

GRIEVANCE POLICY FOR RESIDENTS/FELLOWS

Purpose

To establish fair policies and procedures for the adjudication of resident grievances related to the actions which could result in dismissal, non-renewal of agreement of appointment, or any other action that could threaten a resident's intended career development.

A grievance procedure shall not be used to question a rule, procedure, or policy established by an authorized faculty or administrative body. Rather, it shall be used as due process 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 judgment of the faculty as medical educators in evaluating the performance of the resident.

For purposes of this policy, a grievance is defined as an allegation that:

1. There has been a violation, a misinterpretation, an arbitrary or discriminatory application of University policy, regulation or procedure. This could be related personally to the resident physician -- to the privileges, responsibilities, or terms and conditions of the residency training program including academic or other disciplinary actions or the employment of the resident physician; or
2. The resident physician has been discriminated against on the basis of race, color, religion, sex, national origin, age, disability, or status as a veteran.

Filing a Grievance

A resident physician who has a grievance shall initiate action by filing a signed, written account of the grievance with the program director within thirty (30) calendar days of the event out of which the grievance has arisen. The Program Director and Department Chair have the discretion to discuss the grievance with the resident and other involved parties in an effort to resolve the grievance. If the grievance is resolved in this manner, the terms of the resolution will be put in writing and signed by the program director and the resident. If the grievance is not resolved, the program director shall respond to the grievance in writing within thirty (30) calendar days of receipt of the written grievance.

If the resident is uncomfortable in approaching his/her program director, the resident is encouraged to discuss the issue with the GME Office.

Grievance Appeals to the Dean

Should the resident physician be dissatisfied with the response of the program director, he/she may, within ten (10) calendar days of receipt of such response, submit a written

appeal to the Dean of the School of Medicine, through the Associate/Assistant Dean having responsibility over graduate medical education. Upon receipt of the written appeal, a grievance panel will be formed by the Dean's Office. The panel will consist of one program director, one other faculty member and one resident member drawn at random from the pool of participants in each group. The pool of participants in each group will be solicited annually from all members of each group. The list of volunteers will be maintained by the GME office. Names will be drawn randomly by the Associate/Assistant Dean responsible for graduate medical education. No member of the panel may be from the department of any of the involved parties. If a person whose name is drawn is not able to participate because of prior commitments, another name will be drawn. The panel may gather evidence, interview individuals and request further information from the involved parties. Within 30 calendar days of the receipt of the appeal, the grievance panel will give a written copy of their recommendation to the Dean. If the decision of the panel is not unanimous, the dissenting party may submit a written dissenting opinion at the same time. The Dean will respond in writing within 5 working days of receipt of the panel's recommendation. The Dean may accept the recommendation, amend it, reverse it or refer it back to the panel for reconsideration. The decision of the Dean is final.

(Also see the University of Missouri Employee Grievance Policy: 380.010 GRIEV