



## GRADUATE MEDICAL EDUCATION COMMITTEE POLICY NO. 06

- A. SUBJECT: Grievance
- B. EFFECTIVE DATE: January 17, 2018 (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 education trainee (herein after "GME Trainees") and his or her program director or other persons involved with the administration of the graduate medical education (GME) program.

There shall be a process for adjudicating GME Trainee complaints and grievances related to the work environment or non-academic issues related to individual GME program or faculty.

### Definitions

**Complaint** – A written or verbal expression of dissatisfaction with the working and learning environment, individual residency programs or the faculty.

**Grievable Complaints ("Grievance")** - A grievable complaint is a concern or issue that a GME 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 Accreditation Council for Graduate Medical Education (ACGME) and the GME program.

Grievable complaints include the following:

- (1) A program's consistently exceeding the ACGME Duty Hour regulations without regard to the GME Trainee's well-being.
- (2) Complaints related to a GME 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 other than adverse actions including non-renewal of Trainee appointment or dismissal (please refer to GME Policy 04-Renewal and Non-Renewal of the GME Trainee Appointment and 05 – Performance Assessment of GME Trainees) brought forth by the Program Director as a result of GME Trainee misconduct.
- (4) Complaints related to inappropriate behavior, including mistreatment, by any member of the clinical learning environment as outlined in Medical Center Policy 0262: Standards for Professional Behavior.

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 remediation (see *GME Policy05: Performance Assessment of GME Trainees*).
- (2) Establishment and revision of stipends, position classifications, or general benefits
- (3) Work activity accepted by the GME 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 GME Trainees
- (5) Work and duty assignments within the Medical Center
- (6) Grievances related to discrimination on the basis of age, color, disability, gender identity, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, and family and genetic information shall be referred to Catherine Spear, Assistant Vice President, Office of Equal Opportunity Programs, P.O. Box 400219, Washington Hall, Charlottesville, VA 22904, (434) 924-3200, [UVaEOP@virginia.edu](mailto:UVaEOP@virginia.edu),

### III. Procedure:

- **Step 1:** (If Grievance is with Program Director, skip to Step 2.) The GME 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 GME Trainee shall, 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 GME Trainee and attempt to reach a resolution along with a mutually agreeable third party (e.g., member of GME Office). Within 5 calendar days of this discussion, the program director shall notify the GME 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 notification shall be provided to the appropriate Department Chair and to the Designated Institutional Official (DIO) and Associate Dean of Graduate Medical Education.
- **Step 2:** If the program director's written resolution is not acceptable to the GME Trainee the GME 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 notification of resolution. The GME Trainee's notification to the Department Chair shall include a copy of the program director's resolution and all other information supportive of the GME Trainee's grievance. Within 7 calendar days of receipt of the grievance, the Department Chair shall meet with the GME Trainee to discuss the grievance and attempt to reach a resolution with third party present. Within 5 business days of this meeting, the Department Chair shall send to the GME Trainee a written response to the issues and relief requested. A copy of this response shall be provided to the DIO.
- **Step 3:** If the GME Trainee disagrees with the decision by the Department Chair or the Program Director is the Department Chair, the GME 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. If the DIO has a conflict, this responsibility would fall to the Associate DIO; if both have a conflict, this responsibility would fall to the Vice-Chair of the GMEC. Within 10 calendar days of receipt of the GME Trainee's statement, the DIO or her designee shall provide to the graduate medical trainee a written decision on the grievance. This decision shall be final.

D. The DIO or her designee 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

GME Policy Subcommittee Reviewed/revised: December 8, 2015 & January 12, 2016

GMEC Approval: January 20, 2016

GMEC Revised/Approved: January 18, 2018