	POLICY # 24821
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NCH Healthcare System	OF: 4
TITLE: Procedure for Grievance and Appeal: Warning, Probation, Suspension, Non-Renewal, and Dismissal	EFFECTIVE: October 27, 2022
DEPARTMENT: Graduate Medical Education (GME)	OWNER: Admin Director Medical Education

Intent

Naples Community Hospital, INC (NCH) 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.

Policy Statement

Each program must develop fair and consistent standards for the residents and fellows. If a resident/fellow feels that a decision by the program violates standards of fairness, then the resident/fellow is afforded a process whereby individuals outside of the program may review such decisions.


Description

The position of the resident/fellow presents the dual aspect of a learner in graduate training while participating in the delivery of patient care. For purposes of this policy, the term "resident" applies to residents, fellows, and adjunct clinical post-doctoral associates in training programs recognized and approved by the Graduate Medical Committee at NCH. These training programs may be either ACGME Accredited Programs or non-accredited programs formally approved by the GMEC.

NCH is committed to the maintenance of a supportive educational environment in which residents are given the opportunity to learn and grow. Inappropriate behavior in any form in this professional setting is not permissible. A resident's continuation in the training program is dependent upon satisfactory performance as a learner, including the maintenance of satisfactory professional standards in the care of patients and interactions with others on the health care team. The resident's academic evaluation will include assessment of behavioral components, including conduct that reflects poorly on professional standards, ethics, and collegiality. Disqualification of a resident as a learner or as a member of the health care team from patient care duties disqualifies the resident from further continuation in the program.

Grievances

A grievance is defined as dissatisfaction when a resident believes that any decision, act, or condition affecting his or her program of study is arbitrary, illegal, and unjust or creates unnecessary hardship. Such grievance may concern, but is not limited to identified, academic and non-academic deficiencies (see Policy for Warning, Probation, Suspension, Non-renewal, Dismissal and Appeal), other disciplinary actions, mistreatment by any NCH employee or learner, and discrimination because of race, national origin, gender, marital status, religion,

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age or disability, subject to the exception that complaints of sexual harassment will be handled in accordance with the specific published policies of NCH. When appropriate, the NCH Corrective Action Plan will be followed for identified non-academic deficiencies.


Prior to invoking the grievance procedures described herein, the resident is strongly encouraged to discuss his or her grievance with the person(s) alleged to have caused the grievance. The discussion should be held as soon as the resident becomes aware of the act or condition that is the basis for the grievance. If a resident decides against discussing the grievance with the person(s) alleged to have caused such, or if the resident is not satisfied with the response, he or she may present the grievance to the Program Director or to the Human Resources office. Residents may also engage the NCH GME Ombudsman for guidance if necessary. If, after discussion, the grievances cannot be resolved, the resident may contact the O10. The O10 will meet with the resident and will review the grievance. The decision of the DIO will be communicated in writing to the resident and will constitute the final action of NCH.

Warning

Residents may discuss formal warnings with their Program Director or with a member of the Human Resources team. A notice of formal warning may include a remediation plan or may strictly be informational. Warning periods may be extended, if warranted.

Probation

A failed remediation plan or multiple warnings for academic and non-academic deficiencies may result in probation. The observed deficiencies and terms of the probation will be communicated clearly to the resident along with a remediation plan and timeline. A resident will be removed from probation and returned to good standing when the terms and conditions of the probation have been satisfied. Probation periods may be extended, if warranted. Residents may appeal probation decisions. To appeal a probation decision, the resident must submit a notice to appeal in writing to the DIO within 7 days of notice of probation. The DIO will meet with the resident; this meeting should occur within 10 working days of the written request. The resident may present relevant information regarding the proposed probation decision. The resident may be accompanied by an advisor during any meeting held pursuant to these procedures, but the advisor may not speak on behalf of the resident. If the DIO determines that probation is appropriate, he or she will use their best efforts to present the decision in writing to the resident within ten (10) working days of the meeting.

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Suspension

The Chair of a Department of a participating and/or affiliated hospital where the resident is assigned, the CEO of the hospital, the DIO, or Program Director may at any time suspend a resident from patient care responsibilities with just cause. The resident will be informed of the reasons for the suspension and will be given an opportunity to provide information in response.

The resident suspended from patient care may be assigned to other duties as determined and approved by the Program Director. The resident will either be reinstated (with or without the imposition of academic probation or other conditions) or dismissal proceedings will commence by NCH against the resident within thirty (30) days of the date of suspension.

Any suspension and reassignment of the resident to other duties may continue until final conclusion of the decision-making or appeal process. The resident will be afforded due process and may appeal to the DIO for resolution, as set forth below.


Nonrenewal

In the event that the Program Director decides not to renew a resident's appointment, the resident will be provided written notice which will include a statement specifying the reason(s) for nonrenewal. This should be done at least 4 months prior to the end of the resident's current agreement. Residents may appeal the decision or elect to resign by submitting a letter of resignation.

To appeal a non-renewal decision, the resident must submit a notice to appeal in writing to the DIO within 7 days of notice of nonrenewal. The DIO will meet with the resident; this meeting should occur within 10 working days of the written request. The resident may present relevant information regarding the proposed nonrenewal decision. The resident may be accompanied by an advisor during any meeting held pursuant to these procedures, but the advisor may not speak on behalf of the resident. If the DIO determines that nonrenewal is appropriate, he or she will use their best efforts to present the decision in writing to the resident within ten (10) working days of the meeting.

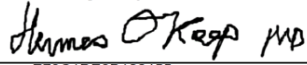
Dismissal

In the event the Program Director of a training program concludes that a resident should be dismissed prior to completion of the program, the Program Director will inform the DIO in writing of this decision and the reason(s) for the decision. The resident will be notified and

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provided a copy of the letter of proposed dismissal; and upon request, will be provided previous evaluations, complaints, counseling, letters, and other documents that relate to the decision to dismiss the resident. Residents may appeal the decision of dismissal and/or request to resign by submitting a letter of resignation.

To appeal a dismissal decision, the resident must submit a notice to appeal in writing to the DIO within 7 days of notice of dismissal. The DIO will meet with the resident; this meeting should occur within 10 working days of the written request. The resident may present relevant information regarding the proposed dismissal. The resident may be accompanied by an advisor during any meeting held pursuant to these procedures, but the advisor may not speak on behalf of the resident. If the DIO determines that dismissal is appropriate, he/she will use his/her best efforts to present the decision in writing to the resident within 10 working days of the meeting. (The ACGME does not adjudicate disputes between individual persons and residency or fellowship programs or sponsoring institutions regarding matters of admission, appointment, contract, credit, discrimination, promotion, or dismissal of faculty members, residents, or fellows.)

DocuSigned by:

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 Hermes Koop, MD
 Chairman, GMEC Designated
 Institutional Officer

10/27/2022

 Date

DocuSigned by:

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 Suann Middleton, MHA
 Admin. Director of Medical
 Education

10/27/2022

 Date