

**ATRIUM HEALTH CABARRUS  
GRADUATE MEDICAL EDUCATION**

**GRIEVANCE POLICY**

Created:1996

Revised:11/13, 10/17,1/19, 3/2022

Reviewed: 12/13, 10/17

**Purpose:**

The purpose of the grievance policy is to promote prompt internal review and resolution of controversies between residents/fellow and administration related to extensions, suspensions and / or terminations and to provide equitable and final resolutions of such issues in the course of an individual's residency/fellowship program. Note: Atrium Health Grievance Policy and Procedure will be utilized for non-academic resolution including illegal behavior or conduct disruptive to patient safety or disruptive to the operation of the hospital.

1. **Policies and Procedures:** All applicable policies and procedures shall be presented to each new resident/fellow during the orientation process at the beginning of their employment. Each resident/fellow shall be instructed to read and familiarize himself or herself with all institutional, divisional and departmental policies and procedures. Each resident/fellow shall be encouraged to direct questions about any institutional, divisional and departmental policies and procedures to that resident's/fellow's departmental Chair, Residency Program Director, Residency Program Coordinator or divisional administration.
2. **Extension or Termination:** The Program Director may terminate a resident from the residency training program or extend the length of individual resident training for failing to abide by the terms of the Resident/Fellow Agreement or for the following academic reasons:
  - a. Substandard or unsatisfactory performance: or
  - b. Unprofessional or unethical conduct.
3. **Notification of Suspension or Termination:** If a resident/fellow is extended, suspended and/or terminated from the training program, then the Program Director shall promptly notify the resident/fellow in writing. The notice shall contain the following: (I) a statement of the reasons for the extension, suspension and/or termination from the training program; (II) any additional charges against the resident/fellow; (III) notice that the resident/fellow has the right to request a hearing on the extension, suspension and/or termination within five (5) business days of receipt of this notice; and (IV) a copy of this grievance policy. The resident will typically receive the written notice of intent not to renew their agreement of appointment no later than four months prior to the end of the current agreement of appointment. However, if the primary reason(s) for the non-renewal occurs (s) within the four months prior to the end of the agreement of appointment, the resident will be provided with as much written notice of the intern not to renew as the circumstances will reasonably allow, prior to the end of the agreement of appointment. Residents will be allowed to implement the institution's grievance procedures when they have received a written notice of intent not to renew their Resident Agreement.
4. **Request for Hearing: Filing of Grievance:** A resident/fellow who has been extended, suspended and/or terminated from the training program shall have five (5) business days following the date of the receipt of the notice of such extension, suspension and/or termination (described in section 3 of this policy) to request a new hearing before the Grievance Committee (as defined below) and file a

grievance. A request for a hearing before the Grievance Committee and filing of a grievance must be made in writing and delivered to the Designated Institutional Official. The written request for the hearing before the Grievance Committee and filing of a grievance must be signed and dated by the resident/fellow, and must include the following information:

- a. A factual description of the complaint of dispute resulting in the grievance
- b. The name(s) of the person(s) against whom the grievance is initiated
- c. A description of the informal attempts made at resolution of the grievance
- d. Any other information the person filing the grievance deems relevant, and
- e. Any documentation relating to the subject matter of the grievance

Within five (5) business days following receipt of the written request for a hearing, the Designated Institutional Official shall forward to the resident/fellow who requested the hearing an acknowledgement indicating whether the resident's complaint represents a grievance that can be reviewed by the Grievance Committee.

5. **Grievance Committee: Purpose and Composition:** The purpose of a hearing before the Grievance Committee is to offer a formal mechanism for resolving a resident's/fellow's grievance in connection with their extension, suspension and/or termination. A resident/fellow may request a hearing before the Grievance Committee only if the resident/fellow has received notice of his or her extension, termination and / or suspension for the training program. The Grievance Committee shall not consider or hear complaints or grievances related to anything other than a resident's/fellow's extension, suspension and or termination.

**Composition:** When a resident/fellow properly requests a hearing and files a grievance in accordance with Section 4 of this policy, the Designated Institutional Official shall appointment a seven (7) member grievance committee ("Grievance Committee"). Three (3) of the members of the Grievance Committee shall be physicians holding active staff privileges at an Atrium Health teaching facility and the Designated Institutional official shall appoint one of these three committee members as Grievance Committee Chair. In addition, the Designated Institutional official shall appoint to the Grievance Committee two (2) senior residents or fellows currently serving in their last two years of training. One (1) member of the Grievance Committee shall be an administrative representative of Graduate Medical Education. Physicians and residents who are involved in any way with the facts of situation prompting the filing of the grievance, shall not be appointed to the Grievance Committee.

6. **Hearing before the Grievance committee:** The Grievance Committee shall schedule a hearing date that is no later than thirty (30) days following the receipt of a request for hearing and filing of grievance properly made in accordance with Section 2 of this policy and properly stating a grievance that can be reviewed by the Grievance Committee. The Designated Institutional Official shall notify the resident/fellow filing the Grievance of the time and place of the Grievance Committee hearing, and of the names of the members of the Grievance Committee. The resident/fellow filing the grievance and the members of the Grievance Committee shall be provided with all materials that have been collected relating to the grievance and shall be permitted to review medical records if deemed relevant by the Grievance Committee chair.
7. **Hearing Process:** At the hearing, interested parties including the resident/fellow who filed the grievance, shall have the right to appear and present relevant information, including calling and cross-examining witnesses; provided however that the hearing shall not be conducted in accordance with the formal rules of evidence and procedure. Formal opening and closing statements are not required, but each party will be given an opportunity to summarize its position. Attorney's will not be allowed to be present at the hearing, unless the Grievance Committee Chair determines that

special circumstances exist. The hearing shall last no longer than 4 hours with the resident/fellow and the individual representing the training program having approximately equal time to present their respective cases. Committee members may ask questions during the hearing. Witnesses are not required to be present.

**Decision of Grievance Committee:** A decision of the grievance committee shall be made by majority vote within five (5) business days following the hearing. The Grievance Committee shall submit its findings and recommendation in writing to the resident/fellow and to the Designated Institutional Official. The Chair of the Grievance Committee shall forward the recommendations to the appropriate departmental Program Director, and the finding of the Grievance Committee constitute final action on the grievance.



Erika Steinbacher, MD  
Designated Institutional Official  
Atrium Health Cabarrus

3/26/2022 | 11:01:38 EDT

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Date



Asha Rodriguez  
Facility Executive  
Atrium Health Cabarrus

3/29/2022 | 14:02:17 EDT

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Date