

Spokane Teaching Health Center

RESIDENT / FELLOW GRIEVANCE POLICY AND PROCEDURE

Approved March 25, 2014

SCOPE:

This policy and procedure applies to all residents and fellows participating in ACGME accredited Spokane Teaching Health Center-sponsored graduate medical education programs (e.g., residencies or fellowships). In this policy “resident” means both residents and fellows.

DEFINITION:

The grievance procedure is intended to be informal; to resolve disagreements internally. It is not an adversarial forum. At each stop, residents and Program Directors are encouraged to resolve differences through discussion and negotiation. However, this policy provides a procedure for those instances in which outside assistance in resolving conflict is needed.

PRINCIPLES:

Issues of Policy: No grievance may be filed seeking to change the terms of the Residency Appointment Agreement (RAA). Such issues should be referred to the Spokane Teaching Health Center Graduate Medical Education Committee (GMEC). Remedies for grievance are restricted to restoration of rights or services provided by the RAA. Remedies do not include changes to the RAA or changes to Spokane Teaching Health Center policies or procedures.

Outside Assistance: Throughout the grievance procedure, another resident, medical student, staff employee, or faculty member, identified as an “associate”, may accompany the aggrieved resident. The resident may confer with an associate during proceedings, however, the associate may not actively participate or present at any hearing.

Time Limit: Grievances must be filed (following the procedures set out below) within the current academic year or within 90 calendar days, after the resident knew or should have known of the act or omission upon which the grievance is based, whichever time period is shorter.

Waiver of Procedural Steps: Any of the provisions of this policy and procedure may be waived by written mutual consent of the parties.

Interpretation: The Chair of the GMEC, whose decision on such issues shall be final, has the authority and responsibility to interpret this policy and procedure.

PROCEDURE:

Step 1, Program Level: A grievance letter must be submitted in writing to the Program Director within the time limit stated above, and must include the following information: A factual description of the grievance, the article(s) of the RAA that may have been violated, the date of the grievant(s) first became aware of the alleged violation, and the remedy sought. The letter should include any documentation relevant to the grievance. The Program Director shall schedule a meeting within thirty (30) calendar days after receiving the letter, to include the Program Director, the grievant(s), associates (if any), the program administrator/coordinator, and other faculty members who have direct knowledge of the circumstances around the grievance. If the Program Director is unavailable to convene this meeting, the Program Director may appoint an Assistant Program Director or faculty member to serve in his/her stead. Failure to hold the meeting within the 30 day period results in the grievance automatically proceeding to Step 2. The Program Director (or designee) will chair the meeting. At the meeting all parties will be allowed to present their evidence. Following the meeting a decision on the grievance will be issued by the Program Director (or designee) and will include a determination of whether the specific article of the RAA has been violated, and if so, a proposed remedy. The decision will be provided in writing to each grievant within seven (7) calendar days after the end of the meeting. The decision of the Program Director will be final unless the grievant files the grievance with the GMEC (Step 2) within fourteen (14) calendar days after the date of the decision. If a grievance involves more than one program the Program Director may refer the matter directly to the GMEC for handling in accordance with Step 2.

Step 2, Graduate Medical Education Committee (GMEC): Grievances that are filed with GMEC must be filed with the Chair of GMEC. The grievance must be in writing and include a factual description of the grievance, the article(s) of the RAA that may be have been violated, the date the grievant(s) first became aware of the alleged violation, and the remedy sought. The letter should include any documentation relevant to the grievance as well as the decision of the Program Director, if any. Upon receipt of a timely filed grievance the Chair of GMEC will appoint a Grievance Committee to hear the grievance. This Committee will hold a meeting on the grievance within thirty (30) calendar days after receipt of the grievance by the GMEC Chair.

Composition of the Grievance Committee: The Grievance Committee will be composed of a chair plus four (4) other members from the GMEC, to include two (2) voting faculty members and two (2) voting resident members, appointed by the Chair of GMEC. Faculty and residents of the program involved in the grievance may not be appointed to the Grievance Committee. The Committee will be chaired by the Chair of GMEC unless the GMEC is a party to the grievance, the grievance was filed by a resident in the GMEC Chair's residency program, or the GMEC Chair for other reasons elects not to serve as the Chair of the Committee. If the Chair of the GMEC will not serve on the Grievance Committee, the GMEC Chair will appoint the Chair of the Committee from among faculty

members of the GMEC. If the Grievance Committee cannot be assembled using GMEC members exclusively, the GMEC Chair may appoint other faculty and residents from residency programs not involved in the grievance.

Attendance: In addition to the parties to the grievance, the resident's associate, if any, may attend the meeting with the Grievance Committee. The appropriate faculty, Program Director or his/her designee are also permitted to attend even if not parties to the grievance. Only Grievance Committee members are permitted to attend pre-meeting proceedings (e.g., organizational meeting) and the deliberations of the Grievance Committee.

Procedure: The Chair of the Grievance Committee will allow each party to state their case with a time limit of twenty (20) minutes each, and to present rebuttal of ten (10) minutes each. The grievant makes the initial presentation and initial rebuttal. Grievance Committee members may ask questions at the conclusion of each presentation and rebuttal but should not ask questions during the presentation except for short requests for clarification of facts. The Chair of the Grievance Committee may prohibit questions that interrupt presentations.

Decision: Within seven (7) calendar days of the conclusion of the meeting the Grievance Committee shall issue a written statement of its findings and decision, which will be transmitted to all parties, with a copy to the Chair of the GMEC. Each member of the Committee has one (1) vote on the Committee's decision, however, the Chair of the Grievance Committee may vote only to break a tie. The Grievance Committee may require more time to render its decision in which case the Committee shall notify the parties of the expected time for issuance of the decision, which shall not exceed an additional ten (10) calendar days. The decision of the Grievance Committee will be final unless with seven (7) calendar days of the date of the decision either party appeals the decision in writing to the DIO for Spokane Teaching Health Center in accordance with Step 3.

Step 3, Appeal to the DIO for Spokane Teaching Health Center: An appeal of the decision of the Grievance Committee must be submitted in writing to the DIO for Spokane Teaching Health Center within the time frame specified in Step 2. The appeal must include all letters, documentation, and written responses from each prior level. The DIO for Spokane Teaching Health Center may designate another member of Spokane Teaching Health Center's governing board to review and decide the appeal. Within fourteen (14) calendar days of receipt of the appeal, the DIO for Spokane Teaching Health Center (or designee) shall review the appeal and render a decision. If the DIO (or designee) determines additional time is needed to review the appeal, the parties shall be notified of when a decision will be made which should not exceed an additional fourteen (14) calendar days. The decision of the DIO for Spokane Teaching Health Center (or designee) shall be final and binding on the parties. The decision of the Grievance Committee will be deemed to be affirmed if the DIO for Spokane Teaching Health

Center (or designee) does not act on the appeal within fourteen (14) days of the receipt of the appeal.