GRADUATE MEDICAL EDUCATION COMMITTEE POLICY NO. 06

A. SUBJECT: Grievance
B. EFFECTIVE DATE: December 19, 2013 (R)
C. POLICY: Policy on Grievance

This policy is established to provide a mechanism for resolving disputes and complaints that may arise between a graduate medical trainee and his or her program director or other persons involved with the administration of the educational program.

There shall be a process for adjudicating graduate medical trainee complaints and grievances related to the work environment or non-academic issues related to individual residency programs or faculty.

Definitions

Complaint – A written or verbal expression of dissatisfaction with the work environment, individual residency programs or the faculty.

Grievable Complaints (“Grievance”). A grievable complaint is a concern or issue that a graduate medical trainee may feel is unjust and/or an unfair practice that may affect his or her ability to carry out duties as required by both the ACGME and the program.

Grievable complaints include the following:

(1) A program’s consistently exceeding the ACGME Duty Hour regulations without regard to the graduate medical trainee’s well-being.
(2) Complaints related to a graduate medical trainee feeling unsafe and/or unprotected due to lack of security provided by the program or Medical Center.
(3) Complaints related to a disciplinary action brought forth by the Program Director as a result of trainee misconduct.
(4) Complaints related to inappropriate behavior, including mistreatment, by any member of the Medical Center or School of Medicine as defined in Medical Center Policy 262.

Complaints based solely on the following actions are not subject to this process and thus are considered “not grievable”:
(1) Decisions regarding and/or documentation of areas of deficiencies in academic performance or remedial actions, or placement on academic remediation (see Policy on Assessment of Performance of Graduate Medical Trainees).

(2) Establishment and revision of salaries, position classifications, or general benefits

(3) Work activity accepted by the graduate medical trainee as a condition of employment or work activity that may be reasonably expected to constitute a part of the job

(4) The content of policies, procedures and other rules applicable to graduate medical trainees

(5) Work and duty assignments within the Medical Center

(6) Discrimination on the basis of race, national origin, religion, sex, age, handicap, or sexual orientation. These complaints are handled in the manner specified in the University of Virginia Office of Equal Opportunity Programs.

III. Procedure:

A. Step 1: (If Grievance is with Program Director, skip to Step 2.) The graduate medical trainee and program director shall make a good faith effort to resolve complaints informally. If the complaint is not resolved informally and if the complaint is grievable, as defined above, the graduate medical trainee shall, within 10 calendar days of the event or action giving rise to the grievance, notify the program director in writing of the nature of the grievance, all pertinent information and evidence supportive of the grievance and a statement of the relief requested. Within 7 calendar days after receipt of this notice, the program director shall meet with the graduate medical trainee and attempt to reach a solution along with a third party (e.g. Vice Chair of Education of department, member of GME Office). Within 5 calendar days of this discussion, the program director shall inform the graduate medical trainee in writing of the resolution of the grievance and shall address both the issues raised and the relief requested. A copy of the program director's resolution shall be provided to the appropriate Department Chair and to the Designated Institutional Official (herein after “DIO”) and Associate Dean of Graduate Medical Education.

B. Step 2: If the program director's written resolution is not acceptable to the graduate medical trainee, the graduate medical trainee shall notify the Department Chair (if Program Director is Department Chair, skip to Step 3) in writing within 10 calendar days of receipt of the program director’s resolution. This notification shall include a copy of the program director's resolution and all other information supportive of the graduate medical trainee's grievance. Within 7 calendar days of receipt of the grievance, the Department Chair shall meet with the graduate medical trainee to discuss the grievance and attempt to reach a solution with third party present. Within 5 business days of this meeting, the Department Chair shall send to the graduate medical trainee a written response to the issues and relief requested. A copy of this response shall be provided to the DIO.

C. Step 3: If the graduate medical trainee disagrees with the decision of the Department Chair or the Program Director is the Department Chair, the graduate medical trainee shall present a written statement to the DIO within 10 calendar days of the receipt of the Program Director/Department Chair's decision. The statement shall describe the nature of and basis for the grievance and include copies of the decisions of the Program Director and the Department Chair. Failure to submit the grievance in the ten day period shall constitute waiver of the grievance process and the decision of the Program Director/Department Chair will be final. The DIO shall review all written information and decide whether further meetings or inquiry could be helpful to resolve the issue. Within 10 calendar days of receipt of the graduate medical trainee's
statement, the DIO shall provide to the graduate medical trainee a written decision on the grievance. This decision shall be final.

D. The DIO may extend these times for good cause.

IV. Confidentiality

All participants in Steps 1, 2 and 3 of the grievance process shall not discuss the matter under review with any third party except as may be required for purposes of the grievance procedure. The Chief Executive Officer of the Medical Center and the Dean of the School of Medicine may be notified of a grievance and such notification shall not constitute a breach of this confidentiality requirement.

GMEC Approval: January 19, 2000
GMEC Approval: April 2007
GMEC Approval: September 16, 2009
Reviewed/Revised: GME Policy Subcommittee, December 10, 2013
Approved: GMEC, December 18, 2013