

UTHSCSA Graduate Medical Education Policies

<p>Section 2</p> <p>Policy 2.10.</p>	<p>General Policies & Procedures</p> <p>Resident Grievance and Due Process Policy</p>	<p>Effective: October 2000</p> <p>Revised: October 2001, October 2004, January 2007, January 2009, June 2016 July 2019 July 2020</p> <p>Responsibility: Designated Institutional Official</p>
<p>Resident Grievance and Due Process Policy</p>		
<p>Purpose</p>	<p>This Grievance and Due Process Policy shall be utilized for the following reportable actions which include:</p> <ul style="list-style-type: none"> • Academic Probation • Suspension (other than brief clinical suspension for investigation) • Dismissal • Non-renewal of contract • Non-promotion to the next level of training <p>This policy also sets forth the manner in which resident grieves a reportable action (s). These actions typically follow a sequence of non-reportable, corrective steps and emphasize academic due process. All residents as defined in this policy may seek resolution of grievances under this policy.</p>	
<p>Definitions</p>	<p>Residents – refers to all interns and residents serving in a GME program, accredited by the ACGME, CPME, or other nationally recognized GME accrediting entity, or approved by the TMB under UTHSA- sponsorship will fall under this policy.</p> <p>Dismissal – refers to the termination of participation in a residency or fellowship training program at the election of the program prior to the completion of the academic course of study.</p>	

	<p>Because participation in a residency or fellowship program is requisite to the Residency Contract, dismissal results in termination of the contract.</p>
Policy	<p>Reportable Actions</p> <p>All residents and fellows participating in an ACGME accredited or non-ACGME accredited program shall be afforded the opportunity to have reviewed. Reportable Actions as defined above and in GME Policy 2.9: Levels of Academic Status in Graduate Medical Education. The process described in this document is designed to provide appropriate review of actions that may adversely affect a resident's or fellow's status while at the same time ensuring patient safety, quality of care and proper conduct within the training programs. The resident/fellow is not entitled to legal representation at any point in the Grievance Review Process.</p> <p>A. <u>Program Level Review</u>. The following process for review of an academic or other disciplinary action shall be available to the resident or fellow:</p> <ol style="list-style-type: none">1. Upon receipt of a written decision from the Program Director, resulting in a reportable action covered in this policy, the resident/fellow may request the opportunity make a Program Level Review appeal to the Department Chair or his/her designee. <p>The resident/fellow must make this request for Program Level Review to the Program Director, in writing, within five (5) business days of receiving the written notice of the decision. (If the program-level policy is more narrowly defined, it shall prevail.) The resident/fellow presentation to the Chair (or designee) shall occur within ten (10) business days of receipt of the request to the Chair unless a later date is mutually agreed to by all parties. The nature of the presentation will be at the Chair's discretion, but a response should occur within five (5) business days.</p>

If the Chair was substantially involved in the initial decision, the resident would need to be informed and referred for a GME Level Review if desired.

2. If the resident/fellow waives all or any remaining steps in the process afforded under the Program Level Review or if the initial decision is upheld and all procedural steps of the Program Level Review have been exhausted, the Program Level Review has been concluded. If the resident/fellow does not make a request within 5 business days for the GME Level Review, the decision resulting from the Program Level Review shall be final and binding on the resident/fellow and Program and shall conclude the Grievance Review Process.

B. Graduate Medical Education Level Review. Upon the conclusion of the Program Level Review, the resident/fellow may request the initiation of the applicable GME Level Review, as set forth below, for the sole purpose of determining whether due process was afforded to the resident/fellow. The resident/fellow must make this request to the GME Office in writing within five (5) business days of the conclusion of the Program Level Review. Failure to do so shall constitute waiver of resident's/fellow's opportunity for the applicable GME Level Review. If initiated, the decision resulting from the GME Level Review shall be final and binding on the resident/fellow and the Program and shall be the final appeal within UT Health San Antonio and its affiliated hospitals.

The resident/fellow will meet with a Graduate Medical Education Review Panel to consist of at least three (3) members of the GMEC as members. The members of the Review Panel will not hold an appointment in the same Department or Program as the resident/fellow in question and will be chosen by the GME office. The resident/fellow will be afforded the opportunity to present any relevant information regarding the Program's failure to provide due process, including oral and written statements in support of the appeal, at the discretion of the Review Panel Chair. The members of the Review

Panel will have access to all relevant documents during their discussions and deliberations. The Program Director shall be responsible for presenting information in support of the Program's action to the Review Panel within 5 business days of the resident's presentation. Specific procedures applicable to the review may be adopted by the Review Panel and furnished to the resident/fellow and Program Director. The decision of this GME Review Panel will be presented, in writing, to the resident/fellow within five (5) business days of the meeting, concluding the GME Level Review and Grievance Review Process. If the GME Review panel determines the tenets of academic due process were not met, the GME Review Panel will return the decision to the program for reconsideration, and make recommendations, as appropriate.

C. Reportable Actions: All actions covered in this policy are "reportable actions." Please see GME Policy 2.9; Levels of Academic Status in GME.

D. Complaints Related to the Work Environment, Program or Faculty: See Policy 3.6 Policy on Resident Concerns