



Policy Number GME-8242-012
Date of Last Review Month Year: 3/2013
Date of Last Revision Month Year: 5/2023
Policy Owner(s) Department GME

Institutional Requirement IV.E.

2022 Accreditation Council for Graduate
Medical Education (ACGME)

Graduate Medical Education: Grievance Procedure

I. Purpose:

The purpose of this policy is to define the conditions and processes for submitting Grievance and Fair Hearing Processes available to Residents in Accreditation Council for Graduate Medical Education (ACGME) – accredited programs at Ochsner Clinic Foundation (OCF).

II. Scope

Policy applies to all Residents in OCF ACGME-accredited Graduate Medical Education (GME) programs.

III. Definitions:

- **Resident:** Any trainee in an OCF sponsored residency or fellowship training program
- **Accreditation Council for Graduate Medical Education (ACGME)**
- **Ochsner Clinic Foundation (OCF):** Sponsoring Institution for approved ACGME-accredited training programs
- **Department of Graduate Medical Education (GME):** Responsible for the administration of all OCF sponsored residency and fellowship training programs
- **Designated Institutional Official (DIO):** Individual responsible for oversight of Graduate Medical Education programs
- **Graduate Medical Education Committee (GMEC):** Committee responsible for policy and oversight of Graduate Medical Education at OCF, chaired by the DIO

IV. Policy Statement:

- A. GME will maintain a Grievance and fair hearing process that permits due process and adjudication of all actions resulting in Termination or Non-Renewal of the Residency Agreement. Contesting evaluations, letters of recommendation, evaluations of performance, and probations are not grievable actions for a Grievance or Fair Hearing.
- B. Program Directors have the primary responsibility to monitor the residents progress and take appropriate academic and administrative disciplinary action based on the resident's performance as recommended by the Clinical Competency Committee (CCC) in accordance with all ACGME core competencies.



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- C. A grievance shall not be used to question a rule, procedure, or policy established by an authorized faculty or administrative body. Rather, it shall be used by a Resident who believes that a rule, procedure, or policy has not been followed or has been applied in an inequitable manner. An action may not form the basis of a grievance if the resident merely challenges the judgement of the faculty as medical educators in evaluating the performance of the resident.
- D. All efforts should be made to resolve differences whenever possible, before filing a grievance. Residents and program directors are encouraged to resolve differences through conversations at the program level that minimizes conflicts of interest. However, the procedure as set forth provides for those instances in which assistance in resolving conflict is needed and/or required at the institutional level.
- E. Initiation of the grievance process must be submitted by Resident in writing within ten (10) business days of the decision being grieved. Notification must be addressed and submitted to the Department of GME Administration.
- F. A resident may be removed from clinical responsibility pending scheduling of the grievance hearing meeting(s), if the DIO determines that patient care may be compromised.
- G. As appropriate, the DIO in conjunction with GME leadership, a Grievance Board will be convened as outlined per *Section IV.H.* Subject to availability of all parties, the first meeting of the Grievance Board will occur no later than 30-days of the submitted written request.
- H. The Grievance Board will consist of a total of three (3) voting members, appointed by the DIO or Vice President of Medical Education in the case of conflict of interest or inability for the DIO to attend. The DIO will serve as Chair of the Grievance Board and will be a non-voting member. The GME-Director or designee will be present to serve as meeting facilitator and will be a non-voting member.
 - Two (2) faculty members from program(s) not directly associated with the resident who has filed the grievance hearing. Faculty members will be selected from the GMEC appointed faculty members or other faculty member(s) associated with the OCF ACGME-accredited training programs.
 - One (1) house staff from program(s) not directly associated with that of the resident who has filed the grievance hearing.



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- I. OCF prohibits retaliation against any individual who, in good faith, reports a grievance or participates in the review or resolution of a grievance under this policy.

V. Procedure:

Appeals submitted should state the facts on which the appeal is based. Unless otherwise specified, the following procedures are to be used in all Grievance and Fair Hearing procedures.

- a. The Chair of the Grievance Board, along with selected committee members will be identified by the DIO at least three (3) weeks prior to officially convening for meeting(s). The Resident will be allowed a total of two (2) business days to formally submit in writing an objection to any of the committee members chosen to participate.
- b. At least five (5) business days before scheduled hearing date, the Resident and the Program/Institution shall submit requested witness lists and supporting documentation to be presented at the Grievance Board hearing. These items should be delivered to the Chair of the Grievance Board.
- c. The resident and the program/institution shall be offered the opportunity to present their witnesses and to question each other's witnesses. Each party will have a set time limit not to exceed forty-five (45) continuous minutes to present identified witnesses and address questions as presented. Additional time for presentation may be considered at the discretion of the Chair of the Grievance Board.
- d. Prospective witnesses shall be excluded from the Grievance meeting during the testimony of other witnesses. All parties and witnesses shall be excluded during the deliberations of the Grievance Board hearing.
- e. The Resident who fails to appear after proper written notice will be deemed to have waived his/her right to contest the Grievance Boards decision.
- f. Appeal hearings are confidential. Advisors and attorneys may be available and consult with the parties but may not participate or be present in the proceedings.
- g. As the hearing is not a legal proceeding but an academic proceeding, the rules of evidence shall not apply.
- h. **Burden of Proof:** The Resident has the burden to demonstrate, by a preponderance of evidence, that the grieved action issued by the program was arbitrary and



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capricious. Formal rules of evidence shall not be applicable, nor shall harmless or technical procedural errors be grounds for appeal.

- i. Final decision of the Grievance Board shall be by majority vote of all members of the Board present and voting.
- j. Within five (5) working days of the hearing, the Grievance Board committee will provide a written copy of their recommendations to the Dean of Medical Education.
- k. Grievance Board recommendations will additionally be provided to the Resident and GME Administration.
- l. The Dean of Medical Education may accept the recommendation, amend it, reverse it, or refer back to the committee for reconsideration.
- m. The decision of the Dean of Medical Education will render a final decision within five (5) working days of receipt of the Grievance Board's written findings and recommendations. A copy of the decision will be provided to all parties involved.
- n. The final decision of the Dean of Medical Education shall be reported to the GMEC and the applicable Program Director.
- o. A summative report shall be placed in the resident academic file regarding the final decision of the grievance. This summative report may be provided to future external parties who inquire as to the residents training or grievance resolution, provided an authorization of release has been provided to the Department of GME from the Resident.



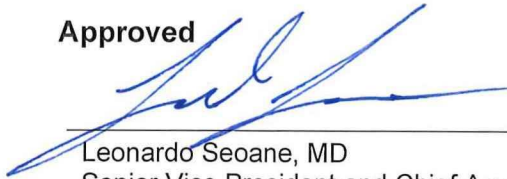
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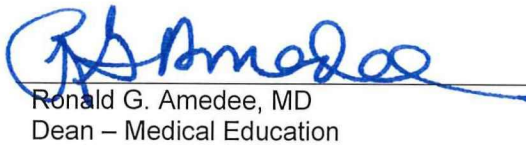
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Approved



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Policy History

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