

Title:	<b>Complaint and Grievance Procedure for Residents</b>	Index Number:	<b>FM-GMEC-001</b>		
Scope of application:	<b>All Graduate Medical Education (GME) Programs</b>	Original Date:	Reviewed on:	Next Review Date:	
		<b>17.11.2005</b>	<b>015.01.2024</b>	<b>15.01.2027</b>	

## 1. Introduction

Since the founding of the American University of Beirut Medical Center ("AUBMC"), disputes among faculty, administration, and/or residents have been very successfully settled through a series of informal procedures. Typically a complaint or dispute by a resident is brought to the attention of the grievant's department chair or program director and is resolved through informal discussion. AUBMC's formal grievance procedures are not meant to supplant attempts at resolving complaints through informal means. When at all possible, complaints and disputes should be settled through informal means. The formal procedures are to be applied only after every effort has been made to settle disputes informally.

## 2. Purpose

The purpose of this procedure is to provide a formal mechanism for resolving grievances of residents or fellows (hereinafter referred to as "residents").

## 3. Policy

Residents may appeal grievable (as defined herein) disagreements, disputes, or conflicts using the procedure outlined below.

## 4. Definitions and Covered Grievances

4.1. Grievance is a complaint by a resident against another resident, faculty, staff or employee of the American University of Beirut, the American University of Beirut Medical Center and/or the Faculty of Medicine.

4.2. Covered Grievances:

4.2.1. The following grievances, if they substantially and adversely impact the rights, privileges, and entitlements of the resident, shall be subject to this procedure and thus are considered "grievable":

4.2.1.1. disputes or complaints related to unfair or improper application of a policy, procedure, rule, or regulation;

4.2.1.2. unresolved disputes or complaints not related to performance or appointment actions;

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- 4.2.1.3. retaliation as a result of use of this procedure;
  - 4.2.1.4. academic or other disciplinary actions taken against residents that could result in dismissal, nonrenewal of a resident's agreement or other actions that could significantly threaten a resident's intended career development, including written warnings, probation, suspension, and termination; and
  - 4.2.1.5. resident complaints related to the work environment or issues related to the program or faculty.
- 4.2.2. Complaints based solely on the following actions are not subject to this procedure and thus are considered "not grievable" under this policy:
- 4.2.2.1. disputes that are personal in nature or that do not involve the grievant's professional activities;
  - 4.2.2.2. establishment and revision of salaries, position classifications, or general benefits;
  - 4.2.2.3. the contents of policies, procedures, rules, and regulations applicable to residents;
  - 4.2.2.4. discrimination on the basis of gender, race, religion, color, national origin, disability, marital status, age, creed, citizenship, or veteran status; complaints based on these actions are to be addressed through the American University of Beirut's "Policy Against Discrimination and Harassment."

### 5. **Complaint and Grievance Procedure**

Step 1: A good faith effort will be made by the resident to resolve all disputes at an informal level. In the event that informal discussion fails to resolve the dispute, a formal grievance may be initiated. The resident must initiate the formal resolution process by presenting a written statement to the Assistant Dean for Graduate Medical Education/DIO or his/her designee within thirty (30) calendar days of the event or action giving rise to the dispute. This notification should state the nature of the complaint, all pertinent information and evidence in support of the claim, and the relief requested. Failure to submit the grievance in the thirty (30) day period will result in the resident waiving his or her right to proceed further with this procedure. Upon timely receipt of the written grievance, the Assistant Dean for Graduate Medical Education/DIO or his/her designee will notify the resident in writing whether the complaint is grievable or not, together with the reasons for any finding of non-grievability. If the complaint is determined to be grievable, the resident may proceed to Step 2. If the complaint is determined to be "not grievable" the resident may appeal this determination to the Vice President for Medical Affairs and Dean of Faculty of Medicine/AUBMC or his/her designee. The second grievability determination will be final.



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Step 2: Within seven (7) calendar days of a determination that the complaint is grievable, the written determination and complaint (hereinafter "written determination") shall be forwarded by the resident to the program director. Failure to submit the written determination in the seven (7) day period will result in the resident waiving his or her right to proceed further with this procedure. Within seven (7) calendar days after notice of the written determination is given to the program director, the resident and the program director will set a mutually convenient time to discuss the complaint and attempt to reach a solution. Step 2 of the resolution process will be deemed complete when the program director informs the resident, in writing, of his/her final decision following such discussion. This written decision should address the issues and the relief requested. A copy of the program director's final written decision will be sent to the appropriate Department Chair and to the Assistant Dean for Graduate Medical Education/DIO or his/her designee.

Step 3: If the program director's final written decision is not acceptable to the resident, or if the program director is a party in the dispute, the resident may choose to proceed to the next resolution step which will begin with the resident forwarding the written determination and the program director's final decision to the Department Chair within ten (10) working days of receipt of the program director's final decision. This notification should include all pertinent information, including a copy of the program director's final written decision, evidence that supports the grievance, and the relief requested. Failure to submit the grievance in the ten (10) day period will result in the resident waiving his or her right to proceed further with this procedure. In this situation, the decision of the program director will be final. Within seven (7) calendar days of receipt of the written determination and final decision, the resident and the Department Chair will set a mutually convenient time to discuss the complaint and attempt to reach a solution. Step 3 of the process of this grievance procedure will be deemed complete when the Department Chair provides the resident with a written response to the issues and relief requested. Copies of this decision will be kept on file in the office of the Department Chair and sent to the Assistant Dean for Graduate Medical Education/DIO or his/her designee.

Step 4: If the aggrieved party disagrees with the final decision of the Department Chair, he or she may present a written statement to the Assistant Dean for Graduate Medical Education/DIO or his/her designee within fifteen (15) working days of receipt of the Department Chair's final written decision. The statement should describe the nature of and basis for the grievance and include copies of the written determination, the final written decisions from the program director and the Department Chair and any other pertinent information. Failure to submit the grievance in the fifteen (15) day period will result in the aggrieved party waiving his or her right to proceed further with this procedure. In this situation, the decision of the Department Chair and Program Director will be final. Upon timely receipt of the written grievance, the Assistant Dean for Graduate Medical Education/DIO or his/her designee will appoint a Grievance Committee. The Grievance Committee will review and carefully consider all material presented by the aggrieved party and his or her program director or department chair at a scheduled meeting, following the protocol outlined in Section VI.B..

## 6. The Grievance Committee

- 6.1. Composition of the Grievance Committee: Upon the completion of the foregoing steps, the Assistant Dean for Graduate Medical Education/DIO or his/her designee will select a Grievance Committee composed of two (2) residents, one of them



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preferably a member in the Resident Staff Organization (RSO) Cabinet, two (2) program directors, and the Chief of Staff. No members of this Grievance Committee will be from the aggrieved party's own department. The Assistant Dean for Graduate Medical Education/DIO or his/her designee will choose a member to be the chair of the Grievance Committee. Both parties involved in the conflict will be notified of the Grievance Committee composition and may object in writing to a particular composition. The Assistant Dean for Graduate Medical Education/DIO or his/her designee will evaluate any objection within five (5) working days of the notification and may decide to appoint one or more alternates. Either party will have only one opportunity to object to the selected Grievance Committee members. Once the selection of the Grievance Committee is complete, a copy of the resident's written grievance will be sent to each member of the Grievance Committee by the Assistant Dean for Graduate Medical Education/DIO or his/her designee.

### 6.2. Grievance Committee Procedures:

6.2.1. Hearing Date: The Chair of the Grievance Committee will set the date, time, and place for a hearing which is mutually convenient to the Grievance Committee, the resident, and the Department Chair.

6.2.2. Attendance: All Grievance Committee members shall be present throughout the hearing except for brief periods due to emergencies. The resident must appear personally at the Grievance Committee hearing. The resident, the Department Chair, and a representative of each one's choice is entitled to be present during the entire hearing, excluding deliberations. The Grievance Committee will determine the propriety of attendance at the hearing of any other persons. Witnesses other than the resident, the Department Chair, and their representatives may remain in the hearing room only while giving their testimony unless the Grievance Committee, the resident, and the Department Chair agree otherwise.

6.2.3. Conduct of Hearing: The Chair of the Grievance Committee will preside over the hearing, determine procedure, assure there is reasonable opportunity to present relevant oral or written information, and maintain decorum. Both the resident and the Department Chair, or their representatives, will have the right to present evidence, call and question witnesses, and make statements in defense of his or her position. The Grievance Committee Chair will determine if information is relevant to the hearing and should be presented or excluded. The Grievance Committee Chair is authorized to exclude or remove any person who is disruptive.

6.2.4. Decisions: Decisions are determined by a majority vote of members of the Grievance Committee and are final. After deliberation, the written decision will be reviewed and signed by the Grievance Committee members.

6.3. Final Decision of the Grievance Committee: The Grievance Committee will provide the resident, the Department Chair, and the Assistant Dean for Graduate Medical Education/DIO or his/her designee with a written decision within ten (10) calendar days of the meeting and a copy will be placed on file in the office of the Department Chair. The decision shall consist of two sections, one containing findings of fact, and the other containing recommendations to the Assistant Dean for Graduate Medical Education/DIO or his/her designee. The recommendations may include affirmation, reversal or modification of action taken with respect to the resident, and also may include suggested changes in AUBMC policies and procedures that the Grievance Committee feels would be appropriate in light of the grievance. The recommendations also may include any suggested action that

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should be taken with respect to persons other than the resident and any other suggestions that the Grievance Committee feels appropriate. The decision of the Grievance Committee will be final.



### 7. Confidentiality

All participants in the grievance process are expected to maintain confidentiality by not discussing the matter under review with any third party except as may be required for purposes of the grievance procedure.

### 8. Conflicts of Interest

If the Assistant Dean for Graduate Medical Education/DIO is the subject of a complaint, or has a conflict of interest, the roles and functions ascribed to the Assistant Dean for Graduate Medical Education/DIO shall be performed by the Vice President for Medical Affairs and Dean of Faculty of Medicine/AUBMC or his/her designee.

### 9. Signatures

Reviewed and Concurred by	Name	Signature	Date
Assistant Dean for Graduate Medical Education (GME) & Chair of Graduate Medical Education Committee (GMEC)	Salah Zeineldine, MD		05.02.2024
Approved by	Name	Signature	Date
Executive Associate Dean for Medical Education	Kamal Badr, MD		05.02.2024