

## Grievance and Due Process

Effective: July 1, 2019  
Reviewed by GMEC: February 12, 2019  
Initial Approval by GMEC: June 30, 1989

NOTHING CONTAINED IN THIS POLICY OR IN ANY OTHER POLICY CREATES A CONTRACT RIGHT. CONSISTENT WITH SOUTH CAROLINA LAW, ALL EMPLOYEES ARE EMPLOYED "AT WILL," WHICH MEANS THAT THE EMPLOYEE HAS THE RIGHT TO TERMINATE HIS OR HER EMPLOYMENT AT ANY TIME, WITH OR WITHOUT NOTICE OR CAUSE, AND THAT PALMETTO HEALTH RETAINS THE SAME RIGHT. EXCEPTIONS TO THE POLICY THAT ALL EMPLOYEES ARE EMPLOYED "AT WILL" MAY BE MADE ONLY BY WRITTEN AGREEMENT SIGNED BY THE PRESIDENT OF PALMETTO HEALTH.

### Statement

Residents are provided a process for resolving academic and job-related complaints. This includes grievances related to probation, suspension, non-renewal of a resident agreement of appointment, non-promotion to the next level of training, or dismissal.

### Associated Policy (ies):

Dismissal of Residents  
Remediation  
Dismissal of Residents

### Responsible Positions (Title)

Program Director  
GME office  
Residents/Fellows  
HR Business Partner

**Equipment Needed:** *None*

### Procedure Steps, Guidelines, Rules, or Reference

1. **Grievance Steps:** (Consult Remediation Policy for expectations on documentation)
  - 1.1 A resident who has a dispute or grievance must discuss this with his/her Program Director who will make every effort to resolve the matter within ten (10) calendar days from the date the discussion was held.
  - 1.2 If the response is unsatisfactory to the resident, the resident must discuss the complaint or grievance with his/her Chair/ Director of Education, who will make every effort to resolve the matter within ten (10) calendar days from the date the discussion was held. (If the Program Director is also the Chair/Director of Education, this step is skipped).
  - 1.3 If the response is unsatisfactory to the resident, the resident must request a meeting with the DIO within ten (10) calendar days of the Chair/Director of Education's response. The meeting with the DIO will be conducted no more than ten (10)

calendar days from the date of the request. The DIO will investigate and review the resident's grievance and will respond with a decision in writing to the resident within ten (10) calendar days from the date the meeting was held. Copies of the DIO's response will be furnished to the HR Business Partner and the Program Director.

- 1.4 If the DIO's response is unsatisfactory to the resident, the resident may make a final appeal through Palmetto Health's Human Resources Office by submitting a written statement to the assigned HR representative within ten (10) calendar days from the decision of the DIO. The statement should recap the facts of the situation or event and must include a suggested remedy for the situation. The HR representative will provide the VP of Human Resources Operations or his/her designee with the resident's statement and documents pertinent to the dispute or grievance.
- 1.5 The final appeal is a paper review of all documents related to the dispute or grievance. The VP of Human Resources is not obligated to meet with any parties. The VP of Human Resources will respond within ten (10) calendar days in writing to the resident, DIO, and Program Director. The decision will be final.
- 1.6 Should a recommendation for Level 4 Dismissal be overturned after a successful appeal, the resident will be responsible for completing **any training time** lost during the appeal process **with** additional training in order to fulfill board requirements for length of training to sit for boards. In the case of successful appeal, the GME Executive Committee will determine whether the department's recommendation for probation or dismissal or additional length of training is reportable for future licensure and credentialing purposes. If it is determined that such recommendation is not reportable, documentation will be removed from the resident physician's file at the time of graduation from the program.

## 2. Grievance Timelines:

- 2.1 Failure to meet timelines or receive approval for extension of timelines will result in forfeiture of grievance rights.
- 2.2 Requests to extend any deadlines in this process will only be considered based on extenuating circumstances:
  - 2.2.1 Extensions will be considered only when requested in advance of deadlines.
  - 2.2.2 The decision to extend a deadline will be made by the VP of Human Resources (or his/her designee)
  - 2.2.3 Approvals for a delay will be communicated to the parties involved.

## References

ACGME Institutional Requirements-•-IV.C. Promotion, Appointment Renewal and Dismissal

