

# Title: Graduate Medical Education - Grievance Policy for Residents

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## I. Policy Statement

- a. The purpose of this policy is to establish fair processes and procedures for the adjudication of resident grievances related to actions which could result in dismissal, non-renewal contract, or any other action that could impact a resident's intended career development.
- b. This policy is important because it provides documentation of and proof of adherence to policies concerning due process when a resident questions a decision or feels they have been unfairly treated concerning events impacting their education and career. Grievance procedures and due process provisions for residents are requirements for Accreditation Council for Graduate Medical Education (ACGME) institutional and program accreditation.

## II. Definitions

- a. For purposes of this policy, a grievance is defined as an allegation that:
  - i. There has been a violation, a misinterpretation, an arbitrary or discriminatory application of a policy, regulation, or procedure. This could be related personally to the resident physician—to the privileges, responsibilities, or terms and conditions of the residency training program, including academic or other disciplinary actions, or the employment of the resident physician.
  - ii. The resident physician has been discriminated against on the basis of race, color, religion, sex, national origin, age, disability, or status as a veteran.

## III. Process/Content

- a. A grievance procedure shall not be used to question a rule, procedure, or policy established by an authorized faculty or administrative body. Rather, it shall be used as due process by a resident who believes that a rule, procedure, or policy has not been followed in an equitable manner.

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- b. An action may not form the basis of a grievance if the resident merely challenges the judgment of the faculty as medical educators in evaluating the performance of the resident.
- c. Filing a Grievance
  - i. A resident physician who has a grievance shall initiate action by filing a signed, written account of the grievance with the program director within thirty (30) calendar days of the event out of which the grievance has arisen.
  - ii. The program director and department chair have the discretion to discuss the grievance with the resident and other involved parties in an effort to resolve the grievance.
  - iii. If the grievance is resolved in this manner, the terms of resolution will be put in writing and signed by the program director and the resident.
  - iv. If the grievance is not resolved, the program director shall respond to the grievance in writing within thirty (30) calendar days of receipt of the written grievance.
  - v. If the resident is uncomfortable in approaching his/her program director, the resident is encouraged to discuss the issue with the Office of Graduate Medical Education (GME).
- d. Grievance Appeals to the Dean
  - i. Should the resident physician be dissatisfied with the response of the program director, he/she may, within ten (10) calendar days of receipt of such response, submit a written appeal to the Dean of the School of Medicine through the Senior Associate Dean for Graduate Medical Education.
  - ii. Upon receipt of the written appeal, a grievance panel will be formed by the GME office. The panel will consist of one program director, one other faculty member, and one resident member, drawn at random from the pool of available participants in each group.
  - iii. No member of the panel may be from the department of any of the involved parties.
  - iv. If a person whose name is drawn is not able to participate because of prior commitments, another name will be drawn.
  - v. The panel may gather evidence, interview individuals, and request further information from the involved parties. The panel will interview the resident/fellow who filed the complaint. This is not a legal proceeding so the resident will meet with the grievance panel without the presence of legal representation.

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- vi. Within thirty (30) calendar days of the receipt of the appeal, the grievance panel will provide a written copy of their recommendation to the Dean.
- vii. If the decision of the panel is not unanimous, the dissenting party may submit a written dissenting opinion at the same time.
- viii. The Dean will respond in writing within five (5) working days of receipt of the panel's recommendation.
- ix. The Dean may accept the recommendation, amend it, reverse it, or refer it back to the panel for reconsideration.
- x. The decision of the Dean is final.

### **IV. Attachments**

- a. [University of Missouri Policy HR-502-UMHC Staff Grievances](#)

### **V. References, Regulatory References, Related Documents, or Links**

- a. Not Applicable.