



NOTHING CONTAINED IN THIS POLICY OR IN ANY OTHER POLICY CREATES A CONTRACT RIGHT. CONSISTENT WITH SOUTH CAROLINA LAW, ALL TEAM MEMBERS ARE EMPLOYED "AT WILL," WHICH MEANS THAT THE TEAM MEMBER HAS THE RIGHT TO TERMINATE HIS OR HER EMPLOYMENT AT ANY TIME, WITH OR WITHOUT NOTICE OR CAUSE, AND THAT PRISMA HEALTH AND/OR ITS AFFILIATED ENTITIES RETAIN THE SAME RIGHT.

### GRIEVANCE AND DUE PROCESS

<b>Approved Date: 02/11/2020</b>	<b>Effective Date: 07/01/2020</b>	<b>Review Date: 07/01/2022</b>
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**Scope:**

Prisma Health-Midlands		Prisma Health-Upstate	
X	Prisma Health Baptist Hospital	X	Prisma Health Greenville Memorial Hospital
X	Prisma Health Baptist Parkridge Hospital	X	Prisma Health Greer Memorial Hospital
X	Prisma Health Richland Hospital	X	Prisma Health Hillcrest Hospital
X	Prisma Health Tuomey Hospital	X	Prisma Health Laurens County Hospital
X	Prisma Health Children's Hospital-Midlands	X	Prisma Health Oconee Memorial Hospital
X	Prisma Health Heart Hospital	X	Prisma Health North Greenville Hospital
X	PH USC Medical Group	X	Prisma Health Patewood Hospital
X	Provider based facilities associated with Prisma Health-Midlands hospitals	X	Prisma Health Surgery Center - Spartanburg
		X	Prisma Health Marshall I. Pickens Hospital
		X	Prisma Health Children's Hospital-Upstate
		X	Prisma Health Roger C. Peace Hospital
		X	Prisma Health Baptist Easley Hospital
		X	University Medical Group UMG/PIH
		X	Provider based facilities associated with Prisma Health-Upstate hospitals

#### Policy Statement

All resident/fellow staff who enter residency training programs at Prisma Health are expected to graduate. In cases of deficient medical knowledge or professionalism issues related to residency training, all residents/fellows are provided a fair process for resolving academic and job-related complaints. This process includes grievances related to probation, suspension, non-renewal of a resident/fellow agreement of appointment, non-promotion to the next level of training, or dismissal. In all cases, a resident/fellow has the right to appeal a decision in accordance with Prisma Health grievance and due process procedures.

#### Associated Policies and Procedures

- Academic and Professional Improvement
- Dismissal of Residents/Fellows
- Eligibility, Selection and Appointment
- Evaluation of Residents/Fellows

## Promotion and Reappointment

**Definitions**

**Due Process:** fair treatment of a resident/fellow in the Prisma Health system as related to an academic or professionalism issue

**Grievance:** a real or imagined wrong from a resident/fellow or other cause for complaint, protest, or unfair treatment

**Probation:** a defined period of time for a resident/fellow related to a disciplinary action when remediation or academic improvement plans are initiated; regular patient care may be redefined during this time period

**Suspension:** action taken against a resident/fellow related to a disciplinary issue that typically involves a pause in training; patient care is typically stopped

**Dismissal:** termination of residency/fellowship training from a Prisma Health program

**Responsible Parties**

GME Office  
Program Director  
Resident/Fellow

**Equipment Needed**

None

**Procedural Steps****Due Process Steps:**

There is due process related to suspension, non-renewal, non-promotion or dismissal. Any resident/fellow suspended or not promoted has the right to appeal these decisions.

Non-renewal of a contract is an act of termination and will be exercised only for unsatisfactory performance. Termination of a resident/fellow for unsatisfactory performance or for cause will originate with the program involved. Each program will have a policy stating acceptable behavior and describe the procedure by which residents/fellows are evaluated on performance and what corrective actions will be taken when appropriate. When the level of performance is determined to warrant termination, a written recommendation will be provided by the Program to GME leadership.

**Grievance Steps:**

A resident/fellow with 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. If the response is unsatisfactory to the resident/fellow, the resident/fellow must discuss the complaint or grievance with his/her Chair, 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, this step is skipped).
2. If this response is unsatisfactory to the resident/fellow, the resident/fellow must request a meeting with the DIO within ten (10) calendar days of the Chair'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/fellow's grievance and will respond with a decision in writing to the resident/fellow 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.

3. If the DIO's response is unsatisfactory to the resident/fellow, the resident/fellow may make a final appeal through Prisma 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/Chief of Human Resources Operations or his/her designee with the resident's/fellow's statement and documents pertinent to the dispute or grievance.
4. The final appeal is a paper review of all documents related to the dispute or grievance. The VP/Chief of Human Resources is not obligated to meet with any parties. The VP/Chief of Human Resources will respond within ten (10) calendar days in writing to the resident/fellow, DIO, and Program Director. The decision will be final.
5. Should a recommendation for Dismissal be overturned after a successful appeal, the resident/fellow 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, GME leadership 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/fellow physician's file at the time of graduation from the program.

**Grievance Timelines:**

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

**References**

*None*

**Appendices**

*None*