

Memorial Hospital at Gulfport				
Policy/Procedure Title	Resident Grievance Policy	Manual Location		GME
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Department Generating Policy	Graduate Medical Education			
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Dept / Committee Approval (If Applicable)	Graduate Medical Education Committee	Date/Title	04/09/2021	
Medical Staff Approval (If Applicable)		Date/Title		
Board Approval (If Applicable)		Date/Title		
Standard ACGME	IV.D.			

I. Purpose

Memorial Hospital at Gulfport (MHG) has adopted the following policy to address the process of resident grievances. A grievance procedure is available to residents for resolution of problems relating to their appointments or responsibilities, including differences with MHG, the Residency Training Program, or any representative thereof.

MHG ensures the availability of procedures for redress of grievances, including complaints of discrimination and sexual harassment, in a manner consistent with the law and with the general policies and procedures of the institution.

The policy addresses *ACGME Institutional Requirement IV.D. Grievances*: 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.

II. Definitions

Grievance: is defined as dissatisfaction when a resident believes that any decision, act or condition affecting his or her program of study is arbitrary, illegal, and unjust or creates unnecessary hardship.

Grievable matters: are those relating to the provisions of the Resident Agreement, the policies, and procedures governing Graduate Medical Education, and the application of the policies and procedures of MHG. Questions of capricious, arbitrary, punitive or retaliatory actions or interpretations of the policies governing Graduate Medical Education on the part of any faculty member or representative of the program are subject to the grievance process. Complaints of harassment or sexual harassment will be handled in accordance with the specific published MHG policies.

Academic Action policy: is a GME policy that deals with academic or other disciplinary actions taken against the resident that could result in dismissal, non-renewal of resident agreement, non-promotion of a resident to the next level of training.

Non-Grievable matters: actions on the part of the Program or related faculty members based solely on academic or clinical performance including but not limited to failure to attain the

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educational objectives or requirements of the training program are not subject to interpretation and are therefore Non-Grievable.

BACKGROUND

Each Residency Program and Program Director is responsible for the conduct of the program and for the policy on defining satisfactory performance of the resident. The sponsoring institution, MHG, wishes to ensure that the application of such policies is not arbitrarily illegal, unjust or create unnecessary hardship. Therefore, a policy and procedure for addressing resident dissatisfaction is established.

III. Policy

Each program must develop fair and consistent standards for the residents. MHG requires that residents be provided a fair and reasonable opportunity for due process and grievance. The resident is encouraged to discuss his or her grievance with the person(s) alleged to have caused the grievance. The discussion should be held as soon as the resident becomes aware of the act or condition that is the basis for the grievance.

If the resident is not satisfied with the response, the resident should discuss the grievance with the Program Director. In programs that provide faculty mentors or advisors, the resident's mentor/advisor should be involved in all such discussions. Issues can best be resolved at this stage and every effort will be made to achieve a mutually agreeable solution.

If a resident feels that a decision by the program violates standards of fairness, then the resident is afforded a process whereby individuals outside the program may review such decisions. That process is detailed in the section below.

IV. Procedure

1. Program Director

- 1.1 The resident will first discuss any grievance with the Program Director.
- 1.2 In cases of serious disciplinary action (dismissal, non-renewal of resident contract, or other actions that could significantly threaten a resident's intended career development), the Program Director will inform the resident of his/her right to request to a hearing.

2. Office of Graduate Medical Education / Designated Institutional Official

- 2.1 If the grievance is not resolved to the satisfaction of the resident after discussion with the Program Director, the resident has the option to present the grievance, in writing to the Office of Graduate Medical Education. In situations where the grievance relates to

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the Program Director, the resident should present the grievance in writing directly to the Office of Graduate Medical Education.

2.2 The Designated Institutional Official (DIO) will meet with the resident, the Program Director, and one or more of the program's chief residents to determine the validity of the complaint and to determine the means of redress.

3. Appeal Hearing Panel

3.1 If the grievance is not resolved to the satisfaction of the resident after discussion with the DIO, the resident has the option to request an appeal hearing. In all cases of serious disciplinary action, the Program Director and DIO will inform the resident of his/her right to request and appeal hearing.

3.2 A resident who wishes to request such an appeal hearing must do so within five business days after notification of the proposed actions. The DIO will arrange the date, time and location of such a hearing.

3.2.1 The request for a hearing shall be in writing.

3.2.2 The request shall state the reason(s) for the request with a complete description of the basis for the grievance.

3.3 The Hearing Panel will be comprised of three persons as follows:

3.3.1 Two faculty members who are members of the Graduate Medical Education Committee, appointed by the DIO,

3.3.1.a) one of who shall also act as the Chairperson of the panel.

3.3.1.b) Any member of the GME Committee who participated in the decision or action that the resident is grieving shall be recused from serving on the Committee.

3.3.1.c) The faculty should not be members of the same program or members of the program in which the resident is training.

3.3.2 One resident member, who has been peer selected to serve on the GMEC, appointed by the DIO with efforts made to avoid conflict of interest.

3.3.3 In addition, a member of the Office of Graduate Medical Education, staff appointed by the DIO, shall serve in an ex-officio, non-voting capacity.

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3.4 The Chair must hold a meeting of the hearing panel within 10 business days of receipt of the request for a hearing using the guidelines described below.

3.4.1 The resident may choose to attend or not to attend the hearing at their option. Failure to request or to attend the hearing will be construed as waiver of the resident's right to be heard prior to the imposition of disciplinary action. This will also waive the resident's right to any further appeal of the disciplinary action.

3.4.2 The resident has the right to a non-participating advisor (not an attorney).

3.4.3 The affected Program Director shall designate a person to represent the program.

3.4.4 All parties shall receive adequate notice of the complaint and opportunity to present evidence.

3.4.5 Evidence may be requested by the Appeal Panel.

3.4.6 The GME office shall make and maintain a transcript of the hearing.

3.5 Conduct of the Appeal Hearing:

3.5.1 The resident and Program Director shall present evidence, including the testimony of voluntary witnesses.

3.5.2 Hearing procedures will be considered informal and non-adversarial. MHG Health General Counsel may, at the discretion of MHG, attend the Appeal Hearing. Outside counsel is not permitted to attend.

3.5.3 The recommendation of the panel, regarding the proposed adverse action, will be made within three business days of the hearing date and communicated in writing to the DIO. The recommendation will state facts and reasons for the recommendation.

3.6 Receipt of the Hearing Panel's recommendation:

3.6.1 The recommendation of the Hearing Panel to DIO shall be deemed advisory in nature, and may be accepted, rejected or modified, in whole or in part, by the DIO and the GMEC.

3.6.2 The DIO shall initiate such disciplinary action as appropriate and such action shall be communicated to the resident, Program Director and GMEC in writing.

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3.6.3 The resident shall be informed of the right to appeal to the CEO of MHG.

4. Chief Executive Officer

4.1 If the grievance is not resolved to the satisfaction of the resident after the recommendation of the Appeal Hearing Panel, they will be entitled to appeal any proposed adverse action in writing to the CEO of MHG withing five (5) business days of the action being taken.

4.1.1 If such an appeal is not requested within the time indicated, the resident shall be deemed to have waived his/her right to such an appeal and to have accepted the decision of the DIO and GMEC.

4.2 The CEO shall schedule a date for the final appeal, including a time and place for oral presentation if such has been requested by the resident.

4.2.1 The final appeal shall take place within seven business days after the resident has appealed the action taken by the DIO and the GMEC to the CEO of MHG.

4.2.2 The final appeal shall include all documentation from previous meetings and appeals.

4.3 The CEO will issue a final decision within 14 calendar days of receipt of the appeal of the grievance, unless more time is required in which case the CEO shall notify the parties of the expected time frame of the issuance of his decision but not to exceed an additional 14 calendar days.

4.4 The decision of the CEO is final and binding. Any action(s) taken in good faith by the CEO addressing the grievance are final.

4.5 Failure of the Resident to reduce his/her concerns to writing, failure to meet time allowances, or failure to be present at any of the above steps constitutes a waiver of his/her right to appeal.