the expected time frame of the issuance of his decision but not to exceed an additional twenty-one (21) calendar days. The decision of the Grievance Committee will be deemed to be affirmed if the Dean or his/her designee does not act on the appeal within ten (10) days of the receipt of the appeal.

C. Waiver of Procedural Steps

Any of the above provisions contained in this Article may be waived by written mutual consent of the parties hereto. Any step may automatically be waived if the appropriate Faculty supervisor, the Fellowship Program Director, and/or the Department Chair is/are the same.

D. Appointment Status

The grievance procedure does not extend the length of a Fellow's appointment period nor does it affect the right to non-reappoint a Fellow for a subsequent appointment period. A grievance ends at the completion or termination of an appointment.

X. TERMINATION FOR CAUSE

- A. A Fellow's appointment may be terminated for cause if the Fellow fails to meet standards of professional performance expected at the Fellow's level of training, or fails to fulfill the conditions of appointment to the program, or fails to meet the requirements of the hospital or clinic to which the Fellow is assigned. The total professional behavior of the Fellow shall be considered in decisions to terminate for cause. The process for termination for cause of a Fellow shall be as set forth in the following paragraphs.
- B. When a question arises concerning the termination of a Fellow, the appropriate Department Chair or designee shall inform the Fellow of the basis for the consideration of termination for cause and discuss the matter with the Fellow in a face-to-face conference. A written summary of this meeting shall be prepared. The matter may be concluded by mutual consent at this point. The resolution of the matter by mutual consent may involve the resignation of the Fellow.

- C. If at any time during the preliminary proceedings, described in paragraph B above, it appears to the Department Chair or designee that mutual resolution is not possible and the Department Chair is of the belief that termination for cause is necessary, the Department Chair shall submit a letter of recommendation to the Dean. The recommendation shall include a statement of the grounds for termination. The Fellow shall be notified by the Department Chair of the recommendation to proceed with termination and the grounds for termination. This notice shall contain:
1. A statement that if the Fellow makes a written request within twenty (20) calendar days of receipt of the Department Chair's communication, he/she is entitled to a hearing before the Resident/Fellow Hearing Committee; and,
 2. A copy of the Fellowship Physician Policy.
- D. If any time during the preliminary proceedings described in paragraph B above, the Fellow requests in writing to the Department Chair a hearing before the Resident/Fellow Hearing Committee, formal proceedings shall be held and these shall be initiated promptly. The written request for a Resident/Fellow Hearing Committee proceeding must include a statement of the reason for the request, a statement whether the Fellow will be represented by an attorney, the identity of any witnesses to be called on the Fellow's behalf, and a list of documentary evidence the Fellow proposed to present at the hearing.
- E. A recommendation by the Department Chair to proceed to terminate the Fellow for cause is subject to review in a formal hearing by the Resident/Fellow Hearing Committee on written request of the Dean or Fellow. Such requests for review by the Resident/Fellow Hearing Committee must be submitted in writing to the Chair of that committee within twenty (20) calendar days of the notice of the recommendation to terminate the Fellow's appointment. The written request of the Fellow for a Resident/Fellow Hearing Committee proceeding must include a statement of the reason for the request, a statement whether the Fellow will be represented by an attorney, the identity of any witnesses to be called on the Fellow's behalf, and a list of documentary evidence the Fellow proposes to present at the hearing. If no written request is timely submitted and no alternative action is taken by the Dean thereby reflecting the Dean's acquiescence to the action, the termination shall become effective thirty (30) calendar days after the issuance of the recommendation to terminate to the Dean.
- F. **Resident/Fellow Hearing Committee:** The purpose of this committee is to provide a fellow, upon written request, a formal termination proceeding.

Composition: This ad hoc committee will be composed of four (4) voting members, including two (2) voting Faculty members and two (2) voting Resident/Fellow members and a non-voting Chair. Resident/Fellow appointments to the Resident/Fellow Hearing Committee will be selected from and by ballot of the Fellow/Resident members of the Institutional Resident/Fellow Advisory Committee for one (1) year terms. Two alternate residents/fellows will also be identified should one or both resident/fellow members not be available to serve on the committee. Two Faculty members will be appointed to the Resident/Fellow Hearing Committee by the Dean or his/her designee from the Faculty members of the Institutional Resident/Fellow Advisory Committee for one (1) year terms. Two (2) alternate faculty members will also be identified should one or both faculty members not be available to serve on the committee. Faculty and Residents/Fellows of the Department involved in the termination shall not sit as members of the Resident/Fellow Hearing Committee at the formal termination proceedings at which that termination is reviewed and shall be replaced by non-voting members. All remaining program representatives shall be non-active Resident/Fellow representatives on call for participation in Resident/Fellow Hearing Committee activities on an as needed basis. Faculty alternates will be appointed by the Dean or his/her designee, if necessary, from the body of the Faculty of the UWSOM.

Chair: The Dean or his/her designee shall appoint the Chair. The Chair will be non-voting and a member of the UWSOM emeritus or full-time Faculty.

Attendance: A quorum at a formal termination proceeding shall consist of the two (2) voting Resident/Fellow members and two (2) voting Faculty members of the Resident/Fellow Hearing Committee. All proceedings of the Resident/Fellow Hearing Committee must be attended by the Resident/Fellow Hearing Committee Chair. Non-voting members are encouraged to attend the Committee proceedings.

- G. The formal hearing shall be conducted in accordance with the Resident/Fellow Hearing Committee Procedures set forth in section K below. Within ten (10) calendar days of the conclusion of the formal proceedings, unless the Resident/Fellow Hearing Committee requests the Dean for additional time, the Resident/Fellow Hearing Committee shall submit its recommendation and a full and complete copy of the record to the Dean who shall then decide the matter, and such decision shall be final. Within thirty (30) calendar days of receipt of the Resident/Fellow Hearing Committee recommendation, the Dean will present a final decision to the Fellow. The final decision of the Dean shall include a statement of the findings and conclusions of the formal termination proceeding. If the final decision is termination for cause, the termination shall be effective thirty (30) calendar days after the date of the Dean's final decision. Within ten (10) calendar days of the Fellow's receipt of the Dean's final decision, the Fellow may file a written petition for reconsideration with the Dean stating the specific grounds upon which relief is requested. Petitions submitted later than ten (10) calendar days from receipt of the final decision will not be considered. The disposition of the petition shall be completed by the Dean, or his/her designee, within twenty (20) calendar days from the date of the timely filing in the Dean's Office of the petition for reconsideration. The petition for reconsideration will be deemed to be denied if the Dean does not dispose of the petition within twenty (20) days of filing. A petition for reconsideration does not delay the effective date of a termination for cause.
- H. A Fellow may be relieved of clinical duties at any time on the recommendation of any Faculty member to the Department Chair when in the opinion of the Department Chair such action is deemed as being in the best interest of patient care. The Fellow will be fully advised of the reasons for such action and the action will be immediately communicated to the Dean. Upon request of the Fellow, the reason for such action shall be stated immediately in writing. All efforts shall be made to reassign the Fellow to non-patient care activities consistent with his/her educational objectives for the period involved. If such action is indicated for reasons that can normally be considered to be transient, or correctable by remedial assistance, a continuing review of the situation will be the responsibility of the Department Chair and/or appropriate clinical/faculty supervisor who will return the Fellow to full activities as soon as possible. If such action is indicated for reasons not considered to be transient or remedial, the termination for cause provisions will apply, and appropriate reassignment will be made by the Department Chair during the period necessary to assure the Fellow his/her due process rights.
- I. The stipend and fringe benefits of the Fellow shall be continued during the period necessary to assure due process provided that such stipend and fringe benefits shall cease at the expiration of his/her appointment or the effective date of his/her termination by the Dean, whichever shall occur first.
- J. These provisions relating to termination for cause do not apply to any decision not to reappoint a fellow.
- K. The purpose of an Institutional Resident/Fellow Hearing Committee hearing is to provide a Fellow, upon written request, a formal termination proceeding. The hearing provides the Fellow an opportunity to present evidence and argument that the termination decision, made by the Department Chair, was arbitrary and capricious. The Fellow has the burden of proof. The findings, conclusions and recommendations of the Resident/Fellow Hearing Committee shall be submitted to the Dean for final action.
1. Within thirty (30) days of receipt of a written request for an Institutional Resident/Fellow Hearing Committee hearing, the Resident/Fellow Hearing Committee shall acknowledge receipt of the request for a formal termination proceeding and submit notification of any obvious errors or omissions in the request to the Fellow, Dean and Department Chair. Within ninety (90) days after

receipt of the request or of the response to a timely notice of the necessity for corrections or additions to the request, the Resident/Fellow Hearing Committee will commence a hearing.

2. Within five (5) working days of receipt of the Fellow's written request for a formal termination proceeding, the Resident/Fellow Hearing Committee Chair shall provide the Department Chair a copy of the Fellow's written request for a formal termination proceeding. Within thirty (30) working days of receipt of this notice (an extension not to exceed an additional thirty (30) working days can be requested), the Department Chair, or his/her designee, shall provide the following information to the Resident/Fellow Hearing Committee:
 - a. A statement of the matters asserted by the Department Chair;
 - b. A list of witnesses who may be called to testify against the Fellow; and
 - c. A list of documentary evidence to be presented at the hearing.
3. When a hearing is scheduled before the Resident/Fellow Hearing Committee, the Chair of the Resident/Fellow Hearing Committee shall provide the Fellow and his/her representative, if known, with written notice of the following information:
 - a. The names and business addresses of all parties to whom notice is being given, and if known, the names and addresses of their representatives;
 - b. The name, business address, and telephone number of the person designated to represent the University at the hearing;
 - c. The official file or other reference number and the name of the proceeding;
 - d. The name, official title, and business address of the Resident/Fellow Hearing Committee members;
 - e. The name, business address, and telephone number of the Coordinator of the Resident/Fellow Hearing Committee;
 - f. A statement of the time, place and nature of the proceeding;
 - g. A statement that the hearing is to be conducted under the authority of the University and in compliance with the Resident/Fellow Hearing Committee procedures delineated in the Fellowship Physician Policy;
 - h. A statement of the matters asserted by the Department Chair;
 - i. A list of witnesses who may be called to testify against the Fellow;
 - j. A list of documentary evidence to be presented at the hearing;
 - k. A statement that the notice may be amended and such amendments will be sent to the Fellow at any time prior to the hearing. The statement shall also provide that if such amendments are made, the Fellow has the right to request that the hearing be rescheduled to a later date; and
 - l. A statement that a Fellow who fails to attend the hearing or otherwise respond to this notice shall be considered to have waived the right to a formal hearing by default.
4. The Chair of the Resident/Fellow Hearing Committee shall ensure compliance with the following Resident/Fellow Hearing Committee Procedures:
 - a. The Fellow shall be provided with a reasonable opportunity (at least seven days advance written notice) to gather evidence, contact witnesses, and prepare for the hearing;
 - b. All materials, documentation, and evidence shall be submitted to the Resident/Fellow Hearing Committee during the course of the hearing with simultaneous distribution of copies to the Department Chair or Fellow. Parties may agree to submit materials or documentation in advance of the hearing, provided that they agree on the nature, extent, and timing of such document submission and the Committee agrees to receive such information;
 - c. The Fellow may be accompanied by an advisor, or represented at the Fellow's own expense by counsel, of the Fellow's choice and the Department Chair and Resident/Fellow Hearing Committee may be represented by an Assistant Attorney General;
 - d. The Fellow and Department Chair (or designee) are entitled to hear all testimony and examine all evidence that is presented at the hearing. The Fellow and Department Chair (or designee) may present evidence and witnesses in support of their respective positions and may ask questions of any other witnesses;

- e. The Chair shall give all parties full opportunity to submit and respond to pleadings, motions, objections, and offers of settlement;
 - f. Discovery is not available in the Resident/Fellow Hearing Committee procedure;
 - g. The Fellow and Department Chair do not have the right to be present during the deliberations of the Resident/Fellow Hearing Committee;
 - h. The hearing will be closed to public observation unless the Fellow requests in writing to the Chair of the Resident/Fellow Hearing Committee that the proceedings be open to public observation. If requested by the Fellow, the hearing will be open to public observation except for the parts that the Chair states to be closed. Where necessary, the Chair may require the removal of patient identifying information to protect patient confidentiality.
 - i. All testimony of parties and witnesses shall be made under oath or affirmation;
 - j. No communications are permitted by the Fellow or Department Chair or their respective representatives to the Resident/Fellow Hearing Committee members regarding any issue in the proceeding other than communications necessary to procedural aspects of maintaining an orderly process. All other communications regarding the hearing are to be directed to the Coordinator of the Resident/Fellow Hearing Committee. Contacts are not to be made directly with Committee members; and
 - k. Any Resident/Fellow Hearing Committee member will be subject to disqualification from participation in the Resident/Fellow Hearing Committee Procedure on the basis of bias, prejudice or interest in the outcome of the proceedings. Any party may petition for the disqualification of an individual promptly after notice indicating that the person will participate or, if later, promptly upon discovering facts establishing grounds for disqualification. The Chair of the Resident/Fellow Hearing Committee shall determine whether to grant the petition stating facts and reasons for the determination.
5. The Fellow may choose to present evidence to the Chair of the Resident/Fellow Hearing Committee rather than at a hearing before the full committee. The Fellow's waiver of the right to a hearing before the Resident/Fellow Hearing Committee must be submitted in writing to the Chair of the Committee. The Chair will submit the Fellow's evidence and arguments to the full committee and the Committee will make its decision based on the Chair's report.
 6. Evidence shall be admissible at the hearing if it is the type of evidence that reasonably prudent members of the University community would rely upon in the conduct of their affairs.
 7. The Resident/Fellow Hearing Committee is charged with responsibility to review the termination decision of the Department Chair. The standard of review to be applied by the Resident/Fellow Hearing Committee is whether the Department Chair's decision was arbitrary or capricious. The burden of proof is on the Fellow to show that the Department Chair's termination decision was arbitrary or capricious. (Arbitrary and capricious action is willful and unreasoning action, without consideration and in disregard of facts or circumstances. Where there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration even though it may be believed that an erroneous conclusion has been reached.) Only those members of the Resident/Fellow Hearing Committee that are present at the hearing may participate in the deliberations of the Committee. The submission of a recommendation by the Committee shall require a quorum of those present at the hearing and simple majority vote. If the Committee is unable to achieve a simple majority vote, the recommendation(s) of the Committee should reflect the views of each of the eligible committee members.
 8. The Resident/Fellow Hearing Committee shall submit its recommendation and a copy of the record to the Dean, Department Chair, and Fellow. The recommendation shall include a statement of findings and conclusions regarding the Department Chair's termination decision. Findings of fact shall be based exclusively on the evidence of record in the hearing and matters officially noticed in that proceeding.

9. All proceedings of the Resident/Fellow Hearing Committee will be conducted with reasonable dispatch and be terminated as soon as possible, consistent with fairness to all parties involved. The Chair shall have the discretion to continue the hearing.
 10. An adequate summary of the proceedings will be kept. Such a summary shall include all documents that were considered by the Resident/Fellow Hearing Committee and may include a tape recording of the testimony and any other documents related to the hearing. Any party, at the party's expense, may cause a court reporter approved by the Resident/Fellow Hearing Committee to prepare a transcript from the Committee's record, or cause additional recordings to be made during the hearing if the making of the additional recording does not cause distraction or disruption.
- L. A Fellow's appointment may be terminated with thirty (30) days' written notice for cause only by the Dean of the UWSOM by action on or acquiescence to the recommendation of the Department Chair or the Resident/Fellow Hearing Committee.

XI. SEXUAL HARASSMENT AND OTHER FORMS OF DISCRIMINATION

A. Definitions

Discrimination can include (but is not limited to) harassment. "Harassment" is behavior by a member of the University community (1) based on race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or status as a disabled or Vietnam era veteran which is unwelcome AND (2) sufficiently severe, persistent or pervasive that it could reasonably be expected to create an intimidating, hostile, or offensive University environment.

Discrimination on the basis of "sex" includes sexual harassment, which means: (1) unwelcome sexual advances or requests for sexual favors by a person who has authority over the recipient when (a) submission to such conduct is made either an implicit or explicit condition of the individual's employment, academic status, or ability to use University facilities and services, or (b) submission to or rejection of the conduct is used as the basis for a decision that affects tangible aspects of the individual's employment, academic status, or use of University facilities; or (2) unwelcome and unsolicited language or conduct by a member of the University community that is of a sexual nature or is based on the recipient's sex and that is sufficiently offensive or pervasive that it could reasonably be expected to create an intimidating, hostile, or offensive University environment. (University of Washington Handbook Volume IV, Part I, Chapter 2, Section 3.)

B. Procedures

Fellows who believe they are being harassed or discriminated against can seek help from their Fellowship Program Director or Department Chair. They may also seek assistance from the GME Office. Other resources available on campus include the University Ombudsman and Ombudsman for Sexual Harassment and the University Complaint Investigation and Resolution Office. Agencies outside of the University with whom a fellow may file a complaint include the Washington State Human Rights Commission and the U.S. Equal Employment Opportunity Commission.

XII. EQUAL OPPORTUNITY

The UWSOM ensures equal opportunity in education and appointment regardless of race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, disabled veteran, or Vietnam era veteran status in accordance with University policy and applicable federal and state statutes and regulations.

As part of equal opportunity, the UWSOM provides reasonable accommodation to otherwise qualified fellows with a disability. Requests for accommodation are to be submitted by the Fellow to the GME Office, and are evaluated on an individual basis.

XIII. DISABILITY ACCOMODATION

The UWSOM provides reasonable accommodation to fellows with a disability. Reasonable accommodation may include, but is not limited to, a leave of absence or modification to a position, work environment, policy or procedure to enable a qualified individual with a disability to enjoy equal opportunity and/or to perform the essential functions of the position. Requests for accommodation are to be submitted to the Office of the Dean. Accommodation requests are evaluated on an individual basis.

XIV. AMENDMENTS

Amendment to this policy for the following academic year shall be approved by GMEC by January 15th.

In the event of unforeseen or critical circumstances, the Dean may propose alterations of this policy. Such alterations will be referred to the IRFAC and the GMEC for consideration prior to implementation. Critical circumstances shall be generally defined as grave, pressing, and/or unusual circumstances of sufficient import and urgency as to necessitate the modification of this policy in a manner which could not reasonably be construed as arbitrary or capricious.