

Title: GME Grievance & Due Process	*Applicable to: Beaumont Health	Effective Date: 03/27/2018
Policy Owner: Graduate Medical Education Committee	Document Type: Policy	Last Periodic Review Date: 03/27/2018 Functional Area: GME Human Resources

***For This Document, Beaumont Health Includes:**

Beaumont Corporate Shared Services
 Beaumont Hospital, Dearborn
 Beaumont Hospital, Farmington Hills
 Beaumont Hospital, Grosse Pointe
 Beaumont Hospital, Royal Oak
 Beaumont Hospital, Taylor
 Beaumont Hospital, Trenton
 Beaumont Hospital, Troy
 Beaumont Hospital, Wayne
 Beaumont Medical Group

I. PURPOSE

The purpose of this policy is to define the process for hearing grievances and providing residents and fellows due process.

II. POLICY

- A. Beaumont Health (Beaumont) maintains a training environment for residents/fellows that provides a fair and timely review process for resolving grievances and affording due process. The Grievance and Due Process Policy is the sole, final, and binding remedy for all grievances related to corrective actions that delay or impede a resident/fellow's standard progress through a training program including suspension, probation, delayed promotion, non-renewal of Agreement of Appointment (contract) or dismissal from the program.
- B. As a peer review process, all information and documentation resulting from this process is confidential and protected under State and Federal laws.
- C. The program director may determine not to promote a resident/fellow at the end of an appointment period due to insufficient amount of training time or lack of required clinical experiences (non-promotion due to lack of experience); this action is not appealable. Warnings and reprimands may not be appealed.

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III. DEFINITIONS

A. Grievance: A written complaint related to the following appealable actions:

1. suspension,
2. probation,
3. delayed promotion, not related to insufficient training time (e.g., leave of absence) or lack of experience
4. non-renewal of Agreement of Appointment (contract) prior to completion of the program or
5. dismissal from the program.

B. Hearing: Review of a Grievance by the Appeals Committee.

C. Appeals Committee: Shall be established upon receipt of a Grievance to hear the Grievance, defined above, and provide due process. The Appeals Committee shall consist of five members. The Chief Academic Officer (CAO) shall select four program directors not involved in the action being appealed, including one who will serve as chair. One additional member is selected by the resident/fellow (this may be a faculty member or resident/fellow from within or outside the Beaumont Health department/program).

D. Days: All calendar days except for legal holidays (e.g., New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day) recognized by Beaumont. All timeframes shall be counted in calendar days, as specified. In the event a deadline falls on a legal holiday recognized by Beaumont, the due date shall extend to the next calendar day. Exceptions to any of the timeframes set forth in this Policy may be made in the event of extenuating circumstances and/or by mutual agreement of the parties.

E. Notice: Shall be provided in writing by hand delivery, email, overnight courier service, or other means where delivery can be verified.

IV. CONCERNS RELATED TO THE GME LEARNING & WORKING ENVIRONMENT

A. The interests of residents/fellows are best served when problems and concerns are resolved as part of regular communications between the resident/fellow and his/her program director. If discussion with the program director is not successful in resolving concerns the resident/fellow may request that the any of the Associate Designated Institutional Official (DIO) or DIO review the circumstances.

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B. Residents/fellows are encouraged to review concerns with the Associate DIO or DIO in advance of filing an appeal. The Associate DIO and the DIO are not part of the Appeals Committee and may provide counsel and direction to the resident/fellow.

- C.** A resident/fellow may use the following process if he/she disagrees with a decision leading to:
1. suspension,
 2. probation,
 3. delayed promotion, not related to insufficient training time (e.g., leave of absence) or lack of experience
 4. non-renewal of Agreement of Appointment (contract) prior to completion of the program or
 5. dismissal from the program.

V. APPEAL PROCESS TIMELINE

- A. Within 10 days** of the date on which the resident/fellow is notified of the appealable action, the resident/fellow may appeal by providing Notice of a Grievance in writing to the Designated Institutional Official (DIO) and Director of GME Administration. The written Grievance shall state: a) the action or circumstance, b) the reasons for the grievance, c) the resident/fellow’s position, and d) the relief sought. Supporting documentation may be included. The resident/fellow shall also provide the email or residential address to which notices shall be sent.
- B. After receiving the Grievance, and within 21 days** of the date on which the resident/fellow is notified of the appealable action, an Appeals Committee shall be established, as defined above, and a date, time and location for the Hearing set according to the timeline in this policy.
- C.** The resident/fellow and program director will be notified in writing of the Appeals Committee’s membership. If the resident/fellow or the program director objects to a committee member, he/she shall notify the Chief Academic Officer within three business days of receiving the Notice of Hearing and shall explain the basis for the objection. The Chief Academic Officer will rule upon the objection.
- D.** The Notice of Hearing shall also include an email address and the date (**seven days in advance of the Hearing**) by which the resident/fellow and program director shall submit any written documentation they wish to be considered during the Hearing. Such documentation will be provided to each party and the Committee at least five business days in advance of the Hearing.

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- E. Within 30 days** of the date of notification of the appealable action to the resident/fellow, the Appeals Committee shall conduct a Hearing, which shall include:
1. Review of the resident/fellow’s grievance, file and supporting documentation, as well as the program director’s supporting documentation.
 2. Allowing the resident/fellow and program director to each make a statement (up to one hour).

Day	Action Summary	Responsibility
0	Notification of action received by resident/fellow	Program Director
10	Notice of a Grievance in writing to DIO & Director of GME Administration	Resident/Fellow
21	Establish Appeals Committee & date, location of Hearing	CAO & Director GME Admin.
23	Written documentation submitted to GME Office for distribution	Resident/Fellow & Program Director
25	Documentation distributed to Appeals Committee, resident/fellow & program director	Director GME Admin.
30	Appeals Committee Pre-Hearing meeting and Hearing	Appeals Committee
33	Resident/Fellow, Program Director, CAO & DIO receive Appeals Committee decision	Appeals Committee Chair

VI. THE HEARING

- A.** The Appeals Committee will conduct a Pre-Hearing meeting with Beaumont Legal Counsel to set rules for the Hearing.
- B.** At the Hearing, the Appeals Committee will review documentation, confidentially and separately hear the statements of both the program director and resident/fellow, and pose clarifying questions to the program director and resident/fellow. The Appeals Committee will review the matter to determine if they have sufficient information to determine if:
1. due process was provided,
 2. there was sufficient basis for the action
 3. the action was not arbitrary (not based on reason or judgement, without regard of the evidence) capricious (unpredictable, without rational basis), and
 4. policies were substantially followed, if applicable.
- If the Appeals Committee determines that they do not have sufficient information to make a determination the Hearing may be adjourned (put on pause) and reconvened at a later date.

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C. Having reviewed all the pertinent documentation, having heard all concerned parties and having given full consideration to all aspects of the appeal, the Appeals Committee will render a decision. The Appeals Committee may confirm, reverse or modify the corrective action.

D. **Within 3 days** of the Hearing, the chair of the Appeals Committee shall deliver the Appeals Committee’s written decision to the resident/fellow and program director via hand delivery, email, overnight courier service, or other means where delivery can be verified. The DIO and CAO shall also receive a copy of the written decision.

VII. PROCEDURAL MATTERS

A. **Attorneys.** Neither the program director nor the resident/fellow shall be entitled to have an attorney or legal counsel present at any meeting of the Appeals Committee. However, all parties are entitled to an attorney to assist in preparation of documentation and and/or statements.

B. **Decisions.** The decision of the Appeals Committee shall be final and binding, and effective immediately. In the event the Appeals Committee modifies the corrective action to impose a different corrective action (e.g., probation instead of dismissal), there is no right to appeal the Appeals Committee’s decision.

1. The resident/fellow may decide to abandon the appeal process at any time. In the event the Grievance is settled, the settlement terms shall be in writing and the appeals process shall be abandoned.
2. In the event that an adverse action is reversed, the resident/fellow will be reinstated and a plan of action will be developed within seven days by the program director and the resident/fellow for continuation of training. A reversed action will be removed from the resident/fellows file; however, documentation of the facts underlying the reversed action will remain in the file.

C. **Resident/Fellow Status During Appeal.** The resident/fellow will be on paid administrative leave until the appeal is concluded if the corrective action was dismissal or other required leave from clinical duties.

D. **Witnesses.** Neither the program director nor the resident/fellow shall be entitled to call witness at the Appeals Committee hearing. However, all parties are entitled to submit documentation and/or statements.

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VIII. REFERENCE

Accreditation Council for Graduate Medical Education (ACGME) Institutional Requirements, Section IV.D

Approved by the Beaumont Health Graduate Medical Education Committee (GMEC),
June 20, 2017

CORPORATE AUTHORITY:

Beaumont Health (“BH”) as the corporate parent to William Beaumont Hospital, Botsford General Hospital, and Oakwood Healthcare Inc., (“Subsidiary Hospitals”) establishes the standards for all policies related to the clinical, administrative and financial operations of the Subsidiary Hospitals. The Subsidiary Hospitals, which hold all health facility and agency licenses according to Michigan law, are the covered entities and the providers of health care services under the corporate direction of BH. The Subsidiary Hospitals’ workforces are collectively designated as BH workforce throughout BH policies.