

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO
GRADUATE MEDICAL EDUCATION
Standard Policy and/or Procedure

TITLE: Grievance Policy

APPROVED: 9/18/2002

REVISED: 2/13/2009; 11/09/2015

EFFECTIVE DATE: 9/18/2002; 2/13/2009; 11/09/2015

PURPOSE: For the Sponsoring Institution to have a policy that outlines the procedures for submitting and processing residents/fellows grievances at the program and institutional level and that minimizes conflicts of interest. Residents/Fellows may submit a specific formal notice of dissatisfaction expressed through an identified procedure (grievance). Grievances should be filed timely in writing and addressed as designated in the procedure below.

PROCEDURE(S):

The Sponsoring Institution is required to monitor compliance. The Graduate Medical Education Committee (GMEC) carries the responsibility to assure that this policy is in alignment with current ACGME requirements.

The TTUHSC El Paso is committed to providing an environment that is conducive to the educational and training activities of resident and fellows (hereinafter trainees). Trainees are encouraged to bring concerns or complaints about work-related conditions to the attention of their respective Program Directors. In order to ensure prompt and constructive problem solving, this policy provides trainees the opportunity to present their grievances formally.

A trainee may not use this procedure to challenge the judgment of teaching faculty as medical educators in evaluating the trainee's performance, in giving feedback or counseling to a trainee, or in implementing a formal plan of remediation to improve the trainee's performance.

Complaints that are covered by a TTUHSC Operating Policy, such as discrimination, sexual harassment, violence in the workplace, and others, shall be referred to the appropriate office for consideration.

A trainee will use the Adverse Action Appeals Policy to appeal actions that could result in suspension, non-promotion, probation, non-reappointment or dismissal from training or which otherwise threaten a trainee's intended career development.

Trainees shall be expected to follow the guidelines listed below to file a grievance related to the work environment or other issues related to the training program, program faculty and/or other staff.

1. Early Resolution. Prior to filing a Grievance Form, the trainee must attempt to resolve the issue through a meeting with the individual(s) involved.
 - a. If the grievance involves a specific incident or clearly defined matters, the grievance must be initially communicated to the Program Director at this initial step within seven (7) business days.

- b. For grievances based on a continuing series of less clearly defined matters, the grievance must be communicated to the Program Director at this initial step no later than twenty (20) business days following the onset of the issue(s) of the grievance.
 - c. If the issue(s) is not resolved at this initial step, the trainee shall promptly attempt resolution by proceeding through the next step(s).
 - d. If the grievance is against a faculty member, the trainee should contact the Program Director. If not against a faculty member, the trainee should contact the Chief Resident. In each case, the trainee will clearly present his/her concerns and suggestions for resolution of those concerns.
 - e. The Program Director or Chief Resident, whichever applicable, shall make every effort to facilitate resolution of the issue(s), and shall inform the trainee in writing of his/her response and reasons for that response within five (5) business days.
 - f. If resolution is not achieved after the above steps, the trainee may contact the Department Chair regarding the grievance within five (5) business days from the decision in (e). The trainee will complete and submit the Grievance Form ([Grievance Form.doc](#)) to the Department Chair including a summary of specific events, description of prior attempts to resolve the grievance, and statement of the remedy sought. The formal grievance cannot be changed after submission without approval of all persons concerned. The Department Chair will investigate the grievance, attempt to reconcile differences and propose a solution. The Department Chair will provide a written statement of his/her recommendation to all parties within five (5) business days from receipt of the grievance.
 - g. If the grievance is against the Department Chair, the trainee should present the grievance to the Chair of the GMEC.
2. Hearing Request. If the resolution recommended by the Department Chair or the Chair of the GMEC is rejected by either the trainee or the person against whom the grievance was filed, each may, within five (5) business days, request a hearing by submitting a written request to the Chair of the GMEC. The hearing request must include the original grievance form and remedy sought and the basis of disagreement with the proposed resolution and a copy of the Department Chair's written recommended resolution.
3. Hearing Procedure. Upon receipt of a written request for a hearing, the Chair of the GMEC, having gained assurance that the grievance does not fall under the purview of another dispute forum, will, within five (5) business days, initiate the process for establishing an *ad hoc* Hearing Panel according to the following procedure:
 - a. The Panel shall consist of a faculty member from the GMEC appointed by the Chair of the GMEC to serve as chairperson. The Chair of the Faculty Grievance Committee will appoint an additional faculty member who will be a full-time physician from a clinical department and may, but is not necessarily required to, be a member of the Faculty Grievance Committee. The Chair of the GMEC will appoint an additional faculty member who will be a clinician involved in graduate medical education, but may not be a member of the GMEC. The fourth and fifth members of the Panel will be trainees appointed by the President of the House Staff Association. The appointed Panel members shall not be from the trainee's department or from the department of the party made the subject of the grievance. No panel member shall have a conflict of interest in this matter. The Chair of the GMEC shall immediately notify both parties of the composition of the Panel. Each party has the right to request replacement of any of the proposed members of the Panel based on conflict of interest. This request must be submitted in writing to the Chair of the GMEC in writing within three (3) business days of notification of the panel composition. The decision of the Chair of the GMEC will be final.

- b. Within five (5) business days, the Panel will coordinate and set a date for the hearing. If the trainee plans to have an attorney present, he/she shall notify the Chair of the Panel not later than five (5) days before the hearing date. The party(s) against whom the grievance is made may also have an attorney present only in an advisory capacity. An attorney from the Office of General Counsel may attend in an advisory capacity as well.
- c. Within five (5) business days, the parties will submit copies of the original written grievance/response, copies of documentation and a list of the witnesses to be presented at the Hearing, and the Chair of the Panel will distribute these to the opposing party and the Panel members. Each party will then have three (3) business days to submit additional documentation or add to the list of witnesses in rebuttal. The Hearing shall be held within five (5) business days after receipt of this additional material.
- d. The Chair of the Panel shall present both parties with the Agenda for the Hearing which may include opening statements, presentation by the trainee, and presentation by the person against whom the grievance is made and summary or closing statements. Each party shall have the opportunity to question the other party and all witnesses appearing. The responsibility of establishing the validity of the grievance rests with the trainee who filed the grievance.
- e. The Hearing Panel Chair shall make an audio record of the hearing, which shall include date, time and location of the hearing and names of those present. Evidence, e.g., records, written testimony, duplicated materials, etc., introduced will be noted. A copy of the audiotape of the proceedings will be provided to both parties upon written request. The original will be retained in the GME office for a period of one year.
- f. All materials presented to the Panel shall be treated as confidential, and upon completion of the hearing, all materials shall be returned to the appropriate party or destroyed together with any notes taken during the process, except for a copy, which is forwarded to the Chair of the GMEC with the Panel's recommendation.
- g. After completion of the hearing, the Hearing Panel shall meet in closed session and prepare written findings and recommendations. Within five (5) business days of ending deliberations, the Chair of the Panel shall forward the Panel's findings and recommendations to the Chair of the GMEC.
- h. The Chair of the GMEC shall present the findings and recommendations to the GMEC, which shall review the Panel's recommendations, provide written results of the GMEC's review and then forward the Committee's findings and recommendation and the Panel's recommendation to the Provost of TTUHSC PLFSOM for review and comment to be made within five (5) business days of receipt of the recommendations.
- i. The Provost of TTUHSC PLFSOM may also provide a position regarding the findings and recommendations and shall forward the recommendations, comments and other appropriate documentation to the Dean of the School of Medicine who shall make the final decision within five (5) business days of receipt of the materials.
- j. Both parties shall have the right of appeal of any final decision but only on procedural grounds. The appealing party must provide written notice of appeal to the opposing party and the Provost, and the grounds for the appeal must be submitted to the Dean within three (3) business days. Within three (3) business days, the Dean, whose decision is final, will notify all parties in writing of his decision regarding the appeal.
- k. The Chair of the GMEC must approve any departures from these procedural guidelines, including established time frames, and only for cause.

FORMAL GRIEVANCE

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| Name of Grievant: | | Department: | |
| PGY Level: | | Contact Phone: | |
| Grievance was submitted on: | | Grievance was submitted to: | |

DATE, TIME AND PLACE OF EVENT(S) LEADING TO GRIEVANCE

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|--------------------|--|----------|--|-----------|--|
| Inclusive Date(s): | | Time(s): | | Place(s): | |
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Detailed description of the event(s) including names of person(s) involved:

Please indicate how this is impacting your training:

Action(s) that you have taken to resolve this issue and response(s) you have received:

What is/are your proposed solution(s)?

GRIEVANCE RESPONSE BY PROGRAM DIRECTOR

Date of response by Program Director:

Detailed response to grievance:

Indicate if proposed solution by resident/fellow will be considered or not. Why or why not?

If grievance was resolved, please describe the action(s) taken.

GRIEVANCE RESPONSE BY ASSOCIATE DEAN – GME / DIO

Date of response by Assoc. Dean/DIO:

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Detailed response to grievance:

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Indicate if proposed solution(s) by resident/fellow or PD will be considered or not. Why or why not?

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If grievance was resolved, please describe the action(s) taken.

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