

UF Health – Graduate Medical Education  
Policy and Procedure

Policy Number: GME 303  
Category: IR, \*\*  
Reviewed: April 2018

- TITLE:** Suspension, Nonrenewal, Dismissal, and Procedure for Grievance
- POLICY:** Each program must develop fair and consistent standards for the evaluation of trainees. If a resident feels that a decision by the program violates standards of fairness, then the resident is afforded a process whereby individuals outside the program may review such decisions.
- DESCRIPTION:** The position of the resident presents the dual aspect of a student in graduate training while participating in the delivery of patient care. For purposes of this policy, the term “resident” applies residents, fellows, and adjunct clinical post-doctoral associates in training programs recognized and approved by the Graduate Medical Education Committee (GMEC) at the University of Florida College of Medicine (COM). These training programs may be either ACGME Accredited Programs or non-accredited programs formally approved by the GMEC.
- The University of Florida College of Medicine is committed to the maintenance of a supportive educational environment in which residents are given the opportunity to learn and grow. Inappropriate behavior in any form in this professional setting is not permissible. A resident's continuation in the training program is dependent upon satisfactory performance as a student, including the maintenance of satisfactory professional standards in the care of patients and interactions with others on the health care team. The resident's academic evaluation will include assessment of behavioral components, including conduct that reflects poorly on professional standards, ethics, and collegiality. Disqualification of a resident as a student or as a member of the health care team from patient care duties disqualifies the resident from further continuation in the program.
- Suspension:** The Chief of Staff of a participating and/or affiliated hospital where the resident is assigned, the Dean, the President of the Hospital, the DIO, the Chair, the Division Chief or Program Director may at any time suspend a resident from patient care

responsibilities. The resident will be removed from duty, informed of the reasons for the suspension, and given an opportunity to provide information in response.

During suspension, the resident will not provide patient care duties and access to the medical record and patient care areas will be suspended. They may be assigned to other duties as determined and approved by the Chair. The resident will either be reinstated (with or without the imposition of academic probation or other conditions) or dismissal proceedings will commence by the University against the resident within thirty (30) days of the date of suspension.

Any suspension and reassignment of the resident to other duties may continue until final conclusion of the decision making or appeal process. The resident will be afforded due process and may appeal for resolution as described below.

**Nonrenewal:** In the event that the Program Director decides not to renew a resident's appointment, the resident will be provided written notice which will include a statement specifying the reason(s) for nonrenewal.

**Dismissal:** In the event the Program Director and or Clinical Competency Committee of a training program conclude a resident should be dismissed prior to completion of the program, the Program Director will inform the Chair of the decision and the reasoning. The resident will be notified and provided a copy of the letter of dismissal; and, upon request, provided documents that relate to the decision.

**Grievances:** A grievance is defined as dissatisfaction when a resident believes that any decision, act or condition affecting his or her program of study is arbitrary, illegal, unjust or creates unnecessary hardship. Such grievance may concern, but is not limited to, the following; academic progress, mistreatment by any University employee or student, wrongful assessment of fees, records and registration errors, discipline, termination and discrimination because of race, national origin, gender, marital status, religion, age or disability, subject to the exception that complaints of sexual harassment will be handled in accordance with the specific published policies of the University of Florida College of Medicine.

Prior to invoking the grievance procedures described herein, the resident is strongly encouraged to discuss his or her grievance with the person(s) alleged. This is not a required prerequisite to filing a grievance and does not act to extend the deadline to file a grievance, however good communication is oftentimes the best way to seek

resolution as well as a good opportunity for practicing effective interpersonal skills in the learning environment. It is advisable to document such conversations in writing, and to seek the support and guidance of the program director and/or Graduate Medical Education (GME) Housestaff Director, as appropriate.

In cases where the situation remains unsatisfactorily resolved, the resident should proceed with filing a grievance. Each step of the grievance process must be filed within deadlines provided below. A grievance is considered filed at the time it is received from the person making the decision at each step of the grievance process. Failure to file a grievance within the time limits at any step of the grievance process shall be deemed a waiver of the resident's right to the grievance procedure and render any prior action or decision the final agency action of the University.

A non-renewal or dismissal may be grieved through Step 3 of the grievance procedure. All other acts or omissions may be grieved through Step 2 and the decision of the DIO will be the final agency action of the University.

Step 1: Step 1 grievance shall be initiated by the resident filing a written statement of the concern and issues that are the subject of the grievance with the Chair. The grievance must be filed within 10 working days from the date the resident was notified of the act, or 10 working days from the date the resident acquires knowledge, or could have reasonably been expected to have acquired knowledge, of the act or omission.

If the grievance meets the timing and substantive requirements, the Chair will meet with the resident. The Chair will make best efforts to schedule this meeting within 10 working days of receipt of the grievance. At the meeting, the resident may present relevant information regarding the basis for the grievance. An advisor may accompany the resident during any meeting held pursuant to these procedures, but the advisor may not speak on behalf of the resident. The Chair will use his or her best efforts to present a written decision on the grievance to the resident within 10 working days of the meeting.

Step 2: If the resident is not satisfied with the Step 1 decision, the resident may file a Step 2 grievance with the Designated Institutional Official (DIO) within 5 working days after the Chair issues the Step 1 decision. The DIO will conduct a review of the action grieved, the Step 1 decision and other information relevant to the decision. If the DIO determines that a meeting with the resident is needed, he or she

will use their best efforts to schedule the meeting within 10 working days of receipt of the Step 2 grievance. The DIO may uphold, modify or reverse the Step 1 decision. The DIO will use his or her best efforts to notify the resident in writing of the Step 2 decision within 10 working days following the meeting or 15 working days following receipt of the grievance if no meeting is held.

Step 3: If the resident is not satisfied with the Step 2 decision regarding non-renewal or dismissal, the resident may file a written Step 3 grievance with the Dean of the College of Medicine within 5 working days of the DIO's issuance of the Step 2 decision.

The Dean will inform the DIO of the Step 3 grievance. The DIO will provide the Dean a copy of the decision, accompanying documents and any other material submitted by the resident or considered in the grievance process. The Dean will conduct a review of the action grieved, the Step 2 decision and other information relevant to the decision. If the Dean determines that a meeting with the resident is needed, he or she will use their best efforts to schedule the meeting within 10 working days of receipt of the Step 3 grievance. The Dean may uphold, modify or reverse the Step 2 decision. The Dean will use his or her best efforts to notify the resident in writing of the Step 3 decision within 10 working days following the meeting or 15 working days following receipt of the grievance if no meeting is held but failure to do so is not grounds for reversal of the decision. In addition to the resident, the Dean will notify in writing the Chair, the DIO and the Program Director of the Step 3 decision. The decision of the Dean will be the final agency action of the University. The resident will be informed of the steps necessary for the resident to further challenge the action of the University.

APPROVED:

Graduate Medical Education Committee