



Cherokee Nation Health Services Family Medicine Residency Resident Mistreatment Policy

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Printed copies are for reference only. Please refer to the electronic copy for the latest version.

PURPOSE

To set forth the process to identify and resolve grievances related to resident mistreatment. Each residency program under Oklahoma State University or Osteopathic Medical Education Consortium of Oklahoma (OMEKO) sponsorship must have a policy that outlines that procedures for residents to submit and for the program to process resident grievances related to mistreatment at the program level.

DEFINITION

Mistreatment is considered any behavior or action by the residency program, Program Director, or any program faculty member directed towards a resident that is considered unfair, excessive, or non-educational in nature. Examples of mistreatment include, but are not limited to:

- Requiring a resident to perform personal services, such as running errands, babysitting, or other non-educational tasks
- Exploiting a resident's time and energy, such as working excessive work hours that violate duty hour restrictions or assigning duties that are not part of the resident's educational curriculum
- Arbitrary or punitive uses of evaluation, such as using evaluations as a tool for punishment rather than objective assessment based on academic or non-academic performance
- Singling out a resident for arbitrary or punitive treatment, such as unfair exclusion from learning opportunities, without valid reasoning

This policy does not pertain to disputes or complaints arising from academic grievances of residents, which is discussed in the program's Academic and Non-Academic Grievances, Academic Disciplinary Actions, and Due Process Policy.

PROCEDURE

Residents are encouraged to bring forth any issues or concerns regarding mistreatment to the Program Director directly without fear of intimidation or retaliation. Cherokee Nation Health Services, the



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OMEKO/Cherokee Nation Family Medicine Residency Program, and OMEKO are prohibited from retaliating against a resident for reporting a grievance. The Program Director, as well as the Designated Institutional Official (DIO) for OMEKO, maintains an open door policy for discussion of any grievances pertaining to resident mistreatment and/or alleged retaliation.

Residents are encouraged to first attempt to communicate and resolve any issues related to mistreatment at the program and/or sponsoring institution (OMEKO) level before filing a formal complaint. Mechanisms to communicate mistreatment to the program and/or sponsoring institution include:

- Discussing with any member of the OMEKO/Cherokee Nation Family Medicine Residency Program leadership, including the Program Director, Assistant Program Director, Core Faculty members, or Chief Resident. Any member of program leadership that is not the Program Director who learns of possible resident mistreatment must communicate this to the Program Director as soon as possible so that it can be addressed promptly
- Discussing with any member of OMEKO leadership, including the OMEKO Executive Director, OMEKO DIO, and/or chair of Graduate Medical Education
- Contacting the program's Resident Council representative to express concerns regarding educational issues, the work environment, or other areas of concern. A report from the Resident Council to the OMEKO Graduate Medical Education Committee (GMEC) is a standing item on the quarterly GMEC agenda
- Submitting comments, concerns, or grievances anonymously to the DIO using the GME Anonymous Resident/Fellow Comment Form on the Oklahoma State University Center for Health Sciences GME website (<https://medicine.okstate.edu/gme/>) or on New Innovations

I. Filing a Complaint

If a resident is unable to resolve a grievance informally through any of the above mechanisms, they may file a complaint in accordance with the provisions described herein. Eligibility to file a complaint is limited to residents who have an active employment agreement with Cherokee Nation Health Services as a resident physician in the OMEKO/Cherokee Nation Family Medicine Residency Program. Once a resident's employment agreement with Cherokee Nation Health Services concludes, either through expiration of the agreement period or other means, the right to initiate or continue a complaint regarding mistreatment ceases immediately, regardless of the status of any ongoing complaint or other grievance process. If the resident's employment agreement ends while the alleged mistreatment is under consideration, such consideration shall terminate at once, and the decision rendered by the immediately preceding decision-maker shall constitute the final and non-appealable resolution.

II. Procedure for Resolution

A resident alleging mistreatment must submit a written notice to the Program Director detailing the alleged mistreatment. If the Program Director is the subject of the allegation, the resident shall submit the



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complaint to the OMECO DIO. In the event that the DIO is also the subject of the allegation, the resident will submit the complaint to the chair of the OMECO GMEC or their designee.

All written allegations must be comprehensive and contain all the pertinent information as well as supporting evidence regarding the alleged mistreatment. The resident and the Program Director (or the applicable individual receiving the complaint) shall arrange a mutually convenient meeting to discuss the allegation and pursue an informal resolution. Additional meetings may be convened as required to facilitate a resolution.

Following the conclusion of the meeting(s) and any necessary investigation, the Program Director (or applicable individual that received the complaint) shall communicate their decision to the resident via the resident's email within five (5) business days of the final meeting. This decision shall include a determination regarding the occurrence of mistreatment and any remedial actions to be implemented. Copies of the decision shall be distributed to the Program Director (if the Program Director is not the individual investigating the complaint) and the DIO, who shall present the matter for review at the subsequent quarterly GMEC meeting.

III. Request for Review

Should the resident disagree with the decision, they may, within fifteen (15) business days of receipt of the decision, submit a written request for review to the DIO, accompanied by all relevant information and supporting evidence. If the DIO is implicated in the complaint or has served as the designated recipient, the request should be submitted to the chair of the OMECO GMEC. Failure to submit a request for review within fifteen (15) business days results in forfeiture of the right to pursue further action pursuant to this policy, rendering the initial decision final.

Upon timely receipt of a request for review, the DIO or their designee shall arrange a meeting with the resident to discuss the allegations and shall undertake a thorough review of the submitted materials. The DIO or designee may also conduct additional investigation as deemed appropriate. A written determination shall be provided to the resident's email within ten (10) business days following the meeting or the completion of the investigation. This determination shall specify whether mistreatment occurred and detail any remedial measures to be taken.

IV. Appeal Procedure

If the resident remains dissatisfied with the determination of the DIO, they may initiate an appeal by submitting a written appeal request, together with all materials pertinent to the complaint, to the DIO within fifteen (15) business days of receiving the DIO's determination. Failure to submit the appeal within fifteen (15) business days will result in waiver of the right to appeal, and the DIO's determination shall be deemed final.

Upon receipt of a timely appeal, an Ad Hoc Grievance Subcommittee shall be constituted by the DIO or designee. The Ad Hoc Grievance Subcommittee shall comprise three members of the GMEC: two Program Directors from other specialty programs and one resident representative who is not affiliated



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with the same program as the complainant. The Ad Hoc Grievance Subcommittee shall review all relevant documentation, may request an interview with the resident or other individuals involved, and shall complete its review and any meetings within twenty (20) business days of the receipt of the appeal.

Following deliberation and investigation, the Ad Hoc Grievance Subcommittee shall render its determination within fifteen (15) business days of the meeting, and shall notify the resident, Program Director, and DIO via email. The determination will include a finding regarding the occurrence of mistreatment and any corresponding remedial actions to be taken. The determination of the Ad Hoc Grievance Subcommittee shall be final.