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POLICY:

This policy and procedure applies to all residents and fellows participating in accredited Mercy Medical Center post-graduate training programs. In this policy, “resident” means both residents and fellows

Promotion and re-appointment of a resident as well as completion of a training program is contingent upon the resident’s satisfactory performance in meeting knowledge, performance and behavior standards and expectations as set by the institution and program. If a resident does not satisfactorily meet the standards and expectations, the resident may be subject to a variety of adverse actions as outlined in the policy entitled “Academic/Performance Remediation.”

A grievance is defined as a claim of an improper interpretation, application or violation of the policies, rules, and regulations, which govern the conduct of residents.

No grievance may be filed seeking to change the terms of the residency employment agreement (REA). Such issues should be referred to the Graduate Medical Education Committee (GMEC). Grievances are restricted to restoration of rights or services provided by the residency employment agreement. Grievances cannot be filed for changes to Mercy Medical Center policies or procedures.

Residents have five(5) calendar days to grieve any academic or other disciplinary actions taken against residents that could result in dismissal, non-renewal of a resident’s agreement, non-promotion of a resident to the next level of training, or other actions that could significantly threaten a resident’s intended career development.

The resident may not be represented by an attorney or any employee or non-employee third party at any stage of the grievance process.


The Graduate Medical Education (GME) Manager will monitor the established and extended time frames to assure that deadlines are met. Failure of either party to adhere to the time limits for filing the grievance without a request for an extension will result in an adverse decision to that party.

Any concerns regarding work environment should be addressed with the Program Director or Manager. Residents also have the option of contacting Human Resources.

PROCEDURES:

Grievance Procedure:

Step 1. Residents disputing an academic or performance decision, affecting their academic records may file a grievance. A grievance letter must be submitted in writing to the Program Director within five (5) calendar days of notification of the decision. The letter must include the following information:

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A factual description of the grievance, the article of the REA or policy that may have been violated, the date the grievant first became aware of the alleged violation, and the remedy sought. The letter should include any documentation relevant to the grievance.


Step 2. The Program Director has five (5) calendar days after receiving the letter to schedule a meeting with the resident. The Program Director may ask to meet with anyone who may have direct knowledge of the circumstances around the grievance. After the meeting, the Program Director has 7 calendar days to provide a written response regarding the resident's grievance. The decision of the Program Director will be final unless the resident files the grievance with the GMEC.

Step 3. If the resident is dissatisfied with the decision rendered in Step 1, the resident must submit written documentation to the Chair of GMEC within five (5) calendar days of the decision by the Program Director. Written Documentation should include a factual description of the grievance, the article(s) of the REA or policy that was violated, the date the resident first became aware of the alleged violation, and the remedy sought. The letter should also include any documentation relevant to the grievance as well as the decision of the Program Director. Upon receipt of a timely filed grievance, the Chair of GMEC will appoint a Grievance Committee to hear the grievance. This committee will hold a meeting on the grievance within thirty (30) calendar days after receipt of the grievance by the GMEC Chair. The Grievance Committee will be composed of the chair plus four other members from the GMEC, to include two voting faculty members and two voting resident members, appointed by the Chair of GMEC. Faculty and residents of the program involved in the grievance may not be appointed to the Grievance Committee. If the Grievance Committee cannot be assembled using GMEC members exclusively, the GMEC Chair may appoint other faculty and residents from residency programs not involved in the grievance.

The Chair will allow each party to state their case with a time limit of 20 minutes each. The Grievance Committee members may ask questions at the conclusion of each presentation but should not ask questions during the presentation except for short requests for clarification of facts. The Chair may prohibit questions that interrupt presentations.

Within seven calendar days of the conclusion of the meeting, the Grievance Committee shall issue a written statement of its findings and decision, which will be provided to each party. If the Grievance Committee requires more time to render a decision it shall not exceed an additional ten calendar days. The decision of the Grievance Committee will be final unless within seven calendar days of the date of the decision either party appeals the decision in writing to the Designated Institutional Official (DIO).

Step 4. If either party is dissatisfied with the decision rendered in Step 2, they must submit written documentation to the DIO within five (5) calendar days of the decision by the GMEC. Written documentation should include all letters, documentation and written responses from each prior level. Upon receipt of a timely filed grievance, the DIO will review the appeal and render a decision within

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fourteen (14) calendar days. If the DIO determines additional time is needed to review the appeal, the parties shall be notified when a decision is made not to exceed an additional fourteen (14) calendar days. The decision of the DIO shall be final and binding on the parties.

Signature 

CPO
Title

