

Hospital-wide Policy	Title: Resolution of Disputes and Appeals
Issuing Department: Graduate Medical Education Office	Effective Date: October 2021
IMPORTANT NOTICE: The official version of this policy is contained in the Policy and Procedure Manager (PPM) and may have been revised since the document was printed.	

Purpose

The procedures set forth below are designed to provide both residents and Tufts Medical Center with an orderly means of resolving differences which may arise between them. It is the desire of Tufts Medical Center that all disputes or other matters of concern to the residents be fully considered by medical professionals charged with the responsibility for achieving inter-professional resolution of disputes wherever possible.

Scope

This policy applies to all residents enrolled in a Tufts Medical Center sponsored graduate medical education program (ACGME accredited and non-accredited) who are the subject of a disciplinary action taken in response to an academic deficiency as defined in the policy on Disciplinary Actions and Procedures. In the event that there are relevant Tufts MC policies they supersede this GME policy.

The procedures herein are not applicable to claims that Tufts Medical Center or Program/Department policy is inadvisable or unfair generally. Resident suggestions for change of such general rules or policies may be submitted to the Resident Leadership Council and Graduate Medical Education Committee for consideration.

Definitions

A **Disciplinary Action** is any of the following taken in response to misconduct or academic deficiency:

- Non-reappointment
- Probation
- Suspension
- Termination

Process

If a resident disagrees with a disciplinary action taken in response to an academic deficiency, the resident shall have a right to meet with the Program Director making the decision, to hear the reasons for the decision, and to respond to them verbally or in writing. This is an Informal Discussion. If, after an Informal Discussion, the resident wishes to appeal the disciplinary action, the resident may do so through the mechanism for resolution of disputes outlined below. Residents *may not appeal a negative performance evaluation or an Academic Improvement assessment or intervention (as described in Academic Improvement and Remediation Policy)*, beyond discussions with the Program Director, unless the negative evaluation also results in a disciplinary action as defined above.

Procedure for Resolution of Disputes and Appeals

Informal Discussions

The interests of Tufts Medical Center and its residents are best served when problems are resolved as part of regular communications between the resident and their Program Director. Residents are also encouraged to utilize other resources available to aid them in addressing difficulties. The GME Office may provide useful guidance.

If informal discussion is not successful in resolving the dispute the following procedures may be followed. The procedures described are available to all residents.

Resident Dispute Resolution Procedures

Level 1 – Discussion with Department Head or Division Chief

Residents who feel that they have been improperly subjected to a disciplinary action taken in response to an academic deficiency, and who have been unable to resolve the problem through informal discussion shall submit the matter in writing to the appropriate Department Chair or Division Chief for consideration within fifteen (15) days of the occurrence of the action identifying the matter as a formal dispute. The Department Chair or Division Chief consulted will respond in writing to the claim by the resident within fifteen (15) days.

Level 2 – GME Review

If the dispute is not resolved by these discussions, a resident who wishes to continue the matter shall file a written statement of dispute with the DIO.

The statement must describe the matter in dispute, previous attempts at resolution, and the action that the house officer requests be taken. To be valid under these procedures the statement must be presented to the DIO (or their designee) within ten (10) working days after the date of the Level 1 response from Chair or Chief.

The DIO or designee shall discuss the dispute with the resident and the appropriate individual or individuals in the department or division in an effort to resolve the matter. If the matter is not resolved within fifteen (15) days and involves a decision to terminate or, not to advance the house officer, the DIO will notify the resident in writing that the matter has not been resolved and inform the house officer of his or her right to request review pursuant to Level 3 below. If the DIO or designee determines that time beyond fifteen days may be required, the resident shall be notified accordingly.

In all other disputes that remain unresolved after fifteen (15) days, including decisions to place a house officer on probation, the DIO or designee will issue a written determination regarding whether the adverse action by the program was consistent with Policies and Procedures applicable to the resident. The determination of the DIO or designee will be final in all such Level 2 disputes, except those involving termination or non-reappointment which are subject to review Level 3 as described below.

Level 3 – Review by a GME Review Committee

If the dispute involves termination or non-reappointment, the house officer may request review by a GME Review Committee (GRC). The request from the house officer for a GRC review must be made in writing to the DIO within fifteen (15) days after issuance of the Level 2 notice from the DIO that no resolution has been reached.

In each instance the GRC will be appointed by the DIO and CMO and will consist of two members of the full-time faculty and one member of the Graduate Medical Education Committee who shall chair the committee. No member of the committee will have been involved in any earlier review of the dispute, nor shall they be members of the resident's department or division.

A review meeting will be set by the Chair of the GRC within forty-five (45) days of the receipt of the resident's request for review by GRC. At least fifteen (15) days prior to the meeting the resident and GRC will be provided with a written explanation supporting the department or division's decision to terminate or not advance the resident. The resident will have an opportunity at the review meeting to examine the information provided by the department or division and provide any additional information. A stenographic record of the review meeting will be made.

The Program will appoint a representative from the medical staff to present its information in support of its decision and to present evidence. The resident may be accompanied at the review by a physician or surgeon licensed to practice medicine in the Commonwealth of Massachusetts, who is a member in good standing of the medical staff at Tufts Medical Center. Attorneys may not participate in the review meeting (even if the attorney is also a licensed physician or surgeon). At the discretion of the GRC chair, the meeting may be opened or closed to witnesses, and may run over the course of more than one (1) session or day.

At the review meeting, the Program will present information regarding its decision concerning the resident. Thereafter the resident will share information he or she believes will establish the decision was improper. The GRC will evaluate the information presented. The decision of the

department or division will be upheld unless the GRC finds it was more likely than not that the action of the department or division was arbitrary or capricious.

The GRC shall reach a decision based upon the record produced at the review meeting within thirty (30) days of the final committee session. The written decision will be forwarded to the DIO, the CMO, the affected resident, and the appropriate Department Head or Division Chief. Such decision will be final.