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POLICY: 200-050385-028

Grievance Procedures, Due Process and Disciplinary Action, Including Dismissal

(See also Section IV. C. 8 Grievance Procedure)

The Institutional Requirements of the Accreditation Council for Graduate Medical Education (ACGME) charge the Graduate Medical Education Committee (GMEC) with assuring that each residency program establishes and implements formal written criteria and processes for the disciplinary actions including dismissal of residents in compliance with both the Institutional and relevant Program Requirements. Due process is an established course of proceedings utilized by an individual or group for responding to allegations regarding their behavior. All County employees are entitled to due process. The right to due process includes entitlement to a full exposition of the reasons and conditions for disciplinary action and the utilization of established grievance procedures. The integrity of grievance procedures as they apply to residents is protected by ACGME Guidelines for Academic Due Process and the Memorandum of Understanding between the County and the Council of Interns and Residents (CIR).

The GMEC must also assure an educational environment in which residents may raise and resolve issues in a confidential and protected manner without fear of intimidation or retaliation. There must be institutional policies and procedures for academic or other disciplinary actions taken against residents. There must be institutional policies for adjudication of resident complaints and grievances related to actions that could result in dismissal or could significantly threaten a resident's intended career development.

Policy

Discipline and Dismissal

The program must inform the GMEC when disciplinary action or dismissal of a resident is contemplated. Each program must have formal written criteria and processes for disciplinary actions including dismissal of residents. These processes must demonstrate the program's efforts for remediation and/or rehabilitation, and, in the case of dismissal, the subsequent failure of the resident to achieve minimum standards.

If the reason for disciplinary action or dismissal is failure to meet minimum academic standards, the program director must be able to provide accurate documentation of the resident's academic performance and must be able to show that opportunities for remediation have been provided prior to the decision for dismissal. Notification of the resident that disciplinary action will be undertaken shall include specification of the standard(s) violated or not fulfilled through the resident's action(s) and/or performance. Further, in the case of academic performance, the notification will describe the course of action, if any, the resident should undertake to remedy the deficiency or deficiencies. After notifying the resident of the program's intent to dismiss, the procedures below shall be followed:

A pre-termination hearing with resident must be held. The resident is entitled to have a representative present at the hearing. The Program Director and/or the Department Chair will represent the program.

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Within ten business days after the pre-termination hearing, the resident may appeal to the Medical Director. The Medical Director shall appoint a committee to review the action. The resident has the right to appear before the committee and also has the right of representation before the committee. The committee will provide written recommendations to the Medical Director within 15 business days from the day of its appointment.

The Medical Director's decision will be rendered within five business days of the receipt of the committee's recommendations. The Medical Director's decision is final.

If reasons for dismissal are based on non-academic issues, the resident may invoke the grievance procedure noted below.

Grievance Procedures

Residents may invoke the grievances procedures detailed in the Memorandum of Understanding (MOU) between the County of Los Angeles and the bargaining unit representing the residents, the Council of Interns and Residents/Committee of Interns and Residents (CIR). These procedures may be utilized when a resident is threatened with discipline or termination, and if provisions in the CIR MOU, such as compensation and benefits, governing personnel practices, and working conditions, have not been granted. These procedures guarantee due process and, if not resolved at any of the standard steps, lead to arbitration.

Communication of Resident Issues

Residents and staff of the CIR, the organized housestaff bargaining unit, shall hold a monthly meeting with the hospital administration (the Chief Operations Officer or his designee), medical administration (Director of Medical Education and Administrative Director of Medical Administration), a representative of the Department of Human Resources and other hospital personnel as deemed pertinent to the agenda. The purpose of this meeting is the resolution of issues identified by the residents. Issues that cannot be resolved at the institutional level may be carried to the monthly meetings with the Associate Director of Health Services and the Directors of Medical Education from all of the Los Angeles County teaching hospitals.

Individual Resident Concerns

Should a resident be uncomfortable in addressing a particular issue or concern with their faculty or program director, they may seek counsel with the Director of Medical Education. The Director of Medical Education is bound by policy to keep all such meetings with individual residents strictly confidential. An alternative would be for the resident to seek the counsel of resident representatives of the CIR.