



Henry Ford St. John Hospital Graduate Medical Education

Grievances Due Process Policy

Applicability

Henry Ford St. John Hospital

Scope

This applies to Henry Ford St. John Hospital Medical Education programs, including all enrolled trainees, residents, and fellows.

Background

Henry Ford St. John Hospital maintains a training environment for residents or fellows that provides a fair and timely peer review process for resolving grievances and affording due process and minimizing conflict of interest.

Definitions

Resident or Fellow Grievance: A written complaint related to the following appealable corrective actions:

1. Probation
2. Extension of Training or repetition of rotation
3. Non-renewal of contract
4. Non-promotion to the next PGY level
5. Suspension
6. Dismissal

Other Grievance: A concern or complaint not 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)- all recognized by Henry

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Ford St. John Hospital in accordance with [Henry Ford St. John Hospital policy Tier 1: Holiday Observances](#)

Misconduct: The Residents' or Fellows' 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 Henry Ford St. John Hospital policies or procedures.

Ad Hoc Appeals Committee: Shall be comprised of the Chair of the GMEC and two program directors and two resident or fellows not involved in the action being appealed, selected by the Director of Medical Education.

Policy

The Grievance and Due Process Policy and Procedure is the sole, final, and binding remedy for all grievances related to the Resident's or Fellow'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 Resident or Fellow may use this process to resolve grievances if they disagree with corrective action as defined in Performance Evaluation, Improvement, and Misconduct Policy.

Procedure

All Residents or Fellows are informed in writing of a corrective action or misconduct according to the Performance Evaluation, Improvement, and Misconduct Policy.

Appeal Procedure for Corrective Action Decisions

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

- A. Within 5 business days of the date on which the Resident or Fellow is notified of the corrective action which the Resident or Fellow seeks to appeal, the Resident or Fellow may appeal by submitting a written statement of appeal setting forth the grounds for the appeal to the Director of Medical Education, who will forward the appeal and all documentation to the GMEC chair. The written statement of appeal shall be clear and detailed as to the action or circumstance; the reasons for the grievance; the Resident's

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or Fellow's position; the relief sought; and shall include supporting documentation. The Resident or Fellow shall also provide the address and email address to which notices shall be sent.

- B. Within 5 business days of receiving the written statement an Ad Hoc Appeals Committee shall be identified and a date, time and location for a prehearing and hearing will be 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 Resident or Fellow and Program Director will be notified in writing of the Ad Hoc Committee membership. If the Resident or Fellow or the Program Director objects to a committee member, they shall notify the Director of Medical Education within three business days of receiving the hearing notices and shall explain the basis for the objection. The 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 Resident or 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 pre-hearing.
- C. Within 15 business days of receiving the written statement of appeal, the Chair of the Ad hoc Appeals Committee shall conduct a prehearing meeting with the Resident or Fellow 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 Resident or Fellow or the Program Director may request, at the prehearing, additional time to present their position at the hearing. The request will be granted for good cause by the Chair of the Ad Hoc Committee.
- D. Within 10 business days of the date of the prehearing, the Ad Hoc Appeals Committee shall conduct a hearing, which shall include:
 - 1. Review of the Resident's or Fellow's grievance, file and supporting documentation, as well as the Program Director's supporting documentation.
 - 2. Allowing the Resident or Fellow and Program Director (the department representative) to each make a statement (up to one hour each).
- E. The Ad Hoc Appeals Committee will review the matter to determine if 1) due process was provided, 2) if there was sufficient basis for the action, and 3) if applicable policies were substantially followed. The burden of proof will be on the resident or fellow to come forward with evidence to establish the decision did not afford them 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.

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- F. **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 a decision. The Ad Hoc Appeals Committee may uphold, reverse, or recommend modification of the corrective action.
- G. Within 3 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 Resident or Fellow 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 Chair, GMEC Chair, and the Chief Medical Officer shall also receive a copy of the decision.

The decision of the Ad Hoc Appeals Committee shall be final and binding, and effective immediately.

| | Total Business Day (timeline) | Action | Responsibility |
|------------------------|-------------------------------|---|---|
| | 0 | Notification of action or circumstance received by resident or fellow | |
| Appeals Process | 5 | Written Statement of Appeal to Director of Medical Education (DME) | Resident or fellow |
| | 10 | Provide notice of committee members, dates of pre-hearing and hearing and date documents are due. | DME |
| | 15 | Written hearing documents to Appeal Committee | Resident or fellow and Program Director |
| | 20 | Pre-hearing held | Ad Hoc Appeals Committee Chair |

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|--|----|---|--------------------------------|
| | 30 | Ad Hoc Appeals Committee hearing | Ad Hoc Appeals Committee Chair |
| | 33 | Resident or fellow 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 Resident or Fellow is notified of the action or circumstance which the resident or fellow seeks to appeal, the Resident or Fellow may appeal by submitting a written statement of appeal setting forth the grounds for the appeal to the Director of Medical Education, who will forward the appeal and all documentation to the Chief Medical Officer. The written statement of appeal shall be clear and detailed as to the action or circumstance, the reasons for the grievance, the Resident's or Fellow's position, and the relief sought and shall include supporting documentation. The Resident or Fellow 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 Chief Medical Officer will review the documentation, meet separately with the Resident or Fellow and Program Director for up to one hour. The Chief Medical Officer will rule upon the objection.

The decision of the Chief Medical Officer shall be final and binding, and effective immediately.

| | Total Business Day (timeline) | Action | Responsibility |
|------------------------|--------------------------------------|---|--------------------|
| | 0 | Notification of action or circumstance received by resident or fellow | |
| Appeals Process | 5 | Written Statement of Appeal to Director of Medical Education (DME) | Resident or fellow |

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|--|----|---|------------------|
| | 5 | Provide written statement of appeal to the Chief Education Officer | DME |
| | 10 | Review written documentation, meet with resident or fellow and PD and render decision | Chief Ed Officer |

Procedural Matters for Corrective Action Decisions and Misconduct

The Resident or 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 appeal process shall be abandoned.

In the event that an adverse action is reversed, the Resident or Fellow will be reinstated, and a plan of action will be developed within 7 days by the Program Director and the Resident or Fellow for continuation of training. A reversed action will be removed from the Resident's or Fellow's file; however, any new action and documentation of the facts underlying the reversed action will remain in the file.

Resident or Fellow Status during Appeal: The Resident or Fellow 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 on administrative leave is not eligible for credit for time in the training program, which may result in extension of the program.

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 Director of Medical Education, the Henry Ford Health Office of General Counsel or Henry Ford Health 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, Resident or Fellow, or Program Director may request that a court reporter record the hearing and swear witness under oath.

Attorneys: Neither the Program Director nor the Resident or Fellow 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 time lines and process.



Other Grievance

Grievances not related to corrective action or misconduct: Resident or fellow will submit their concerns to be reviewed and processed using established system processes. These systems minimize conflict of interest and provide for proper review and mitigation of concerns.

Mechanisms that may be used to submit concerns include but are not limited to the following:

1. GME anonymous reporting tool
2. RL Risk: Reporting of Safety Events
3. Compliance hotline: 1-888-HFH-3044 or online at: www.MyComplianceReport.com
4. Human Resources
5. Chain of command through Medical Education

Henry Ford St. John Hospital strictly prohibit retaliation, including discipline or punitive actions in any form, against employees, physicians or other individuals reporting an issue or concern in good faith. Retaliation is subject to discipline, up to and including dismissal from employment or termination of the business relationship with Henry Ford St. John Hospital.

References/External Regulations

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

Accreditation Council for Graduate Medical Education (ACGME), Council on Podiatric Medical Education (CPME), Commission on Dental Accreditation (CODA), other accrediting organizations for individuals on a GME contract

¹ If the institution does not have a 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 resident or fellows not involved in the action being appealed, selected by the Director of Medical Education.

⁴ In the absence of a department chair, a service line chair is the acceptable replacement.