

Policy Title	Grievance and Due Process for Adverse Actions
ACGME Number	Institutional – IV.D Common – II.A.4
Page	Page 1 of 7

POLICY	
PURPOSE	<p>Memorial’s GME program makes every effort to treat all residents fairly and equitably. The purpose of this policy is to set forth fair, reasonable, and readily accessible policies and procedures for grievance and due process with respect to adverse actions taken by Memorial, including its GME program.</p>
SCOPE	<p>The policy applies to all MHS-sponsored GME residency training programs, both accredited and non-accredited.</p> <p><i>Note:</i> In addition to being subject to specific policies and procedures required by all applicable accrediting bodies, GME residents are also subject to policies and procedures applicable to MHS employees generally and enjoy those benefits of employment applicable to MHS employees of comparable classification.</p>
POLICY GUIDELINES	<p>Grievance procedures may be invoked only when direct discussions between the resident and any other parties to the dispute have been exhausted and left unresolved. The desire to register mere unhappiness over a particular decision or action, does not, alone, justify invoking a grievance procedure. The actions upon which a grievance and due process may be invoked are:</p> <ol style="list-style-type: none"> 1. Termination (Resident is terminated from the program) 2. Non-renewal of Contract (when determined that contract for the following year will not be renewed but the Resident is allowed to finish current academic year) 3. Non-promotion to Next PGY Level (Resident is deemed ineligible for promotion at start of new academic year and contract is renewed at the same PGY Level) 4. Denial of academic credit for all or portion of the academic year 5. Suspension (Resident is suspended for a period of time) 6. Other actions which may be appropriate under the circumstances <p>Results of individual evaluations or judgment of resident performance by faculty, oral counseling, and notes of concern do not rise to the level of adverse action and are not subject to grievance and due process procedures. Individualized Learning and Performance Improvement Plans are not adverse actions and not covered under this policy. Thus, Individualized Learning and Performance Improvement Plans cannot be challenged.</p> <p>A grievance procedure may not be used to question a rule, procedure, or policy established by an authorized faculty or administrative body.</p> <p>This Policy does not apply to complaints related to discrimination or harassment based on any status protected by law or complaints related to retaliation for having made a discrimination or harassment complaint. Such complaints must be reported to Human Resources pursuant to MHS’ Equal Employment Opportunity Policy, Anti-Harassment Policy, and Anti-Retaliation Policy.</p>

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ACGME Number	Institutional – IV.D Common – II.A.4
Page	Page 1 of 7

	<p>Any Resident, employee or leader who retaliates against an individual who in good faith brought a grievance pursuant to this Policy or against an individual who participated in good faith in preparing, presenting or investigating a grievance, may be subject to disciplinary action, up to and including termination from employment. Any person who knowingly and intentionally files a false grievance under this policy is subject to corrective action up to and including discharge.</p> <p>This is an internal administrative process. While both MHS and the grievant may discuss this matter with their own legal counsel, neither party will use legal counsel to communicate on their behalf to each other, argue their case, or submit documents to the committees described below. At any time during this process, the resident may resign. Once a written resignation has been delivered to the PD, however, the resident shall be deemed to have waived all rights to a hearing or to a continuance of his/her appointment.</p>
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Page	Page 1 of 7

<p>PROCEDURES</p>	<p>A resident who wishes to grieve an action must do so within five (5) business days of the action.</p> <p>PROCESS:</p> <ol style="list-style-type: none"> 1. A resident initiates the Grievance Procedure by completing the official Grievance Form available in the Human Resources Department, which includes: a statement describing the matter in dispute, supporting evidence/documentation, and the requested remedy or solution. After the Grievance Form has been completed, it is submitted to Human Resources. 2. Human Resources liaisons between the resident and GME leadership, explaining the Grievance policy and procedure, assembling the appropriate ad hoc Grievance Committees, and coordinating the exchange of written communication at each step in the process. The steps are as follows: <p>Level One: Program Level. Human Resources will work with the Director of Graduate Medical Education to establish a departmental level ad hoc Committee. The Committee will review all documents and matters pertaining to the grievance, and may provide the resident an opportunity for a full discussion of the grievance. The Committee will make a decision as to the requested remedy. This decision is documented on the Grievance Form and sent to Human Resources, who informs the resident of the decision rendered.</p> <p>Level Two: GMEC Level. If the resident rejects the decision rendered in Level One, the resident may, within two (2) business days, request escalation of the grievance to the GMEC Level. Human Resources will work with the Director of Graduate Medical Education to establish an ad hoc Committee composed by faculty members outside of the resident’s training program, who may or may not be members of the GMEC and at least 1 resident outside of the resident’s training program who may or may not be members of GMEC. The Committee will review all documents and matters pertaining to the grievance, and may provide the resident an opportunity for a full discussion of the grievance. The Committee will make a decision as to the requested remedy. This decision is documented on the Grievance Form and sent to Human Resources, who informs the resident of the decision rendered.</p>
	<p>Level Three: Healthcare System CMO Level. If the employee rejects the decision rendered in Level Two, the employee may, within two (2) business days, request escalation of the grievance to the CMO. The CMO will review all documents and matters pertaining to the grievance, and may provide the resident an opportunity for a full discussion of the grievance. The CMO will make a decision as to the requested remedy. The decision of the Healthcare System CMO is final and binding. The decision is documented on the Grievance Form and sent to Human Resources, who informs the resident of the decision rendered.</p>

Policy Title	Grievance and Due Process for Adverse Actions
ACGME Number	Institutional – IV.D Common – II.A.4
Page	Page 1 of 7

REFERENCES	<p>ACGME Institutional Requirements, effective July, 2015, revised February 2018</p> <p>ACGME Common Program Requirement, effective July 2020, revised June 2018</p> <p>ACGME Program Specific Requirements – most recent as per RRC specialty</p> <p>GME – Renewal and Promotion</p> <p>GME – Disputes and Complaints</p> <p>GME – Resident Contract</p> <p>MHS – Anti Retaliation Policy</p> <p>MHS – Anti-Harassment Policy</p> <p>MHS – Equal Employment Opportunity Policy</p>
ORIGINAL ISSUE DATE	July 2017
REVIEW/REVISION DATES	September 2019; August 2020
POLICY OWNER	<p>Office of Academic Affairs</p> <p>If any of the statements contained in this policy conflict with any verbal statements or agreements made by any representatives of MHS, then the statements contained in this policy shall control the outcome of any such conflict.</p> <p>This policy is intended to supplement standard MHS Human Resources (“HR”) policies. To the extent that this policy conflicts with any MHS HR policy, the standard HR policy shall govern and control.</p> <p>MHS reserves the right to modify this policy in whole or in part, at any time, at the discretion of MHS or as required by applicable law, regulation, or governing/accrediting body.</p> <p>Employees who have questions regarding information contained in this policy should contact the Office of Academic Affairs.</p>