

## SECTION SIX – MISCELLANEOUS

### **POLICY NO: 6.1**

### **SUBJECT: GRIEVANCE AND APPEALS PROCESS**

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#### **I. PURPOSE**

The purpose of the grievance procedure is to assure prompt, fair and equitable resolution of disputes concerning terms and conditions governing house staff participating in any of SPUH's Postgraduate Programs. Affiliated Residents may also have access to the grievance procedures established by their respective Affiliated Institutions, as provided for in their Affiliation Agreements.

A grievance is an allegation by a house officer that there has been an improper or discriminatory application of, or failure to act pursuant to, the written rules, policies and procedures of SPUH or the IGMEC to the extent any such established terms and conditions are matters which intimately and directly affect the work and welfare of house staff, and which do not significantly interfere with inherent prerogatives of SPUH to determine policy.

Examples of a grievance would be, in the event a house officer receives a notice of suspension, termination, or non-promotion by the Program Director; or an allegation of an inequity in treatment, such that, he or she shall have the right to appeal such action. Placement of a house officer on probation cannot be appealed. Also, any complaints and grievances related to the work environment, or issues related to the Postgraduate Program or SPUH faculty, shall be appealed following the process described in this policy.

#### **II. PRELIMINARY INFORMAL PROCEDURE**

All problems and disputes should be resolved, whenever possible, before the filing of a grievance. The IGMEC encourages open communication among SPUH, the house staff, the Teaching Staff and members of the IGMEC so that resort to the formal grievance procedure will not be necessary. House staff may orally present and discuss a grievance with his/her Chief Resident and/or Program Director at any time.

#### **III. FORMAL PROCEDURE**

##### **A. General.**

In the event that a problem or dispute cannot be resolved satisfactorily through informal procedures, a house officer may utilize the formal grievance procedure set forth below.

Whether or not the aggrieved house officer (the "Grievant") requests a hearing, the Grievant may file a written response of reasonable length to any memoranda or documents respecting him or her, including performance evaluations. Such response will be included in the Grievant's personal record and will be attached and retained with any documents in question.

##### **B. Process.**

1. **Step One:** The Grievant shall initiate his or her grievance in writing and formally present it to his/her Program Director. Such notification must include the reasons for the requested appeal and be submitted within ten (10) days of the event giving rise to the dispute. The Program Director shall meet with the Grievant to discuss the grievance as soon as reasonably possible.
2. **Step Two:** If the grievance is not satisfactorily resolved in a timely fashion, the Grievant may file a written request for review to the Department Chair. The request must be filed within ten (10) days of receipt of the Program Director's response. The Department Chair shall review the grievance with the Grievant and the Program Director and issue a written decision within three (3) working days of the receipt of the grievance. If the Department Chair and Program Director are the same person, proceed to step three.
3. **Step Three:** If the grievance is still not satisfactorily resolved, the Grievant may request a formal hearing. This request must be filed with the Director of Graduate Medical Education within ten (10) days of receipt of the Department Chair's response.
4. **Step Four:** Within ten (10) working days of the receipt of the request for appeal, the Director of Medical Education will appoint an ad hoc committee. The ad hoc committee shall consist of three (3) members of the IGMEC, one member of the administration and one resident. The member of the house staff serving on the ad hoc committee, may not be a member of the Department that sponsors the Grievant.

C. Hearing.

The hearing procedure will be coordinated by the Director of Medical Education who will preside at the meeting, but will not be a voting participant. The hearing will be scheduled within thirty (30) days of the Grievant's request for a hearing. The process of the hearing will include a presentation by a Department representative followed by a response of equal length by the Grievant. This will be followed by a period of questioning by the members of the ad hoc committee. The Director of Medical Education, in consultation with the Department representatives and the Grievant, will determine the duration of the presentations and the potential attendees at the hearing. The Grievant may be accompanied by an advocate, who may or may not be an attorney. The Grievant should be prepared to present evidence for rescinding the action. The Program Director should appear and be prepared to present evidence for upholding the action. The hearing shall be confidential and open only to those participating on the Grievant's behalf, the ad hoc committee members and a note-taker.

D. Notice of Decision.

The ad hoc committee's decisions shall be communicated to the Chair of the IGMEC within thirty (30) days of the hearing. The preparation of the ad hoc committee's final report shall be the responsibility of the Director of Medical Education who will present the ad hoc committee's report to the IGMEC at its next regularly scheduled meeting. The IGMEC will consider the ad hoc committee's report. Voting members of the IGMEC will make a decision based on a closed ballot vote with the Grievant's Program Director excused. The majority of the voting members must be present to call a vote.

Notification of the IGMEC's decision to the Grievant shall be made in writing by the Director of Medical Education within ten (10) working days after the meeting of the IGMEC. A copy of the notification will be forwarded to the Program Director and the Department Chair.

The decision of the IGMEC after the hearing shall be final in all cases and shall be communicated in writing to the Grievant.