Children's National

INSTITUTIONAL GRADUATE MEDICAL EDUCATION POLICY

SUBJECT: Grievance, Corrective Action, and Due Process **DATE EFFECTIVE:** April 20, 2005

POLICY: Grievance/Due Process

I. PURPOSE:

This policy is to set a fair, reasonable, and readily accessible policy and procedure for Trainees to resolve general grievances and appeal Corrective Actions not related to trainee misconduct. Children's National Hospital (CH) supports an educational environment in which Trainees may raise and resolve issues without fear of intimidation or retaliation which includes:

i. Establishment of fair, reasonable, and readily available policies and procedures for adjudication of Trainees' complaints and grievances related to the work environment or issues related to the program or faculty.
ii. Implementation of fair and reasonable policies and procedures for academic or disciplinary actions taken against Trainees that could result in a Reportable Action including other actions that could significantly threaten a Trainee's intended career development, excluding investigation of allegations of Trainee misconduct.
iii. A fair and reasonable process for Trainees to address concerns in a confidential and protected manner.

Children's National Competency & Remediation Policy affords due process to Trainees and describes the process to be utilized when a Trainee is not meeting the competency expectations of a program.

Children's National Trainee Misconduct Policy establishes the process for the investigation and determination of allegations of Trainee misconduct.

II. POLICY SCOPE:

All Accreditation Council for Graduate Medical Education (ACGME) accredited or non-ACGME residency and fellowship programs sponsored by CH.

III. DEFINITIONS:

Trainee
Trainee refers to all interns, residents and fellows participating in ACGME accredited, or non-ACGME training programs sponsored by CH.

Training Program
Training program or program refers to an ACGME accredited or non-ACGME internship, residency or fellowship training program sponsored by CH.

Dismissal
The act of terminating a Trainee's participation in a training program prior to the successful completion of the course in training, be it by early termination of a contract, or by notice of the intent not to renew the Trainee contract thereby denying the Trainee's promotion to the next level of training.

Misconduct
Examples of misconduct include, but are not limited to theft, fighting, dishonesty, abusive or disruptive behavior, harassment, and breach of confidentiality.

Reportable Actions
Decisions such as not promoting a Trainee, not renewing a Trainee's contract, suspending a Trainee from the program, dismissing a Trainee from the program, and other actions that could significantly affect the Trainee's intended career development are considered "Reportable Actions." Reportable Actions are those actions that the program must disclose to others upon request, including but not limited to future employers, credentialing organizations, hospitals, and licensing and specialty boards.

Corrective Actions
Disciplinary actions that may result in a Reportable Action.

IV. DISMISSAL OF A TRAINEE:

Completion of training is contingent upon a Trainee's satisfactory performance and meeting all program requirements as stipulated by the program, the ACGME and other appropriate governing bodies. CH may terminate the Trainee's training for cause, which shall include, but not be limited to, the following:

i. Any adverse change in applicable external funding
ii. Adverse licensure action
iii. Serious misconduct
iv. Material breach of the employment agreement
v. Unsatisfactory performance

V. GRIEVANCE:

Internal Discussion

A grievance may be brought regarding any matter affecting the terms and conditions of a Trainee's training, except for competency concerns, Corrective Actions, or misconduct. Should a Trainee have a grievance about the training program or the educational learning environment, it is recommended that the Trainee first address the issue with the Program Director and/or Division Chief. If the matter is still not resolved to their satisfaction, or if the Trainee believes real or perceived conflict of interest would preclude or render unproductive such a discussion, the Trainee may seek assistance from the Graduate Medical Education (GME) Office for advice and council on the most appropriate course of action to address the concern. If at any time the Trainee is uncomfortable with these discussions or unsatisfied with previous counseling or recommendations, the Trainee may seek the assistance of the Designated Institutional Official.

VI. APPEAL PROCESS AND PROCEDURE:

Request for Appeal Hearing

To request an appeal hearing under this policy, a Trainee who faces Corrective Action unrelated to misconduct must submit a formal written request to the GME Office within fourteen (14) calendar days after receiving written notice of such action. The request must be submitted in writing, signed and dated and include a complete factual description of the complaint or the action leading to the appeal, along with any other information that the Trainee believes will be relevant or helpful.

A Trainee who elects to voluntarily resign from their program in lieu of termination or similar action is not eligible to appeal the action that prompted the resignation.

Panel Selection

Barring unforeseen circumstances, within ten (10) working days after the GME Office receives the written request for an appeal hearing, the Designated Institutional Official (DIO), will select three individuals to serve on the appeal hearing panel (the Panel). The Panel shall consist of two members of the faculty and one Trainee. No member of the Panel shall have participated in the decision or action that the Trainee is grieving. In addition, if the Trainee makes the request, no member of the Panel shall have previously been substantially involved in any other decision or adverse action directly involving the Trainee.

Scheduling of Appeal Hearing

Barring unforeseen circumstances, the appeal hearing will be scheduled no more than thirty (30) working days after the receipt of the written request for the appeal hearing meeting the criteria described above. The Trainee, Program Director, and the GME Office may mutually agree to a date that is outside of the 30-day window.

Appeal Hearing

The Trainee and the Program will present statements and may present written testimony of witnesses or documentary evidence to support the position taken. In general, appeal hearings will proceed according to the following format:

i. Trainee presentation
ii. Program Director (or their designee) presentation
iii. Trainee response/rebuttal
iv. Additional presentation may be permitted at the discretion of the DIO

The GME Office may establish reasonable time limits for the presentation of statements, testimony and documentary evidence.

The Trainee may be assisted during the appeal process and accompanied at the appeal hearing by an advisor of the Trainee's choosing, who may be an attorney at the Trainee's own expense. Advisors and attorneys may consult with the parties but shall not actively participate in the appeal hearing or present arguments. Appeal hearings are confidential. Only participants, advisors or attorneys, and Panel members may attend. Trainee must notify the GME Office 14 calendar days in advance of the due process hearing if an advisor will be present during the due process hearing.

Panel Recommendation

Following the appeal hearing, the Panel will meet privately. The final decision will be made by a majority vote of the Panel members. The Panel will prepare a written decision setting forth its conclusions and its reasoning in support of those conclusions. The Panel will provide the GME Office with a recommendation for final action based on the evidence, testimony and other documentation presented during the appeal hearing.

Decision of the DIO

At the DIO's discretion, the DIO may consider additional evidence and may order a new hearing. Barring unforeseen circumstances, the DIO will render a decision within ten (10) working days of receiving the Panel's final recommendation and will provide a copy to both the Trainee and Program Director. The DIO's decision is final and binding on all parties.

Documentation of Appeal Hearing

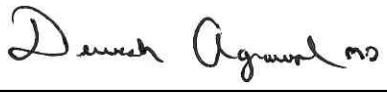
The GME Office will maintain the documentation from the appeal hearing.

Time

Time limits set forth in this procedure must be adhered to by both the Trainee and CH unless extended for good cause at the discretion of the DIO. A Trainee who fails to meet the time limits for appealing Corrective Action may be deemed to have withdrawn the appeal.

VII. APPROVAL

Approved by:



DIO/Vice Chair, Medical Education

5/8/2024
Date

VIII. REVIEW OR REVISION DATE

Approved by the GMEC: April 20, 2005
Modified and Approved by the GMEC: March 21, 2007
Modified and Approved by the GMEC: November 19, 2008
Modified and Approved by the GMEC: September 15, 2010
Modified and Approved by the GMEC: January 20, 2017
Modified and Approved by the GMEC: March 13, 2019
Modified and Approved by the GMEC: September 9, 2020
Modified and Approved by the GMEC: October 13, 2021
Reviewed and Approved by the GMEC: June 15, 2022
Modified and Approved by GMEC: September 13, 2023
Modified and Approved by GMEC: May 8, 2024