



## Department of Pathology

### GRIEVANCE POLICY

The Department of Pathology follows the institutional Graduate Medical Education *Evaluation Policy and Grievance Algorithm* for residents. The policy is as follows:

All trainees at the University of Mississippi Medical Center will receive both formative and summative evaluation on a periodic basis. Attending physicians are expected to provide feedback and constructive criticism on all aspects of the trainee's performance, including but not limited to, clinical judgment, medical knowledge base, data gathering skills (history taking, physical exam, old record review, lab follow-up), procedural skills, humanistic attributes, professionalism, over-all patient care skills as well as all behaviors defined within the six ACGME descriptive areas of competency. *Trainees should expect direct constructive criticism and suggestions for improvement.* The Training Program Director or his/her designee will meet individually at least semiannually to review each house officer's overall performance and progress in the training program.

The details of the process of resident evaluation and grievance will vary appropriate to the requirements of the RRC or other accrediting agency for the resident's specialty or subspecialty. The process will typically include the elements described below.

#### ATTENDING PHYSICIAN:

If the trainee is performing at a low satisfactory or unsatisfactory level, the substandard performance should be brought to the trainee's attention as soon as possible. Performance problems should be documented with clear suggestions regarding appropriate conduct for such situations in the future. In addition to discussing the problem directly with the trainee, the attending physician should notify the program director (preferably in writing) of the nature of the problem as soon as possible. In some cases, changes in routine supervision on patient care services may be warranted. If a trainee is unhappy with an evaluation or feels it is unfair, he/she is encouraged to discuss the evaluation in detail with the attending physician. It is advisable that the resident initial and date all documentation to signify his/her awareness of the opinions and actions recorded.

#### PROGRAM DIRECTOR:

If after additional discussion, the trainee feels the evaluation is unjustified, he is asked to put his complaint in writing and discuss the evaluation in detail with the program director, who will serve as a mediator. In most cases, after seeking input from all involved parties and reviewing

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the situation in detail with both the attending physician and the trainee, the program director will dictate a report to be included in the trainee's file along with the original evaluation and the trainee's rebuttal and explanation. In some cases, the attending physician may wish to file an amended evaluation. In all cases, the trainee is asked to define specific ways in which the behavior can be changed or improved. In the setting of continued marginal or unsatisfactory performance, a house officer may have clinical privileges revoked by the program director, and be asked to function in a remedial role in which all aspects of patient care must be immediately supervised by another physician including countersignature of all patient orders and notes. In general, a remedial program will be established which includes reading assignments and didactic conference attendance, (and in some cases language classes) in an effort to improve performance. A specific probationary period will be defined.

#### DEPARTMENT CHAIRMAN:

Unsatisfactory trainee performance may result in the dismissal from the program of the House Officer. This decision will be made by the Program Director in consultation with the Chairman of the Department. If a House Officer wishes to contest the Program Director's decision for termination from the training program, appeal for review can be addressed to a constituted Departmental Grievance Committee composed of selected peers and faculty.

#### APPEAL FROM DEPARTMENTAL CHAIR:

House Officers may appeal grievable matters by petitioning in writing to the Vice Chancellor for Health Affairs within fourteen calendar days of notice of termination from the program director or chairman exclusive of University of Mississippi Medical Center holidays. Upon receipt of a formal written request from a resident for review of a Department Chair's / *Program Director's* action, the Vice-Chancellor will select a faculty member of the Graduate Medical Education Committee to chair an appeals committee. The appeals committee chair will appoint an appeals committee of four (4) additional GMEC *or* RRSC members, including at least 1 (one) member of the House Staff. The appeals committee chair will promptly convene the committee to hear the appeal, generally within ten (10) business days of the Vice-Chancellor's appointment of the appeals committee chair. The decision of the appeals committee will be submitted to the Vice Chancellor. The decision of the Vice Chancellor shall be final in accordance with the by-laws and policies of the Board of Trustees of State Institutions of Higher Learning.

Per the University of Mississippi Medical Center\*, the following issues are considered "grievable":

- Complaints against faculty;
- Disciplinary actions, including dismissals, demotions and suspensions;
- Application of personnel policies, procedures, rules and regulations, ordinances and statutes;
- Acts of reprisal against employees using the grievance procedure;

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- Complaints of discrimination on the basis of race, color, creed, political affiliation, religion; age, disability, national origin, sex, marital status, veteran status; or
- Any matter of concern or dissatisfaction to an employee if the matter is subject to the control of institutional management.

Likewise, the following issues are considered “nongrievable”:

- Scheduling and staffing requirements;
- Issues which are pending or have been concluded by direct appeal through an administrative or judicial procedure;
- Temporary work assignments which do not exceed 90 calendar days;
- Budget and organizational structure, including the number of assignment of employees or positions in any organizational unit;
- The measurement and assessment of work through performance appraisal, except where the employee can show that the evaluation was discriminatory, capricious, or not job related;
- The selection of an individual by a department head or designee to fill a position through promotion, transfer, demotion, or appointment unless it is a violation of UMC or Board of Trustees policy;
- Internal security practices established by the institution, department head or designee;
- Termination or layoff from duties because of lack of work, reduction of the work force, or job elimination;
- Voluntary resignation by an employee bars action under the grievance procedures;
- Any matter not within jurisdiction or control of the institution;
- Content of published UMC policies or procedures;
- An action by the institution pursuant to federal or state law or directions from the Board of Trustees of State Institutions of Higher Learning; or
- Establishment and revision of wages and salaries, position classification and general benefits.

\*(Employee Handbook, The University of Mississippi Medical Center)