



**INSTITUTE FOR FAMILY HEALTH
POLICY PROCEDURE STATEMENT
FOR GRADUATE MEDICAL EDUCATION**

Policy/Procedure Title: Grievance and Dispute Resolution Process

ACGME Policy: IRQ Part 3 IV.D

Original Effective Date: 7/1/12

Revision Effective Date: 6/13/23

PURPOSE: The Accreditation Council of Graduate Medical Education (ACGME) Institutional Requirement VI.D states: "The Sponsoring Institution must have a policy that outlines the procedures for submitting and processing resident/fellow grievances at the program and institutional level and that minimizes conflicts of interest." The purpose of this policy is to provide residents and fellows participating in post-graduate training programs a process for grieving matters other than those listed in General Grievances below, as well as due process to follow while appealing the imposition of Corrective Actions.

SCOPE: This policy applies to all Graduate Medical Education (GME) training programs at the Institute for Family Health. For the purpose of this policy, ACGME Common Program Requirements will apply to residents receiving training in Institute programs. This policy is superseded by relevant provisions of collective bargaining agreements (see CIR contract).

GENERAL GRIEVANCES: If a resident has a complaint or grievance related to matters other than job performance, corrective action plans, discrimination or sexual harassment, the resident should first attempt to resolve it by consulting with the chief resident or the Program Director. If the resident is unable to resolve it at that level, the resident should present the complaint or grievance to the Designated Institutional Official (DIO). If the resident is unsatisfied with the DIO's decision, recommendation or other handling of the complaint or grievance, the resident may present the complaint or grievance in written form to the Graduate Medical Education Committee (GMEC), which shall provide a written response to the resident within ten (10) business days of receipt of the written complaint. The decision of the GMEC shall be final and binding.

SEXUAL HARASSMENT AND DISCRIMINATION: If a resident has a complaint or grievance related to discrimination or sexual discrimination, the resident shall have the right to address said complaint in accordance with the policies and procedures set forth in the Sexual Harassment and Protected Class Policy.

DUE PROCESS PROCEDURE: A resident may seek relief from a corrective action plan by using the following process:

Initial Request by a Resident to Review a Corrective Action Plan: The resident may request to have any corrective action reviewed. A request for review should be submitted to the Graduate Medical Education office within five (5) business days of the resident learning of the corrective action. Upon receipt of a request for review, GME administration will appoint an attending faculty physician who is not a member of the faculty of the resident's program to review the complaint and determine whether the matter is reviewable under this policy. The physician reviewer will:

- Review the complaint
- Meet with the resident
- Review the resident's or fellow's file
- Meet with the program director
- Consider any extenuating circumstances
- Consult with others, as appropriate, to assist in the decision making process; and
- Determine whether this policy was followed, i.e. the resident received notice of deficiency and an opportunity to cure, and the decision to take the corrective action was reasonably made.

GME Administration will:

- Appoint the physician reviewer
- Assist the physician reviewer in identifying other potential participants, if warranted
- Provide procedural guidance to the physician reviewer, if warranted
- Coordinate communications between the physician reviewer and the resident
- Monitor timely completion of the review process
- Assist the physician reviewer with the written report to the resident and Program Director (should be provided within 30 business days of the resident's or fellow's request for review).

2. Second Request by a Resident to Reconsider Initial Review or Hearing: The resident shall present the grievance in writing to the GME Administration within five (5) business days after receiving the written report of the physician review. The grievance shall state the facts upon which this additional grievance is based and state clearly why an additional review or hearing is warranted.

Grievance Hearing Committee Review: GME Administration shall organize a hearing of a Grievance Hearing Committee within ten (10) business days of receiving the resident's request for a hearing. No member of the Hearing Committee should have any direct involvement with the circumstances in question. The Hearing Committee shall consist of the following three individuals, none of whom may be from the program of the resident in question:

1. One program director or attending faculty of equivalent experience and standing at the Institute who shall act as chairperson of the ad hoc review panel;
2. Two additional faculty members; and
3. One GME administrator (non-voting member of the panel)

The Hearing Committee will set a date for the hearing within thirty (30) days from the receipt of the grievance and allow at least 10 business days advance notice to the resident. The Chair of the Hearing Committee may choose to discuss the complaint with the resident and the Program Director independently. The resident shall have the following rights during this review:

1. The right to know the reason for the action resulting in the corrective action plan.

2. The right to know the time and place of the Hearing as well as the names of the Hearing Committee members in writing at least 10 business days in advance.
3. The right to provide a written rebuttal of the accusations and be heard in person.
4. The right to be accompanied by an advisor. The advisor can be an attorney or staff from the CIR union. While the advisor may consult with and advise the resident during the review, the advisor shall not in any way participate in the proceedings. The Institute shall have the right to have a legal representative in attendance.
5. The right to a written statement prepared by the hearing body setting forth its recommendations and/or conclusions, its reasons for reaching such recommendations or conclusions, and the facts relied upon in reaching such recommendations or conclusions.

Hearing Committee Procedure: The format of the hearing will include a presentation by the program director (max 20 minutes); an opportunity for a presentation of equal length by the resident; an opportunity for response by the program director (max 10 minutes), followed by a response of equal length by the resident. This will be followed by a period of questioning by the hearing panel.

Documents to be considered by the review panel must be completed and distributed to the other party and the ad hoc review panel not less than five (5) business days before the review. Such submission shall include pertinent subject matter (in writing) from relevant participants (other faculty, residents, or staff) and the relevance of that participants' evidence to the matter being heard.

The Hearing Committee at its sole discretion may decide to expand participants at the hearing to include the individuals who provided witness statements for the Program Director or the resident, and choose to interrogate them at their own discretion.

The Hearing Committee may choose to schedule additional sessions if additional time is needed to interview principle participants or if additional participants need to be interviewed.

The Hearing Committee shall deliberate privately.

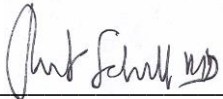
A final decision will be made by a majority vote of the Hearing Committee and the Committee's finding and recommendation will be communicated in writing within ten (10) business days following completion of the Hearing.

Appeal to the DIO: If the resident does not agree with the recommendations and/or findings of the Hearing Committee, the resident may appeal in writing within ten (10) business days of receipt of the Hearing Committee decision to the DIO. The DIO shall consider the matter and within ten (10) business days will provide a written determination to the resident or fellow. The determination of the DIO shall be final and binding and no further review or appeal process will be available.

Related Matters

1. The burden of persuasion is upon the resident to demonstrate by clear and convincing evidence that the action taken was arbitrary and capricious, i.e., not based on legitimate academic or professional reasons.

2. The Hearing Committee record is confidential and shall not be open to the public, except (a) to the extent both parties agree in writing or (b) as may otherwise be appropriate in response to a governmental or legal process.
 3. Failure of the resident to meet the time limits for formal grievance shall constitute a withdrawal of the appeal.
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Approved By:  Date: 6/13/23

Designated Institutional Official