

Policy 1.410 Graduate Medical Education Committee
Section Educational Administration
Subject Due Process: Grievances and Appeals
Policy Requirements: ACGME Institutional: 4.4.b.; 4.5 ACGME Common Program Requirements: 2.6.h.
Version History: Current Version: 7/2026 Last Revision: 9/2022 Legal Review: 7/2026

Purpose: To ensure due process through grievances and appeals.

Policy: This policy outlines how residents/fellows may use due process to raise concerns affecting their residency/fellowship program or to appeal an action which removes them from their residency/fellowship program through a non-reappointment, non-promotion, suspension, or dismissal. The policy defines grievances and appeals and establishes the framework for submitting and processing resident/fellow grievances and appeals at the program and institutional level in a manner that minimizes conflicts of interest.

Definitions

Appeal: A formal request for the reconsideration of an action which removes the resident/fellow from their residency/fellowship program through a non-reappointment, non-promotion, suspension, or dismissal.

Appellant: Any resident/fellow submitting an appeal as defined above.

Grievance: An expression of dissatisfaction when a resident/fellow believes that any decision, act or condition affecting his or her residency/fellowship program is arbitrary, illegal, or creates unnecessary hardship. Such grievance may concern but is not limited to: duties assigned to a resident/fellow; application of hospital, college or program policies; and discrimination because of race, national origin, gender, religion, age, disability or status as a disabled, or Vietnam-era veteran; subject to the exception that complaints of sexual harassment will be handled in accordance with the specific published policies of the University of Arkansas for Medical Sciences. Grievance shall not be used to question a rule, procedure, or policy established by an authorized faculty or administrative body. Rather, it is available to a resident/fellow who believes that a rule, procedure, or policy has not been followed or has been applied in an inequitable manner.

Grievant: Any resident/fellow submitting a grievance as defined above.

Resident/Fellow: The term “resident/fellow” applies to interns, residents, and fellows in a UAMS ACGME accredited program.

Respondent: A person or persons alleged to be responsible for the violation(s) alleged in a grievance.

The term may be used to designate persons with direct responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the grievance.

Working Days: Monday through Friday, excluding official UAMS holidays.

Rules Applicable to Grievance and Appeal Processes

Each grievance and appeal shall be handled promptly and impartially, without fear of coercion, discrimination, or reprisal. Each participant in a grievance or appeal shall do his or her part to protect this right.

No resident, fellow, faculty member, administrator, or witness shall suffer loss of compensation or leave time for the time spent in any step of a grievance or appeal. This does not apply if the resident/fellow has been suspended or placed on administrative leave.

The Dean shall have the discretion to extend the time periods for a final decision in the grievance and appeals processes.

Records shall be kept of each grievance and appeal process. These records shall be confidential to the extent allowed by law, and shall include, at a minimum: the written grievance or appeal, the written response to the grievance or appeal, any documents submitted in support of a grievance, appeal or response thereto, the written terms of an informal resolution when applicable, the written decision of the Dean, and any other material designated by the Dean or the Dean's designee. A file of these records shall be maintained by the Program Director and in the office of the Executive Associate Dean for GME for three years after the final date of resident's/fellow's employment.

Grievance Process

When an incident forming the basis for a grievance arises, the grievant must follow the process outlined below.

Step I: Initial Attempt of Resolution – Program Level

- A. The grievant must submit a written statement to the residency (fellowship) Program Director specifying the violation(s) alleged, the reason for the grievant's belief that he or she is aggrieved, and the remedy sought. This written statement must be received by the Program Director within ten (10) working days following the incident which forms the basis for the grievance. Should a grievance be raised against a Program Director, the grievant should submit the written statement to the Chair of the Program Director's Department Chair.
- B. The Program Director and/or Department Chair must notify the Designated Institutional Official for the submitted grievance.
- C. Within ten (10) working days of receipt of the written statement, the Program Director, unless he or she is the respondent in the grievance, and Department Chair will attempt to resolve the grievance by a discussion with the grievant. The Program Director and Department Chair have the discretion, after discussion with the grievant, to discuss the grievance with the respondent in an effort to resolve the grievance.
- D. If the grievance is satisfactorily resolved by this discussion, the terms of the resolution shall be

reduced to writing and shall be signed by the grievant, the Program Director or Chair, and the respondent (if the respondent has participated in any discussions with the Program Director in an effort to resolve the grievance and is affected by the resolution).

- E. This initial attempt of resolution must conclude within ten (10) working days of the Program Director's and Departmental Chair's initial discussion with the grievant. At the end of this ten-day period, if the grievance cannot be resolved, the grievant can immediately proceed to Step II, a formal grievance to the COM Dean.
- F. At the end of ten (10) working day period, Program Director must notify the DIO of resolution of grievance or next steps.

Step II: Formal Grievance to the COM Dean – Institutional Level

- A. Filing a grievance:
 - 1. Grievances submitted to the COM Dean shall be in writing and shall provide the following information: name and address of the grievant; nature, date, and description of the alleged violation(s); name(s) of person(s) responsible for the alleged violation(s); requested relief or corrective action; and any background information the grievant believes to be relevant.
 - 2. A grievance must be submitted to the COM Dean within ten (10) working days of the completion of the initial attempt of resolution, outlined in Step I above.
- B. Immediately upon receipt of a formal grievance, the COM Dean will give the respondent a copy of the grievance and will direct the respondent to submit to the COM Dean a written response to the charges within ten (10) working days. The respondent will be specifically warned not to retaliate against the grievant in any way. Retaliation will subject the respondent to disciplinary action.
- C. Following receipt of the written response, the COM Dean will review and decide the issue within ten (10) working days. The COM Dean's decision shall be final, and there shall be no appeal.

Appeals Process

A resident/fellow disputing an action which removes him or her from their residency/fellowship program through a non-reappointment, non-promotion, suspension, or dismissal must follow the process outlined below.

- 1. Appeals must be submitted to the COM Dean within ten (10) working days of the notice of the action which is being appealed. The appeal must be in writing and shall provide the following information: name and address of the appellant; nature of the action being appealed; a detailed description of the grounds for the appeal including why the Dean should reconsider the action; requested relief or corrective action; and any background information the appellant believes to be relevant.
- 2. Immediately upon receipt of an appeal, the Dean will direct the Program Director to submit a written response to appeal within ten (10) working days.
- 3. Following receipt of the Program Director's written response, the Dean will have five (5) working days to determine whether he or she needs any additional information from the appellant or the Program Director. At the expiration of that period, the appeal record will be considered

closed.

4. The Dean will review and decide the appeal and issue a written decision within fifteen (15) working days of the date the appeal record is closed. The Dean's decision shall be final, and there shall be no further appeal.
5. Records of the appeals process shall be maintained by the Program and the Office of the Designated Institutional Official as set forth in the section of this policy on Rules Applicable to Grievance and Appeal Processes.