

## Appeals and Grievance Procedure

### Purpose

Inform trainees of their right to due process which involves a grievance procedure for issues involving both academic and non-academic actions.

### Procedures

**Grievable Complaints:** Trainees may file complaints through the GMEC Grievance Process for placement on probation, dismissal, and termination of contract.

Issues for which Trainees may be placed on probation include, but are not limited to: an inadequate knowledge base; lack of information gathering skills; problem solving skills; clinical skills and judgment; technical skills relating to patient care; and/or professional relationships which include moral and ethical values unacceptable to the profession. Non-academic issues for which a Trainee may be placed on probation include, but are not limited to: any professional action or behavior which is considered unacceptable to the residency program faculty; failure to comply with the rules, regulations and bylaws of Eastern Virginia Medical School, the affiliated institutions of Eastern Virginia Medical School or laws of the Commonwealth of Virginia which govern the healing arts; and/or lack of certain abilities or talents which are necessary for the performance of expected duties for that specialty.

Grievances related to discrimination, harassment, and/or retaliation on the basis of age, color, disability, gender identity, sexual orientation, marital status, sex and pregnancy status, ethnic or national origin, political affiliation, race, religion, and/or veteran status should be referred to Mr. Matthew Schenk, EVMS Human Resources 757- 446-6043. For issues related to harassment and/or retaliation, see the EVMS Anti-Harassment Policy

**Non-Grievable Complaints:** Academic actions related to remediation of identified deficiencies, work/duty assignments, or policies/procedures applicable to GME Trainees are not eligible for the Grievance Process.

### Procedures for Grievable Complaints

Trainee complaints should first be addressed through the program/departmental structure. If the complaint is about the Program Director, the Trainee may skip to Step 2. If the complaint is about the Program Director and the Program Director is also the Chair, the Trainee may skip to Step 3.

Step 1: Written Statement of Complaint

If the grievable complaint cannot be satisfactorily resolved through discussion with the Program Director, within seven days of the discussion, the Trainee must provide a written Statement of the Complaint to the Program Director including the basis and nature of the complaint, facts supporting the complaint, and the requested relief. The action upon which the Complaint was filed will be stayed pending the appeals process.

Within seven (7) calendar days of receipt of the written Statement of Complaint, the Program Director will meet with the Trainee and the DIO or Associate DIO, to discuss and attempt to resolve the complaint.

Within five (5) days after the meeting, the Program Director will notify the Trainee in writing of the response to the Complaint addressing both the issues of concern and the requested relief. A copy of the notification shall be provided to the Chair of the concerned department and to the Vice Dean for Graduate Medical Education.

**Step 2: Appeal to Department Chair (Chair)**

If the complaint is not resolved through Step 1, within 10 days of receipt of the Program Director's written proposed resolution, the Trainee may continue the appeal process through notification to the Chair. Notification to the Chair must include the original written Statement of Complaint describing the basis and nature of the complaint, and a copy of the Program Director's written proposed resolution.

Within seven (7) calendar days of receipt of the Trainee's documentation described in Step 2, the Chair shall meet with the Trainee and the DIO, or Associate DIO.

Within five (5) days after the meeting, the Chair will notify the Trainee in writing of the response to the complaint. A copy of the notification shall be provided to the Vice Dean for Graduate Medical Education.

**Step 3: Appeal to the Vice Dean for Graduate Medical Education (Vice Dean)**

If the complaint is not resolved through Steps 1 or 2, within 10 days of receipt of the Chair's written response, the Trainee may continue the appeal process through written notification to the Vice Dean. Notification to the Vice Dean must include the original written Statement of Complaint describing the basis and nature of the complaint, copy of the Program Director's written response, and a copy of the Chair's written response.

Failure of the Trainee to submit the appeal to the Vice Dean within 10 days of receipt of the Chair's written response shall constitute waiver of the grievance process and the decision of the Chair will be final.

Within seven (7) calendar days of receipt of the Trainee's documentation described in Step 3-paragraph 1, the Vice Dean, a faculty member of the GMEC, and a fellow/resident member of the GMEC, and others as appointed by the Vice Dean (Grievance Committee) will review all documentation and meet with the Trainee to review the appeal.

The Grievance Committee will determine if further inquiry is required to determine resolution to the complaint and make a decision regarding the grievance appeal.

Within ten (10) days of the meeting with the Trainee, the Vice Dean for Graduate Medical Education will notify the Trainee in writing if further inquiry is necessary or will notify the Trainee of the decision on the grievance.

The Vice Dean for Graduate Medical Education, or designee, may extend the time frame for the grievance for good cause.

The decision of the Vice Dean for Graduate Medical Education will be final.

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