

Procedures for Addressing Complaints and Concerns against Residency/Fellowship Programs and Sponsoring Institutions

Overview of Complaints and Concerns

The ACGME has two mechanisms for individuals and/or groups to raise issues related to programs or sponsoring institutions: submission of complaints, and reporting of concerns. The ACGME addresses issues related to compliance with accreditation requirements of programs and sponsoring institutions through its Complaint Process. In addition, individuals may raise issues that might not rise to the level of non-compliance with ACGME requirements through the ACGME concerns process. Individuals with issues regarding the performance of residency or fellowship programs or sponsors initiate the process of investigation of their issues by contacting ACGME Office of Resident Services at the ACGME. A mutually agreeable path of filing a formal complaint or use of the less formal concern process will be determined through discussion between the individual(s) and a member of the staff of the Office of Resident Services.

1. Complaints

Complaints may affect the accreditation status of the program and/or sponsoring institution.

Sponsoring institutions and their programs that are accredited by the ACGME are expected to comply with the ACGME's Institutional and Program Requirements. The ACGME and its Review Committees address only matters regarding non-compliance with ACGME accreditation requirements. **Formal complaints should allege violations of ACGME requirements.**

The ACGME will investigate potential non-compliance with accreditation requirements that relate to program quality. **The ACGME does not adjudicate disputes between individual persons and residency or fellowship programs or sponsoring institutions regarding matters of admission, appointment, contract, credit, discrimination, promotion, or dismissal of faculty members, residents, or fellows.**

2. Confidentiality of Complainants

The ACGME will take steps to keep the identity of any individual(s) reporting potential non-compliance with institutional and/or program requirements confidential, except when a complainant specifically waives the right to confidentiality. However, if a complaint alleges failure of a program or institution to provide due process, the identity of the complainant may be disclosed when a response to the allegation is requested from the program director or designated institutional official (DIO). In addition, there may be the rare occurrence when the identity of the complainant may be disclosed as necessary for the ACGME to provide due process to a program or sponsoring institution appealing an adverse accreditation action.

3. Confidentiality of Programs' and Institutions' Responses to Complaints

The ACGME will maintain as confidential a program's and/or sponsoring institution's response to a complaint submitted to the ACGME.

4. Submission of Complaints

Anyone having evidence of non-compliance with accreditation standards by a program or sponsoring institution may submit a complaint to the ACGME. Such complaints must be submitted in writing, bear the name and address of the complainant(s), and be signed by the complainant(s). However, before a complaint is submitted, the complainant should utilize all of the resources available in the program and sponsoring institution unless there is a valid reason for not doing so.

You may submit your signed complaint by mail, fax, or e-mail. **Be sure to include the following:**

- a brief summary of the allegations of non-compliance with ACGME requirements, including any documentation or evidence
- the name, street address, city, and state of the residency or fellowship program
- your contact information

Providing your name and contact information enables Resident Services to inform you about the actions taken in response to your formal complaint, and also to contact you should additional information be needed.

For more information about submitting a formal complaint please read "How to Submit a Concern or Formal Complaint" in the Resident Services section of the ACGME website.

5. Time Limit for Complaint Submission

Allegations of non-compliance that occurred prior to the current and preceding residency/fellowship year should not be submitted.

6. Procedures for Processing a Formal Complaint

Upon receipt of a formal complaint, Resident Services staff members will determine if additional information from the complainant is required. When sufficient information has been provided, Resident Services staff members will request that the program director and the DIO submit a written response to the allegation(s). This communication shall specify that a written response should be submitted within a time not to exceed one month of the date of the request. The name of the complainant will remain confidential except in the situations mentioned in section 2 above (Confidentiality of Complainants). The response must be co-signed by both the program director and the DIO of the sponsoring institution.

Before submitting the complaint to the Review Committee for formal consideration, the Resident Services staff members will review the complaint and the response with the Executive Director of the

relevant Review Committee who, in consultation with the Review Committee Chair, will determine whether the allegations were successfully rebutted or whether the complaint requires further investigation. If the Review Committee Chair determines that the allegations were successfully rebutted, the program director, DIO, and complainant will be informed in writing. If the Review Committee Chair determines that the allegations were not successfully rebutted and the complaint requires further investigation, a focused site visit will be scheduled.

7. Review Committee Action for Formal Complaints

Review Committees shall review a complaint and the program or institution response, and shall determine one of the following:

- A. No further action - the response satisfactorily addressed the allegations
- B. Clarifying Information or Progress Report - a Review Committee may request clarifying information or a progress report that specifies information to be provided, including a due date for the clarifying information or report.
- C. Site Visit - the matter is sufficiently serious to warrant a site visit and review
 - 1. Focused Site Visit - to investigate the specific issues in the complaint
 - 2. Full Site Visit - to investigate aspects of the program or sponsoring institution
 - a. Announced Site Visit
 - b. Unannounced Site Visit
- D. Institutional Implications - the matter is to be referred to the Institutional Review Committee (IRC)
- E. Alleged Egregious Violations – If the Review Committee recommends invoking the Alleged Egregious Violation Policy, the matter is to be referred to the CEO of the ACGME. Following consideration by a Review Committee, the program director and the DIO shall be informed in writing of the Review Committee’s decision in its official Letter of Notification. Resident Services staff members shall inform the complainant in writing as to whether the complaint resulted in a change in accreditation status of the program or sponsoring institution only. The ACGME will not share the letter that contains the Review Committee’s decision with the complainant, nor will it provide any detailed information regarding the decision. All communications between the program and institution and the ACGME are confidential.

8. Concerns

A concern is an issue, care, trouble, or distress that someone has about a residency or fellowship program and/or its sponsoring institution that creates uncertainty and apprehension. **Concerns cannot be used to adjudicate individual disputes between individual persons and residency or fellowship**

programs or sponsoring institutions regarding matters of admission, appointment, contract, credit, discrimination, promotion, or dismissal of faculty members, residents, or fellows.

Concerns do not affect the accreditation of the program and/or institution.

9. Confidentiality of Individuals

The ACGME will take steps to keep the identity of any individual(s) reporting concerns confidential, except when a concerned person specifically waives the right to confidentiality. However, there may be times when Resident Services may need to identify the individual to the program and/or institution in order to advocate for fair process and to identify options and strategies for resolution about the actions taken in response to a concern, and also to contact the individual should additional information be needed.

10. Confidentiality of Programs' and Institutions' Responses to Concerns

The ACGME will maintain as confidential a program's and/or institution's response to a concern submitted to the ACGME.

11. Submission of Concerns

Anyone can submit a concern by phone, e-mail, letter, or through the annual ACGME Resident/Fellow Survey, which includes a direct link to contacting Resident Services at the ACGME. However, before a concern is submitted, the concerned individual should utilize all of the resources available in the program and sponsoring institution unless there is a valid reason for not doing so.

You may submit your concern by mail, fax, or e-mail. **Be sure to include the following:**

- a brief summary of the issues, including steps taken, if relevant
- the name, street address, city, and state of the residency or fellowship program
- your contact information

Concerns may be submitted anonymously. Providing contact information is useful as it enables Resident Services to inform you about the actions taken in response to your concern, and also to contact you should additional information be needed.

12. Time Limit for Concern Submission

Concerns that occurred prior to the current and preceding residency/fellowship year may not be considered.

13. Office of Resident Services Action for Concerns

Submitting a concern will not affect a program's or institution's accreditation. The specific duties of Resident Services at the ACGME are: to determine the facts in each case; to work with the concerned individual and the DIO in seeking a satisfactory resolution; and to discuss the use of the formal complaint process for violation of ACGME Institutional and Program Requirements.

Concerns cannot be used to adjudicate individual disputes.