

VCU Health System

Graduate Medical Education Policy

Grievance Policy and Procedure

I. Purpose

To provide a mechanism for resolving disputes and complaints which may arise between postgraduate residents and fellows and their program director or other faculty member

II. Policy

Postgraduate residents or fellows may appeal disagreements, disputes, or conflicts with their program using the procedure outlined below. This grievance procedure does not cover controversies or complaints arising out of (1) termination of a resident/fellow during an annual contract period; (2) alleged discrimination; (3) sexual harassment; (4) salary or benefit issues.

III. Definitions

A. Grievance: any unresolved dispute or complaint a resident or fellow has with the policies or procedures of the Residency Training Program or any unresolved dispute or complaint with his or her Program Director or other faculty member.

IV. Procedure

A. Informal Resolution - Step I:

A good faith effort will be made by an aggrieved resident/fellow and the Program Director to resolve a grievance at an informal level. This begins with the aggrieved resident/fellow notifying the Program Director, in writing, of the grievance. This notification must occur within 15 calendar days of the event precipitating the grievance and should include all pertinent information and evidence that supports the grievance. Within seven (7) calendar days after notice of the grievance is given to the Program Director, the resident/fellow and the Program Director will set a mutually convenient time to discuss the complaint and attempt to reach a solution. Step I of the informal process of the grievance procedure will be deemed complete when the Program Director informs the aggrieved resident/fellow in writing of the final decision. A copy of

the Program Director's final decision will be sent to the Department Chair and to the Director of Graduate Medical Education.

B. Informal Resolution - Step II

If the Program Director's final written decision is not acceptable to the aggrieved resident/fellow, the resident/fellow may choose to proceed to a second informal resolution step which will begin with the aggrieved resident/fellow notifying the Department Chairman of the grievance in writing. Such notification must occur within 10 work-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, and evidence that supports the grievance. Within seven (7) calendar days of receipt of the grievance, the resident/fellow and the Department Chairman will set a mutually convenient time to discuss the complaint and attempt to reach a solution. Step two of the informal process of this grievance procedure will be deemed complete when the Department Chairman informs the aggrieved resident/fellow in writing of the final decision. Copies of this decision will be kept on file in the Chairman's office and sent to the Director of Graduate Medical Education.

C. Formal Resolution

If the resident/fellow disagrees with the Department Chairman's final decision, he or she may pursue formal resolution of the grievance. The aggrieved resident/fellow must initiate the formal resolution process by presenting their grievance, in writing, along with copies of the final written decisions from the Program Director and Department Chairman and any other pertinent information, to the office of the Associate Dean of Graduate Medical Education within fifteen days of receipt of Department Chairman's final written decision. Failure to submit the grievance in the fifteen-day time frame will result in the resident/fellow waiving his or her right to proceed further with this procedure. In this situation, the decision of the Department Chairman will be final.

Upon timely receipt of the written grievance, the Associate Dean of Graduate Medical Education will appoint a Grievance Committee and will contact the aggrieved resident/fellow to set a mutually convenient time to meet. The Grievance Committee will review and carefully consider all material presented by the affected parties at the scheduled meeting, following the protocol outlined in Section E.

The Grievance Committee will provide the resident/fellow with a written decision within five days of the meeting and a copy will be placed on file in the Graduate Medical Education Office. The decision of the Grievance Committee will be final.

D. The Grievance Committee

Upon request for a formal resolution, the Associate Dean of GME will form a Grievance Committee composed of two Housestaff Council members, two Program Directors, and the Assistant Director of the GME office. No members of this committee will be from the resident's/fellow's own department. The Associate Dean of GME will choose a member to be the chair of the committee.

E. Grievance Committee Procedure

1. Attendance: All committee members should be present throughout the hearing. The resident/fellow must personally appear at the Grievance Committee meeting.
2. Conduct of Hearing: The chair will preside over the hearing, determine procedure, assure there is reasonable opportunity to present relevant oral or written information, and maintain decorum. The Chair will determine if information is relevant to the hearing and should be presented or excluded. The chair is authorized to exclude or remove any person who is disruptive.
3. Recesses and Adjournment: The committee chair may recess and reconvene the hearing. Upon conclusion of the presentation of oral and written information, the hearing record is closed. The Grievance Committee will deliberate outside the presence of the involved parties.
4. Decisions: Decisions are determined by a majority of members of the Committee and are final. After deliberation, the decision will be reviewed and signed by the Committee members.
5. Meeting Record: A secretary/transcriptionist may be present for the purpose of recording the meeting minutes. Minutes and the final written decision of the Committee will be placed on file in the GME office.

V. Confidentiality

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

Approved, Program Directors Council: June 3, 1998.

Approved, GME Committee: June 10, 1998

Approved, MCVH Medical Staff Executive Committee: November 11, 1998

Approved, VCU School of Medicine Executive Committee of the Faculty: October 14, 1998

Approved, Program Directors Council: December 12, 2000

Reviewed, GME Committee: January 2002

Amended, GME Committee: December, 2006

Reviewed, GME Committee: September 11, 2012