

## **University of Nebraska Residency Program House Officer Appeal Procedures**

- A. Appeal to the House Officer Appeals Committee (Committee) is available for house officers when any of the following actions occur:
  1. Written notice of termination for unsatisfactory academic performance; or unsatisfactory professional performance; or a breach of the terms of the House Officer Agreement; or breach of the Bylaws of the Board of Regents of the University of Nebraska.
  2. Written notice of nonrenewal of the House Officer Agreement prior to the completion of the training program.
  3. Written notice of determination of unsatisfactory academic performance that does not lead to termination.
- B. An appeal must be made in writing setting forth the reasons for the appeal and submitted to the Associate Dean for Graduate Medical Education. The house officer must make the appeal within two weeks after receiving notice of the adverse action affecting the house officer.
- C. A Committee shall then be appointed to hear the appeal. The Committee shall consist of four members of the full time faculty and one resident, all with equal voting status. The Committee shall not include any individual who participated in the action resulting in the appeal or other individuals who might have a conflict of interest.
- D. The members of the House Officer Appeals Committee shall select one of the members as Chairperson in a manner agreed upon by the members. The Chairperson shall, in all cases, vote as a member of the Committee.
- E. At least one week in advance of the hearing, the house officer requesting an appeal shall be given written notice of the time and place of the hearing, the membership of the Committee, and a copy of the House Officer Appeal Procedure.
- F. If the house officer requests a personal appearance before the Committee, the request shall be granted.
- G. The house officer wishing to appear personally before the Committee may be accompanied by an advisor of choice. The name of the advisor must be provided to the Committee at least 24 hours before the hearing. The role of the advisor shall be limited to assisting the house officer. If the house officer has an attorney for advisor, the Program may have an attorney present to assist the Program. The Committee may have the assistance of counsel for the University to advise the Committee on procedural and other matters.
- H. The house officer and program director shall provide copies of documents and a list of witnesses to the Graduate Medical Education Office at least 48 hours in advance of the hearing. The Graduate Medical Education Office shall distribute the information to the house officer, program director, and committee members in advance of the hearing.
- I. The Chairperson of the Committee shall determine the order of the hearing, direct questioning of the house officer, if present, and any other witnesses, if present, and conduct the hearing so that the house officer, his or her advisor and any other individuals appearing before the Committee are treated fairly.
- J. The Associate Dean for Graduate Medical Education who is a non-voting member of the Committee, shall act as secretary to the Committee. The secretary shall arrange for a tape recording of the house officer's testimony and the testimony of any other witnesses. The house officer may request a copy of the tape recording of his or her testimony and the testimony of any other witnesses who may appear before the Committee.
- K. At the conclusion of the hearing, the Committee shall consider the written and oral evidence. The Committee deliberations shall not be recorded. The Committee members shall consider the following

questions during their deliberations.

1. Whether the person(s) taking the action affecting the house officer considered all relevant matters.
  2. Whether the action taken was arbitrary or capricious.
- L. After thorough consideration of all of the written evidence and oral testimony presented, the Committee shall vote by secret ballot. The decision of the Committee shall be by majority vote. The Committee decision may be one of following: to uphold, to reverse, or to modify the action taken affecting the house officer. The Committee Chair shall submit the decision in writing to the Dean as a recommendation.
- M. The Dean, upon receipt of the Committee's recommendation, shall review the matter and make the final decision about the appeal. The house officer and program director shall be notified in writing of the final decision.

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