



NATIONWIDE CHILDREN'S
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GME GRIEVANCE POLICY & PROCEDURE

Nationwide Children's Hospital ("NCH") will provide its residents and fellows ("trainees") with fair, equitable, reasonable, and readily available processes to raise and resolve matters they encounter in the performance of their GME duties.

Harassment, Discrimination, Legal Violations and Compliance Issues

NCH has zero tolerance for harassment of any kind (see Sexual/Other Harassment HR Policy HR-ER-8). If trainees experience discrimination or harassment/bullying by peers, staff, faculty, program director and/or patient(s)/family(ies), they should report their concerns to the attention of the Department Manager or Supervisor, the Human Resources (HR) department, the Corporate Compliance Office or the Corporate Integrity Hotline at 1-877-267-1935." If these issues persist and/or escalate despite the involvement of Human Resources, trainees should contact the Chief Human Resources Officer.

All complaints of harassment and/or discrimination, legal (criminal or civil) violations, and/or compliance issues alleged to have been committed by trainees are investigated in accordance with the NCH process outlined in HR Policy Corrective Action/Work Improvement (HR-ER-2). [see Resident & Fellow Performance Issues GME policy]

If trainees dispute performance management actions they received related to harassment, discrimination, legal and/or compliance violations, they must use the NCH administrative grievance process. (See Problem Review and Resolution Process HR Policy HR-ER-6). Trainees may not use GME grievance or due process for these issues. (See Resident and Fellow Performance Improvement policy).

GME Grievance Process

Trainees should use the Grievance Process to express unresolved concerns with:

- Their GME Contract with NCH;
- Their GME program duty assignments, e.g., schedule, call, procedures, changed electives;
- Their performance evaluation by Program Director ("PD"), faculty, and/or Clinical Competency Committee ("CCC");
- Educational Intervention, Administrative Intervention, Verbal Warning and/or Written Warning issues on their GME Performance Improvement Summary;
- Other work environment concerns;
- Application of policies to their specific circumstances;
- Other issues related to activities within the GME Program or employment at NCH.

Trainees may not use the GME Grievance process to appeal an Adverse Action. Trainees appealing an Adverse Action (e.g. extension of training, failure to be promoted to next level of training, conditions on practice, probation, suspension termination) must follow the process outlined in either GME Due Process or Problem Review and Resolution Process Human Resources ("HR") Policy. (See Resident and Fellow Performance Issues, Adverse Action, GME Due Process and HR Problem Review and Resolution HR Policy HR ER 6).



PROCEDURE:

1. General Dispute Resolution Process

- a. Trainees are encouraged to discuss their concerns with their PD.
- b. NCH has many forums for trainees to register concerns. (See GME policy *Forum for Residents to Report Concerns*). Every effort should be made to resolve issues as soon as they arise. Trainees are encouraged, but not required, to use these forums before initiating a Grievance Procedure.
- c. Per the NCH Master GME Agreement with affiliating institutions, trainees rotating at NCH from other institutions should use the Grievance and Due Process procedures of their home institution for issues which arise at NCH.
- d. Trainees may contact the Designated Institutional Official (“DIO”) to discuss their concerns at any time. The DIO will attempt to clarify the concerns and assure a process is in place to resolve the issue(s). The DIO will consult with NCH Legal Services, HR, Compliance Office, Chief Medical Officer (“CMO”), Medical Staff President, and/or the Chief/Chair of the respective department/section/ division as necessary and appropriate.
- e. Any concerns involving allegations of discrimination or harassment because of race, gender, religion, national origin, age, military or veteran status, disability, genetic information or sexual orientation will be investigated per the NCH Sexual/Other Harassment policy. (See Personnel Policy ER-8). Alleged legal or compliance violations are investigated by the appropriate NCH department, which may include Human Resources, Legal Services, and/or Compliance Office.

2. Grievance Procedure

- a. If trainees attempt to resolve their grievance-related issues and are unable to satisfactorily do so and/or if they are uncomfortable raising concerns through the channels above, they may initiate the grievance process by submitting a written statement to the DIO. This statement should set forth the basis for the grievance and the outcome or remedy sought.
- b. The DIO shall appoint and convene a **Grievance Committee (“GC”)** within 10 business days of receiving the trainee’s written statement. The DIO shall chair the GC. If the DIO has a potential conflict of interest or previously has been highly engaged in trying to resolve the concern, a designee appointed by the DIO shall chair the GC.
 - The GC will include 1 trainee (not in same specialty as the trainee bringing forth the grievance) and 1 PD/Assistant PD (from a department/section different from the trainee).
 - The trainee may have another trainee attend the GC meeting as an observer if the trainee makes this request in writing to the DIO at least 2 business days prior to the GC meeting. The trainee observer is a witness to the process but does not participate in the GC proceedings.
- c. After the initial GC meeting, the GC may need to gather additional information and/or conduct further investigations.
 - Information gathering must take place within 5 business days of the initial GC meeting.
 - If information not previously available is presented to the Chair of the GC within 3 business days of the GC meeting, the GC may reconvene. This meeting shall take place within 10 business days from the initial GC meeting.



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- d. The GC will make a determination within 3 business days of its final meeting. Members of the GC may take notes for personal reference. No transcript of the GC proceedings is produced. The GC Chair will provide a copy of the decision to the trainee and the PD. A copy will be maintained in the trainee's GME file.
- e. The GC review is not controlled by legal rules of evidence or procedure. Neither NCH nor the trainee may be represented by legal counsel at the GC meeting.
- f. All parties shall treat any information connected with the grievance, whether obtained in writing or by interview, in a confidential manner. Only the final GC determination and disposition are maintained in the trainee's GME file. The GME Office will maintain a complete record. The findings are communicated to those with a need-to-know and are not otherwise shared with other trainees, faculty, or staff.
- g. NCH does not tolerate retaliation of any form against any faculty, staff, trainee, student, or volunteer who files a complaint, serves as a witness, assists a complainant, or participates in an investigation of discrimination, harassment, or a grievance.
- h. The PD is responsible for carrying out the findings of the GC in a fair, timely, comprehensive manner. Trainees who have concerns about how the GC findings are being addressed should contact the DIO in writing to identify specific issues in need of additional follow-up.

3. Appeal of Grievance Committee Decision

- a. Upon receipt of the GC's decision, the trainee has 5 business days to appeal the decision in writing to the CMO with a copy to the PD and DIO.
- b. This appeal must be based on new information not provided to the GC or on disagreement with the GC's interpretation of the standards, policies, and/or guidelines governing GME at NCH.
- c. The CMO will review the request, the GC decision, and any other documentation from the trainee or GC, *i.e.*, no committee is convened. The CMO will issue a decision to the trainee with copies to the PD and DIO within 5 calendar days of receiving the written appeal from the trainee.
- d. The written decision of the CMO will be provided to the trainee, PD, and DIO. It is a final decision.

Related GME Policies available @ <http://anchor.columbuschildrens.net/gme-policies>

Approved by GME Committee: 2/12/2016; 12/20/2017; 3/18/2020