

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 day-to-day performance of their GME duties.

Grievance Process

A trainee should utilize the Grievance Process to express dissatisfaction with his/her:

- GME Contract with NCH
- Duties assigned in GME program, e.g., schedule, call, procedures
- Performance evaluation from Program Director (PD), faculty, and/or Clinical Competency Committee (CCC)
- Issues identified on an Educational Intervention, Administrative Intervention, Verbal Warning and/or Written Warning
- Discrimination or harassment of any type
- Other work environment concerns
- Application of policies to his/her specific circumstances
- Other issues related to activities within the GME Program or employment at NCH

Due Process

Trainees should utilize *Due Process* for Adverse Actions including written notice 2, extension of training, failure to promote to next level of training, probation, suspension, and termination. See GME Policies on *Resident & Fellow Performance Issues*, *Adverse Action*, and *Due Process*.

PROCEDURE:

1. General Dispute Resolution Process

- a. Trainees are encouraged to initiate discussions with their PD when concerns arise.
- b. NCH has many forums for trainees to register concerns. Every effort should be made to resolve questions, problems and misunderstandings as soon as they arise. Trainees are encouraged, but not required, to utilize these forums before initiating a Grievance Procedure. See GME policy *Forum for Residents to Report Concerns*.
- c. Per the master GME institutional agreement with affiliating institutions, trainees rotating at NCH from other institutions should utilize the Grievance and Due Process procedures of their home institution.
- d. Trainees may also contact the Designated Institutional Official (DIO) to discuss their concerns prior to initiating either a Grievance Process or Due Process procedure. Whenever possible the DIO will attempt to clarify and resolve the issue(s) by meeting with the trainee and PD. The DIO will consult with NCH Legal Services, Human Resources (HR), Compliance Office, Chief Medical Officer (CMO), Medical Staff President, and/or the Chief/Chair of the respective department/section/division as appropriate.
- e. Per GME policy, 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 (Personnel Policy ER-8).

2. **Grievance Procedure**

- a. If the trainee is unable to satisfactorily address his/her concerns after discussions with the PD and/or DIO, he/she may initiate a Grievance Procedure by submitting a written statement to the DIO. This statement should set forth the basis for the Grievance and the outcome or remedy sought. It must be submitted within 14 calendar days from last discussion with PD or DIO. If the trainee decides not to meet with the PD or DIO, he/she has 30 calendar days from when he/she had first knowledge of the incident specified in the Grievance.
- b. The DIO shall appoint and convene a **Grievance Committee (GC)** within 14 calendar days of receiving the written Grievance. The DIO shall chair the GC. If the DIO has a conflict of interest, the Vice Chair of the GME Committee shall chair the GC.
 - The GC will include 1 trainee (not in the same specialty as the trainee bringing forth the Grievance) and 1 PD/APD (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 calendar 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 identify a need to gather additional information and/or conduct further investigations.
 - Information gathering must take place within 7 calendar days of the initial GC meeting.
 - If information that was not previously available needs to be reviewed by the GC, the GC must reconvene not longer than 14 calendar days from the initial GC meeting.
- d. The GC will issue a decision within 3 calendar days of its final meeting. A copy of the decision shall be given to the trainee and the PD. A copy will be maintained in the trainee's 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 outcome and disposition will be maintained in the trainee's file. The GME Office will maintain a complete record.
- 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 enacting the findings of the GC. If the trainee has concerns that the GC findings are not being addressed in a timely manner, he/she should contact the DIO in writing to identify the specific issues which need additional follow-up.

3. **Appeal of Grievance Committee Decision**

- a. Upon receipt of the GC's decision, the trainee has 7 calendar days to appeal the decision in writing to the Chief Medical Officer (CMO).
- 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.
- c. The CMO will review the request, the GC decision, and any other documentation from the trainee or GC. The CMO will issue a decision within 5 calendar days of receiving the appeal.
- 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