

## GRADUATE MEDICAL EDUCATION

### **POLICY: GRIEVANCE (*DUE PROCESS*)**

GME Policy and Procedure Manual

<b>Department Responsible</b> Graduate Medical Education	<b>Created</b> 3/2/2016	<b>Effective Date</b> July 1, 2016	<b>Next Review/Revision Date</b> April 2021
<b>Title of Person Responsible</b> Designated Institutional Official	<b>Approved Council:</b> Graduate Medical Education Committee		<b>Date Approved by Council</b> June 1, 2016

#### **Policy**

Per ACGME requirements (II.D.), 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.

#### **Purpose**

Any resident who has a complaint, disagreement or expression of dissatisfaction with his/her training, assessment of abilities or matters related to Resident's activities which could result in Resident's dismissal, suspension, demotion or otherwise significantly threaten his/her intended career development has a right to request an informal review.

If the resident's participation in the Long Beach Memorial's graduate medical education program ends while the grievance is being considered at a particular step outlined below, that consideration will immediately terminate, and any decision reached by the immediately prior decision-maker in the Grievance Procedure will be the final, non-appealable resolution of the grievance.

Only residents sponsored by Long Beach Memorial who are currently undergoing training in Long Beach Memorial's graduate medical education programs may utilize this Grievance Procedure.

#### **Grievance Procedure**

The Grievance Procedure has an Informal Review Process and a Formal Review Process. Each of these processes is explained below. The resident must utilize the Informal Review Process first, and then, if needed, advance to the Formal Review Process. Once the resident has used the informal and formal processes as described below, the resident cannot re-initiate the process for the same issue.

#### **1. Informal Review**

A Resident who has a complaint shall discuss it with the program director and/or the Executive Director for Medical Education. If the complaint cannot be resolved through informal discussion within 30 days, the resident may pursue the formal review process.

**2. Formal Review**

Grievances shall be submitted in writing to the office of Graduate Medical Education and to the Executive Director for Medical Education and must be received within 30 days of the date on which the Resident could be expected to know of the event of action which gave rise to grievance or within 30 days of the date of a separation or whichever occurs first.

The written grievance shall describe the specific actions that are requested for review, how the Resident was adversely affected and the remedy requested. The Program Director who wishes to contest the allegations and the grievance shall have 15 days to respond after receiving the written grievance from the Resident.

An informal resolution to the grievance may be agreed upon by the Resident and the Executive Director of Medical Education. If a resolution is not achieved than a hearing must be scheduled.

**3. Hearing Process**

The Chair of the GMEC shall appoint a Hearing Committee. The Hearing Committee shall include two or three faculty members from departments other than the one in which the program is located, three residents, one who is in a program other than the department from which the Resident making the complaint is from, and an at-large member from the Medical Staff.

The hearing shall be closed unless both parties agree to an open session. The hearing shall be recorded by the Office of Graduate Medical Education.

No new issues may be introduced by the Resident that were not included in the original grievance unless both parties agree.

**4. The Responsibility and Authority of the Hearing Committee:**

- a. Identify the grievance issues submitted in the original written grievance or hearing.
- b. Conduct a hearing to determine the facts and whether the Chair's and/or Program Director's action was in violation of the Resident's rights or if the grievance involves corrective action or dismissal, whether the action taken by the Chair and/or Program Director was reasonable under the circumstances.
- c. Submit a report, in writing, to the Executive Director of Medical Education and the Chair of the GMEC.

**5. The Hearing Report Shall Include:**

- a. Description of each issue under submission
- b. The positions of the parties on each issue
- c. The findings of facts and policy violation, if any
- d. A recommendation for resolution of each issue

**6. Decision**

The decision of the Hearing Committee will be sent to the Executive Director for Medical Education at LBMMC.

The recommended decision of the Hearing Committee shall be accepted, rejected or modified within 15-calendar days after receipt. The decision of the Executive Director for Medical Education is final. The decision shall be in writing and forwarded, with a copy of the hearing report, to the respective parties.

**7. Remedy**

If the Chair's or Program Director's action is determined to be in violation of the Resident's rights or if the corrective action or dismissal is determined by the Executive Director for Medical Education not to be reasonable under the circumstances, the remedy shall not exceed restoring the Resident's pay, benefits, or rights lost as a result of the action less income earned from any other employment in the meantime.