

 <p>All HFHS Includes: Allegiance Health Behavioral Health Services Community Care Services Corporate Services Henry Ford Hospital Henry Ford Medical Group Kingswood Hospital Macomb Hospitals West Bloomfield Hospital Wyandotte Hospital</p>	Policy Name/Subject: Grievances Due Process MEP 208_HFH & HFWH ONLY	
	Type of Document: Policy	
	Applies to: Tier 3: Department Business Unit: Henry Ford Hospital Department: Graduate Medical Education	
	Category: Clinical Sub-Category: Graduate Medical Education	Current Approval Date: 12/14/2018
	Owner: Graduate Medical Education Policy Management Members	Approver: HFH GMEC, HFWH GMEC
	Related Policy/Procedure: <i>Include title and number</i>	
	Audience: Administrative Support Staff, Residents/Fellows	
	Key Words: grievance; peer review process; complainant; appeal; corrective action	

Background

Henry Ford Health System (HFHS) maintains a training environment for house officers that provides a fair and timely peer review process for resolving grievances and affording due process.

Policy

The Grievance and Due Process Policy and Procedure is the sole, final, and binding remedy for all grievances related to the house officer's participation in the program. As a peer review process, all information and documentation resulting from this process is confidential and protected under the patient Safety and Quality improvement Act of 2005 and the following Michigan statutes: MCL 333.21513; 333.21515; 333.20175(8); 330.1143a; 331.531; 331.533 and 333.531-.534. A house Officer may use this process to resolve grievances if he/she disagrees with corrective action as defined in Medical Education Policy #213.

Definitions

Grievance:	A complaint related to corrective action
Appeal:	A request to a higher authority for a review of a decision or circumstance.
Business Days:	Monday through Friday, except for legal holidays (e.g., New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day) recognized by HFHS in accordance with Policy 6.10.
Misconduct:	The house officer's conduct or behavior violates workplace rules or policies, applicable law, or widely accepted societal norms. Examples of misconduct include but are not limited to: unethical conduct, such as dishonesty or falsification of records; illegal conduct (regardless of criminal charges or criminal conviction); sexual misconduct or sexual harassment; workplace violence or violation of HFHS policies or procedures.

Appeal Procedure for Corrective Action Decisions

Review by the Graduate Medical Education Committee (GMEC) Ad Hoc Appeal Committee

1. **Within five business days** of the date on which the house officer is notified of the action or circumstance which the house officer seeks to appeal, the house officer may appeal by submitting a written statement of appeal setting forth the grounds for the appeal to the Administrative Director of Medical Education¹, who will forward the appeal and all documentation to the GMEC chair². The written statement of appeal shall be clear and detailed as to the action or circumstance; the reasons for the grievance, the house officer's position, and the relief sought and shall include supporting documentation. The house officer shall also provide the address and email address to which notices shall be sent.
 2. **Within five business days** of receiving the written statement an Ad Hoc Appeals Committee³ shall be established and a date, time and location for the prehearing and hearing set according to the timeline in this policy. The GMEC Chair will serve as Chair of the Ad Hoc Appeals Committee with the right to vote. The house officer and program director will be notified in writing of the Ad Hoc Committee membership. If the house officer or the program director objects to a committee member he/she shall notify the Administrative Director of Medical Education within three business days of receiving the notice of hearing and shall explain the basis for the objection. The Administrative Director of Medical Education will rule upon the objection. The notice of hearing shall also include an email address and the date by which the house officer and program director shall submit any written documentation they wish to be considered during the hearing.
 3. Such documentation will be provided to each party and the Committee at least five business days in advance of the pre-hearing.
 4. **Within 20 business days** of receiving the written statement of appeal, the GMEC chair shall conduct a prehearing meeting with the house officer and program director to narrow issues of fact, review witness lists, witness relationship to the party and the proposed content of the witness testimony and set rules for the hearing. Either the house officer or the program director may request, at the prehearing, additional time to present his/her position at the hearing. The request will be granted for good cause by the Chair of the Ad Hoc Committee.
 5. **Within 10 business days** of the date of the prehearing, the Ad Hoc Appeals Committee shall conduct a hearing, which shall include:
 - Review of the house officer's grievance, file and supporting documentation, as well as the program director's supporting documentation.
 - Allowing the house officer and program director (the department representative) to each make a statement (up to one hour each).
- The Ad Hoc Appeals Committee will review the matter to determine if due process was provided, if there was sufficient basis for the action, and if applicable policies were substantially followed. The burden of proof will be on the house officer to come forward with evidence to establish the decision did not afford him/her due process, there was not sufficient basis for the action, and if applicable policies were not substantially followed. The Ad Hoc Appeals Committee will evaluate the evidence presented.
6. **Decisions.** Having reviewed all the pertinent documentation, having heard all concerned parties and having given full consideration to all aspects of the appeal, the Ad Hoc Appeals Committee will render

¹ If the institution does not have an Administrative Director of Medical Education, the GME manager will fulfill the duties.

² Vice Chair may fulfill the duties of the GMEC chair.

³ The Ad Hoc Appeals Committee shall be comprised of the Chair of the GMEC and two program directors and two house officers not involved in the action being appealed, selected by the Administrative Director of Medical Education.

a decision. The Ad Hoc Appeals Committee may uphold, reverse, or recommend modification of the corrective action.

7. **Within three business days** of the hearing, the Chair of the Ad Hoc Appeals Committee shall deliver the Ad Hoc Appeal Committee's written decision to the house officer via hand delivery, or by certified mail, return receipt requested, courier service, or other means where delivery can be verified. The program director, the department chair⁴, GMEC Chair, and the Vice President for Medical Education (VPME) shall also receive a copy of the decision.

The decision of the Ad Hoc Appeals Committee shall be final and binding, and effective immediately. In the event the Ad Hoc Appeals Committee modifies the corrective action to impose a different corrective action (i.e. probation instead of termination), there is no right to appeal the Ad Hoc Appeals Committee decision.

	Total Business Day (timeline)	Action	Responsibility
	0	Notification of action or circumstance received by house officer	
Appeals Process	5	1. Written Statement of Appeal to Administrative Director of Medical Education (ADME)	House Officer
	10	2. Provide notice of committee members, dates of prehearing and hearing and date documents are due.	ADME
	15	3. Written hearing documents to Appeal Committee	House Officer and Program Director
	20	4. Pre-hearing held	Ad Hoc Appeals Committee Chair
	30	5. Ad Hoc Appeals Committee hearing	Ad Hoc Appeals Committee Chair
	33	6. House officer receives Ad Hoc Appeals Committee decision	Ad Hoc Appeals Committee Chair

Appeal Procedure for Misconduct

1. **Within five business days** of the date on which the house officer is notified of the action or circumstance which the house officer seeks to appeal, the house officer may appeal by submitting a written statement of appeal setting forth the grounds for the appeal to the Administrative Director of Medical Education⁵, who will forward the appeal and all documentation to the VPME. The written statement of appeal shall be clear and detailed as to the action or circumstance, the reasons for the grievance, the house officer's position, and the relief sought and shall include supporting documentation. The house officer shall also provide the address and email address to which notices shall be sent.
2. **Within 10 business days** of receiving the written statement the VPME will review the documentation, meet separately with the house officer and program director for up to one hour. The VPME will rule upon the objection.

⁴ Or the director of medical education and/or service line chairs.

⁵ If the institution does not have an Administrative Director of Medical Education, the GME manager will fulfill the duties.

The decision of the VPME shall be final and binding, and effective immediately. There is no right to appeal the VPME decision.

	Total Business Day (timeline)	Action	Responsibility
	0	Notification of action or circumstance received by house officer	
Appeals Process	5	1. Written Statement of Appeal to Administrative Director of Medical Education (ADME)	House Officer
	5	2. Provide written statement of appeal to the VPME	ADME
	10	3. Review written documentation, meet with house officer and PD and render decision	VPME

Procedural Matters for Corrective Action Decisions and Misconduct

The house officer 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 appeal process shall be abandoned.

In the event that an adverse action is reversed, the house officer will be reinstated, and a plan of action will be developed within seven days by the program director and the house officer for continuation of training. A reversed action will be removed from the house officer's file; however, documentation of the facts underlying the reversed action will remain in the file.

House Officer Status during Appeal. The house officer will be on paid administrative leave until the appeal is concluded if the corrective action was termination or other required leave from clinical duties.

Time Periods. The time periods provided in this Policy may be modified by the Chair of the Ad Hoc Appeals Committee.

Appeals Committee Support. The Administrative Director of Medical Education, the HFHS Office of General Counsel or HFHS external legal counsel shall provide procedural support to the Ad Hoc Appeals Committee, which may include attendance at the hearing. The Ad Hoc Appeals Committee, house officer, or program director may request that a court reporter record the hearing and swear witness under oath.

Attorneys. Neither the program director nor the house officer shall be entitled to have an attorney present at any meeting or hearing provided for in this Policy. However, all parties are entitled to seek an attorney to assist in preparation of documentation and/or statements and to be available for assistance.

Communication. At any step in this process, the person or committee making the decision may request and review whatever documentation and interview any individual they feel appropriate.

Email will be used for all communication regarding the timelines and process.