

UNIVERSITY OF FLORIDA COLLEGE OF MEDICINE JACKSONVILLE
Office of Educational Affairs

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DUE PROCESS POLICY FOR ADVERSE ACTION APPEALS AND GRIEVANCES

The University of Florida College of Medicine-Jacksonville (“University”) is committed to the maintenance of a supportive educational environment in which residents are given the opportunity to learn and grow. Inappropriate behavior in any form in this professional setting is not permissible. A resident’s continuation in the training program is dependent upon satisfactory performance as a resident including the maintenance of satisfactory professional standards in the care of patients and interactions with others on the health care team. The resident’s academic evaluation will include assessment of behavioral components, including conduct that reflects poorly on professional standards, ethics, and collegiality. Disqualification of a resident as a resident or as a member of the health care team from patient care duties disqualifies the resident from further continuation in the program. Furthermore, the terms and conditions in the resident contract supersede and control any inconsistent or ambiguous terms and conditions in this policy.

For the purposes of this policy, the term resident encompasses residents and fellows.

I. Adverse Action Appeals

ACGME Institutional Requirement IV.C.1.b requires that the Sponsoring Institution must have a policy that provides residents/fellows with due process relating to the following actions regardless of when the action is taken during the appointment period: suspension (without pay), non-renewal, non-promotion, or dismissal.

Adverse Actions

Adverse Actions are: (1) Suspension (without pay), (2) Non-renewal, (3) Non-Promotion, or (4) Dismissal

Notice of Adverse Actions: The Program Director, after consultation with the Department Chair (“Chair”), must notify the resident in writing of the adverse action and the reason for the adverse action. Adverse actions should be discussed by the Program Director with the Office of Educational Affairs prior to implementation. The resident must provide signed verification of receipt of the adverse action. Should the resident refuse to provide signed verification of receipt, the Program Director must document that refusal in writing. Should the resident choose to file an Appeal, the resident may institute the Appeal process as outlined below.

Adverse Action Appeal Process

Step 1: Appeal of adverse actions must be made by the resident in writing to the DIO within ten (10) working days from the date the adverse action is issued. This Appeal must include the factual basis for

the Appeal and any documentation or objective evidence that the resident wishes to have considered during the Appeal process. Failure to file a written Appeal within ten (10) working days from the date the adverse action is issued will render the adverse action final.

The DIO may choose to review the Appeal or designate a panel to review the Appeal. In either case, the available evidence should be reviewed within ten (10) working days of receipt of the Appeal unless more time is needed for a reasonable and thorough review. The DIO and/or panel may choose to meet with the resident as part of the review process. The resident may have an advisor present at this meeting, but that advisor cannot participate in the discussion. If the DIO designates a panel to review the Appeal and to meet with the resident, the panel will make a recommendation to the DIO. Following the review, a decision to either uphold, modify, or reverse the adverse action will be made by the DIO, and communicated in writing to the resident, Program Director, Chair, and Dean of the College of Medicine-Jacksonville within five (5) working days of the conclusion of the review process.

Step 2: If the resident is not satisfied with the Step 1 decision, the resident may file a written Appeal to the Dean of the College of Medicine-Jacksonville. Appeal of the Step 1 decision must be made by the resident in writing to the Dean within ten (10) working days from the date that the Step 1 decision is issued. Once the review is complete, the Dean will render the decision, and the Dean may uphold, modify, or reverse the decision. The decision of the Dean will be the final agency action, and will be communicated to the resident, Program Director, DIO, and Chair. The resident will be informed of the steps necessary for the resident to further challenge the action of the University.

II. Grievances

Grievance

A resident may have a concern or complaint about a matter other than an Adverse Action. These generally involve issues of the work environment, academic program, faculty, or other employees, and can be addressed by filing a Grievance using the procedure below. However, complaints of discrimination or harassment are addressed under the UF Regulation 1.006 by following the procedure outlined in the University's complaint filing process as outlined on <http://hr.ufl.edu/manager-resources/employee-relations/employee-inquiry-and-complaint-procedures/complaint-filing-options/>.

Grievance Procedure

Prior to invoking the Grievance procedure, the resident is strongly encouraged to discuss the situation with the person(s) alleged to have caused the Grievance. The resident should also keep in mind that other individuals may be able to assist where appropriate, including but not limited to the Program Director, Chair, and representatives of the Office of Educational Affairs.

Step 1: Grievances must be made by the resident in writing to the Program Director within ten (10) working days from the date the action or omission giving rise to the Grievance occurred. In the event the Grievance is related to an act or omission of the Program Director, the written Grievance should be made to the Department Chair in which the resident's program resides. This Grievance must include the

factual basis for the Grievance and any documentation or objective evidence that the resident wishes to have considered during the Grievance process. Failure to file a written Grievance within ten (10) working days from the date of the act or omission that is the subject of the Grievance will render the Grievance untimely and invalid.

The Program Director or Chair will review the Grievance and issue a decision to the resident, Program Director, and DIO within a reasonable time. In the event the Grievance is related to an act or omission of the Program Director, and the Program Director and Chair are the same individual, the written Grievance must be made directly to the DIO and must comply with the requirements of this section.

Step 2: If the resident is not satisfied with the Step 1 decision, the resident may file a written Grievance to the DIO. Grievance of the Step 1 decision must be made by the resident in writing to the DIO within ten (10) working days from the date that the Step 1 decision is issued. Once the review is complete, the DIO will render the decision, and the DIO may uphold, modify, or reverse the Step 1 decision. The decision of the DIO will be the final agency action, and will be communicated to the resident, Program Director, and Chair.