

## **Grievance Policy #0.14**

### **I. Purpose**

The purpose of this policy is to set forth a fair, reasonable, and readily accessible process for submitting and processing resident complaint or grievances that minimizes conflicts of interest.

### **II. Policy Statement**

Programs must promote the fair, reasonable, efficient, and equitable resolution of concerns submitted by residents/fellows. The KCU-GME Consortium prohibits retaliation against any individual who, in good faith, reports a concern or participates in the review or resolution of a concern under this policy.

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 a perceived inequitable manner. An action may not form the basis of a grievance if the resident/fellow challenges the judgement of the faculty as medical educators in evaluating the performance of the resident/fellow.

Grievances are limited to allegations of wrongful dismissal, wrongful suspension, wrongful nonrenewal of a resident agreement of appointment, or wrongful renewal of a resident agreement of appointment without promotion that do not align with rules, procedures, or policy in place. Being placed on remediation/corrective action, probation or being suspended from clinical responsibilities are not grievable matters.

The decision to suspend or place a resident/fellow on probation, dismiss, not renew, or renew without promotion is an academic responsibility and is the decision of the program.

Actions on the part of the program or sponsoring institution based solely on administrative and employment policies and procedures are not subject to interpretation and are therefore not grievable.

Grievances alleging discrimination or harassment on the basis of sex, gender, marital status, pregnancy, race, color, ethnicity, national origin, age, disability, religion, sexual orientation, gender identity or expression, veteran status, or other legally protected characteristic; sexual misconduct, domestic violence, dating violence, or stalking; or that are otherwise within the purview of state and local laws set by a Human Resources Department should be referred to the program's individual Human Resources Department and the DIO should be notified.

### **III. Policy/Procedure**

Residents/Fellows are encouraged to seek resolution of grievances related to their appointment or responsibilities, including differences with the sponsoring institution, program, or employer. The sponsoring institution and the program will ensure the availability of procedures for redress of grievances, including complaints of discrimination and harassment, in a manner consistent with the law and with the general policies and procedures of the program.

Residents/Fellows who feel they have been treated unfairly or have complaints are encouraged to use the following procedure:

- a. Discuss the problem with the appropriate faculty member and/or Chief Resident as soon as possible.
- b. If the problem is not resolved under step a, the resident/fellow should submit a written complaint notice to the Program Director within ten (10) workdays of the event giving rise to the grievance. The grievance notice should include a factual description of the grievance, the policy or procedure that may have been violated, the date in which the grievant first became aware of the alleged violation, and the remedy sought.
- c. The Program Director will meet with the Resident/Fellow at a mutually agreeable time within ten (10) workdays of the receipt of the grievance notice.
- d. The Program Director will provide the resident/fellow with a written decision within ten (10) workdays after the meeting.
- e. If the Resident/Fellow does not believe the grievance has been satisfactorily resolved, the Resident/Fellow may submit a grievance letter directly to the DIO within five (5) workdays of receipt of the Program Director's decision. The DIO may meet with the Resident/Fellow at a mutually agreeable time within ten (10) workdays of receipt of the grievance letter. The DIO will review and consider the case, and within ten (10) workdays, issue a written decision to the Resident/Fellow regarding the grievance, and provide a copy to the Program Director. The decision of the DIO is final.

Confidentiality will be maintained to the extent feasible. Residents/Fellows will not suffer consequences for making a complaint or taking part in the investigation of a complaint. Residents/Fellows who knowingly allege a false claim shall be subject to correction action, suspension, or termination.

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