

## FMIGS GRIEVANCE PROCEDURE

### **Definition:**

A grievance is a complaint voiced by the fellow (hereinafter "Fellow") concerning his/her fellowship training and/or the interpretation or application of the provisions of the FMIGS, arising under and during the term of the Fellowship in Minimally Invasive Gynecologic Surgery (FMIGS).

### **Scope:**

This procedure applies to fellowship trainees at sites accredited by the FMIGS Board.

### **Purpose:**

This Grievance Procedure provides a mechanism to facilitate resolution of conflicts, problems, or disagreements raised by Fellows enrolled in FMIGS training programs with the exception of disciplinary actions against the Fellow.

### **Procedures:**

Step 1. The procedure for grievance resolution should be consistent with that of the training institution. Generally, Fellows are encouraged to address conflicts or problems in direct communication with the individual with whom they disagree. If the conflict is not resolved, the Fellow may file a grievance with the Fellowship Director verbally or in writing. The Fellowship Director will respond in writing within forty-five calendar days to answer questions or resolve complaints. In instances where a Fellow is uncomfortable voicing a complaint to the Fellowship Director or the response is deemed inadequate, she/he should contact one of the following who will consider the situation and act to address the concern:

- Department Chair
- Hospital Administrator
- Designated Institutional Official

In instances where the Fellow is uncertain whether or not his/her complaint constitutes a grievance to be formally addressed by the FMIGS Grievance Committee, she/he may request a confidential conversation with the Fellow/recent fellowship graduate member of the FMIGS Grievance Committee to discuss concerns. This confidential conversation shall be non-binding and informational only, and shall not constitute legal or other professional advice. If such a confidential conversation occurs, the Grievance Committee member participating in that conversation shall recuse him or herself from the procedures set forth in Steps 2 and 3 of this procedure.

Step 2. If satisfactory resolution is not reached by the training institution within forty-five days of the filing of the initial grievance by the Fellow, or if the complaint is of an egregious nature, the Fellow may, within thirty days of the proposed resolution of the training institution (or immediately if egregious) appeal in writing directly to the FMIGS Grievance Committee. The written request should be limited to three pages and should address the circumstances associated with the complaint, why the action taken was insufficient (if applicable), and indicate

the suggested remedy. The FMIGS Grievance Committee may, if deemed appropriate in its sole discretion, directly request additional information or request the personal appearance of one or more witnesses before the Committee. Requests for additional information or the personal appearance of any witness shall be in writing and sent to both the Fellow and respondent not less than five days before said information or personal appearance is scheduled. Personal appearances of witnesses will not include the right of either the Fellow or respondent to examine or cross-examine witnesses. Upon receipt of additional information or completion of the personal appearance of any witness, copies of the additional information or testimony of all witnesses shall be distributed to all parties. Within seven days of distribution of said additional information or testimony of all witnesses, either party may submit statements or documents solely to clarify or refute said additional information or testimony of witnesses; statements or documents submitted for any other purpose will be disregarded. Members of the Grievance Committee shall (1) evaluate and assess the credibility and reliability of the statements and evidence it receives. The Grievance Committee shall also observe FMIGS' Conflict of Interest policy, and shall recuse themselves from participation to the extent reasonably necessary.

Step 3. Within sixty calendar days of receipt of the grievance, the FMIGS Grievance Committee will judge the merits of this appeal, and propose/recommended action to the FMIGS Board. The Board or its designate, may request further information or testimony, using the rules set forth above, and render a decision. The decision of the FMIGS Board will be final, without further appeal.

Every effort will be made to resolve complaints in the most expedient and confidential manner possible. Retaliation against individuals who bring forward complaints or assist in investigating complaints is prohibited, and will be deemed grounds for disciplinary action against the retaliating party in accordance with rules and procedures established by the FMIGS Board.

Participants in this Grievance Procedure will, in the absence of bad faith or malice on the part of the FMIGS Grievance Committee or Board, hold FMIGS and its officers, directors, staff, committee members and leaders harmless with respect to actions taken (or not taken) pursuant to this policy.

**Limitations:**

This procedure is intended to address grievances reasonably efficiently, quickly and fairly, but is not perfect, and does not provide the degree of procedural due process available in other less efficient and expensive forums, such as courts of law. By invoking and/or participating in this grievance procedure, the parties accept the limitations of this procedure, and agree to abide by its results, provided those results are reached in good faith. Failure to abide in this procedure shall constitute grounds for disciplinary action against the retaliating party in accordance with rules and procedures established by the FMIGS Board.