ADDENDUM B

APPEALS PROCEDURE FOR THE RESIDENT *ACGME Institutional Requirement § IV.C.2.e*

This policy defines the proper procedure for handling any questions or concerns that may arise during the training period.

I. **Adjudication of Resident Complaints and Grievances**.

A. **Program Director**. All questions, concerns, or problems related to the work environment or issues related to the program and faculty should first be directed to the program director or designee. The program director will be able to address most questions, concerns, problems or issues.

B. **Administrative Review**. Matters, which cannot be satisfactorily answered by the program director or designee, should be directed to the Director of Medical Education / Designated Institutional Official (DME/DIO) for an administrative interpretation.

C. **Written Request for Review**. If the resident is dissatisfied with the initial response, a written request may be made to the DME/DIO requesting further review. The DME/DIO or designee will then investigate the matter and/or convene an Ad Hoc Subcommittee of the GMEC to review and make a recommendation regarding the matter. Upon completion of the review, the DME/DIO or designee will provide a written response to the resident.

II. **Appeal of Decisions Concerning Suspension, Discharge and Other Adverse Actions Concerning Resident's Participation in the Residency Program.**

A. **Due Process and Grievance Procedure**. Any resident shall have the right of appeal of any adverse decision of the residency program director concerning suspension, discharge, non-renewal of appointment contract or any other adverse decision concerning a resident's participation in the residency program or that could significantly threaten a resident's intended career development.

B. **Procedure for Appeal**.

1. The residency program director will give the resident written notice of the adverse decision and the reasons for such decision.

2. Any resident aggrieved by an adverse decision may, within ten (10) business days of receipt of written notification of the decision, file a written request with the DME/DIO (or designee) for a hearing before the Appeals Board. Notification of the DME/DIO (or designee) by the resident should be made by certified mail, return receipt requested. (Failure to request a hearing shall constitute a waiver of the right to a hearing.)

3. Upon receipt of the request to appeal, the DME/DIO (or designee) shall designate a time for a hearing of the Appeals Board for purposes of investigation of the appeal.

4. Any hearing requested shall be held within twenty (20) business days after receipt of the request.

5. The DME/DIO (or designee) shall notify the resident by certified mail, return receipt requested, of the time and place of the hearing at least seven (7) business days in advance. At the same time a statement of particulars shall be provided to the resident giving the reason for the program director's action.

6. The hearing shall follow the format described below:
    a. The program director shall present information including documents and witnesses in support of the adverse action.
    b. The resident shall be entitled to present information including documents and witnesses in response to the statement of particulars and information presented by the program director and in support of their position.
    c. The resident may choose a resident or faculty member from his/her program, to serve as an advocate during the appeals hearing so long as written notification is given to the Director of Medical Education Administration (or designee) at least three (3) business days prior to the hearing. Representation by an attorney is not permitted.
    d. After the introduction of all information, the Appeals Board shall deliberate and make a decision affirming, modifying or rejecting the original decision. The Appeals Board's decision is final and will be prepared into a written report. Copies of its decision shall be provided to the resident by certified mail, return receipt requested, the program director and the Director of Medical Education within seven (7) business days of the end of the hearing.
    e. Sample hearing protocol:
        1. Presentation by Program Director
            - Explanation of Decision & Rationale including supporting documents and witnesses.
            - Opportunity for Questions by Resident & Advocate
            - Opportunity for Questions by Appeals Board Members
        2. Presentation by Resident
            - Explanation of Position & Rationale including supporting documents and witnesses.
            - Opportunity for Questions by Program Director
            - Opportunity for Questions by Appeals Board Members
        3. Summative Comments by Program Director
        4. Summative Comments by Resident
        5. Appeals Board Adjourns to Private Deliberations

C. **Appeals Board**. The Appeals Board shall consist of the following:
- ❑ Chairperson of Graduate Medical Education Committee or designee, if the chairperson is the director of the program under appeal, shall serve as Chair of the Appeals Board.
- ❑ Two residency program directors appointed by the Chair of the Appeals Board. The director of the program under appeal shall not serve on the Appeals Board.
- ❑ A resident peer appointed by the Chair of the Appeals Board.
- ❑ A faculty member appointed by the Chair of the Appeals Board.
- ❑ Director of Medical Education Administration, ex officio without vote.

D. **Release**. All residents agree to release Iowa Lutheran Hospital, Iowa Methodist Medical Center and Blank Children's Hospital, its employees and any member of the board of directors or medical staff from any liability for any statements made, or information supplied in good faith and without malice to the program director or Appeals Board, or for disciplinary action taken pursuant to this appeals procedure.