

Resident Grievance Policy & Procedure

Wisconsin Northern & Central GME Consortium (WiNC)

Initial GMEC Approval:	09-25-2019
Previous GMEC Review Date:	04-20-2023
Last GMEC Review Date:	04-18-2024

Scope

This policy pertains to all WiNC-sponsored residency/fellowship programs. The term resident/residency is used synonymously with fellow/fellowship unless otherwise specified. (GMEC approved 10/20/2022)

Purpose

Residents have the right to file grievances and appeal decisions about their appointment status. This policy provides a standardized process for residency grievances across all WiNC sponsored residency programs.

Guidelines

Resident concerns about their resident appointment, work environment, the program, and/or faculty are important. Residents are required to use the following procedure for grievances regarding employment disputes, appointment status including notification of non-promotion or a non-renewal, assignment of educational credit, and grievances related to the work environment, the program or faculty.

1. Resident Grievances Procedure
 - a. A resident may file a grievance in writing to the Program Director or designee. To be timely, the Program Director or designee must receive the grievance within fifteen (15) days* from the date the resident first became aware of, with exercise of reasonable diligence, the cause of the grievance, or within fifteen (15) days of receipt of written notice affecting appointment status.
 - b. The resident and the Program Director or designee shall meet, discuss, and attempt to reach a satisfactory resolution within ten (10) days of the resident filing the grievance. The Program Director or their designee shall provide the resident a written response regarding the meeting stating the program's final decision.
 - c. The Program Director or their designee will inform the resident in writing that he/she can appeal the decision of the program by filing a written request within ten (10) days after the date of the written notification, for a Resident Appeal Committee. The request must be sent to the Designated Institutional Official of WiNC. (Please refer to Appeals for a Resident Appeal Committee below).
2. Appeals for a Resident Appeal Committee Procedure
 - a. A resident may file an appeal regarding appointment status to the Designated Institutional Official of WiNC for a review by a Resident Appeal Committee following the steps above under Resident Grievances. An appeal to the Resident Appeal Committee is not a legal proceeding. Legal counsel and / or new discovery (e.g. Protected Health Information) is not permitted by either party.
 - b. Resident Appeal Committee: The Resident Appeal Committee shall be comprised of five (5) members appointed by the Designated Institutional Official of WiNC. If necessary, faculty or residents from WiNC member programs may serve as committee participants. The Resident Appeal Committee will be made up of:
 - i. Two physicians who are faculty members working in a WiNC- sponsored residency at least one of whom is from the same specialty.
 - ii. Two residents from the same specialty as the person filing the grievance of a WiNC- sponsored residency program, at least one of whom shall be a chief resident

- iii. One impartial individual outside of a WiNC-sponsored residency program, such as a physician or administrative person from the resident's main participating hospital site or from another healthcare organization
- c. Individuals named to the Resident Appeal Committee:
 - a. May not be part of the program where the resident is/was a resident, i.e., program faculty or resident
 - b. At least one Committee member will be from the resident's main participating hospital site
 - c. The Designated Institutional Official of WiNC will designate one member to chair the Resident Appeal Committee.
- d. The Chair of the Resident Appeal Committee:
 - i. Outlines the procedures and agenda for the Resident Appeal Meeting in collaboration with the Resident Appeal Committee
 - ii. Arranges the meeting logistics including space, technology needs, etc.
 - iii. Collects and distributes all materials for the Resident Appeal Meeting
 - iv. Writes the report in collaboration with the Committee and outlines the recommendation from the Committee to the Designated Institutional Official of WiNC.
- e. Resident Appeal Meeting: If the resident files a timely appeal, a review meeting will be held within thirty (30) days of receipt of the appeal by the Designated Institutional Official of WiNC. Under the leadership of the Committee Chair, the Resident Appeal Committee will determine the structure of the review meeting with advance notice to the resident and Program Director or their designee, and the WiNC Director of Osteopathic Education for residents in the osteopathic track. All meeting procedures will include these elements:
 - i. An exchange of documents/materials each party plans to use to support their position
 - ii. An opportunity for each party to make a presentation to the Resident Appeal Committee
 - iii. A written recommendation to the Designated Institutional Official of WiNC. from the Resident Appeal Committee, including a determination of the facts and reasons for the recommendation
- f. Burden of Proof: In appeals of a discipline, dismissal, or other action affecting appointment status, the resident will have the burden of proof to show by a preponderance of the evidence that the action taken by the program is arbitrary or capricious, contrary to law, or not supported by the facts.

Appeal Decisions: The Resident Appeal Committee's written decision will be made within five (5) days of the meeting and will serve as a recommendation to the Designated Institutional Official of WiNC. The Designated Institutional Official of WiNC will make a decision and provide written notification to the resident within five (5) days of receiving the Committee's written decision.

*Days means calendar days exclusive of Saturdays, Sundays and legal holidays of WiNC.

For GMEC ACGME Reference:

ACGME Institutional Requirements (2018)

IV.D. Grievances: The Sponsoring Institution 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. ^(Core)