XIV. Policy on Grievance Process

The Department of Surgery abides by the Health Sciences Center’s Procedures for Resident Complaint as outlined in the Housestaff Policies and Procedures Manual VI. C., Page 17.

C. Resident Complaints Current residents are provided a process by which to resolve complaints and grievances related to the work environment or issues related to the program or faculty. Complaints that are covered by a TTUHSC Operating Policy, such as sexual harassment, violence in the workplace, and others, shall be referred to the appropriate office for consideration. A resident grievance of an academic action such as the non-issuance of a contract for continued training or dismissal shall be addressed under the appropriate section of these Housestaff Policies and Procedures.

1. Early Resolution Prior to filing a request for a hearing, the resident must attempt to resolve the issue through a meeting with the individual(s) involved.
   a. If the complaint involves a specific incident or clearly defined matters, the complaint must be initially communicated to the Program Director at this initial step within seven (7) business days.
   b. For complaints based on a continuing series of less clearly defined matters, the complaint must be communicated to the Program Director at this initial step no later than twenty (20) business days following the onset of the issue(s) of complaint.
   c. If the issue(s) is not resolved at this initial step, the resident shall promptly attempt resolution by proceeding through the next step(s).

2. If the complaint is against a faculty member, the resident should contact the Program Director. If not against a faculty member, the resident should contact the Chief Resident. In each case, the resident will clearly present his/her concerns and suggestions for resolution of those concerns. The Chief Resident shall make every effort to facilitate resolution of the issue(s), and shall inform the resident in writing of his/her response and reasons for that response within four (4) business days.

3. If resolution has not been achieved in Section VI, C., 1., c. above after meeting with individual(s) involved, the resident should meet with the Residency Program Director to seek resolution. The Program Director shall make a determination within four (4) business days.

4. If resolution is not achieved as a result of Section VI, C., 1., c above, or the complaint involves the Program Director, the resident may then contact the Department Chair regarding the complaint within four (4) business days from the Program Director's decision. Page 18 of 20 Last revised 10/9/2009
5. The resident will present a formal written complaint to the Department Chair including a summary of specific events, describe prior attempts to resolve the complaint, and state the remedy sought. The formal complaint cannot be changed after submission without approval of all persons concerned. The Department Chair will investigate the complaint, attempt to reconcile differences and propose a solution. The Department Chair will provide a written statement of his/her recommendation to all parties within four (4) business days from receipt of the complaint.

6. If the complaint is against the Department Chair, the resident should present the complaint to the Chair of the Campus GME Committee (GMEC).

D. Hearing Request
If the resolution recommended by the Department Chair or the Chair of the Campus GMEC is rejected by either the resident or the person against whom the complaint was filed, each may, within four (4) business days, request a hearing by submitting a written request to the Chair of the Campus GME Committee. The hearing request must include the original written complaint and remedy sought, the basis of disagreement with the proposed resolution and a copy of the Department Chair’s written recommended resolution.

E. Hearing Procedure
Upon receipt of a written request for a hearing, the Chair of the Campus GMEC, having gained assurance that the complaint does not fall under the purview of another dispute forum, will, within four (4) business days, initiate the process for establishing a Resident Hearing Panel according to the following procedure:

1. The Panel shall consist of a faculty member from the Campus GMEC appointed by the Chair of the GMEC to serve as chairperson. The Chair of the Faculty Grievance Committee will appoint an additional faculty member who will be a full-time physician from a clinical department and may, but is not necessarily required to be, a member of the Faculty Grievance Committee. The Chair of the GMEC will appoint an additional faculty member who will be a clinician involved in graduate medical education, but may not be a member of the GMEC. The fourth member of the Panel will be a Housestaff officer. The fifth member of the Panel will be a resident appointed by the President of the Housestaff. The appointed Panel members shall not be from the resident’s department or from the department of the party made the subject of the complaint. No panel member shall have a conflict of interest in this matter. The Chair of the Campus GMEC shall immediately notify both parties of the composition of the Panel. Each party has the right to request replacement of any of the proposed members of the Panel based on conflict of interest. This request must be submitted in writing to the Chair of the Campus GMEC in writing within three (3) business days of notification of the panel composition. The decision of the Chair of the Campus GMEC will be final.

2. Within four (4) business days, the Panel will coordinate and set a date for the hearing. If the resident plans to have an attorney present, he/she shall notify the Chair of the Panel not later than five (5) days before the hearing date. The
party(s) against whom the complaint is made may also have an attorney present only in an advisory capacity. An attorney from the Office of General Counsel may attend in an advisory capacity as well.

3. Within five (5) business days, the parties will submit copies of the original written complaint/response, copies of documentation and a list of the witnesses to be presented at the Hearing, and the Chair of the Panel will distribute these to the opposing party and the Panel members. Each party will then have three (3) business days to submit additional documentation or add to the list of witnesses in rebuttal. The Hearing shall be held within five (5) business days after receipt of this additional material.

4. The Chair of the Panel shall present both parties with the Agenda for the Hearing which may include opening statements, presentation by the resident, presentation by the person against whom the complaint is made and summary or closing statements. Each party shall have the opportunity to question the other party and all witnesses appearing. The responsibility of establishing the validity of the complaint rests with the resident who filed the complaint.

5. The Hearing Panel Chair shall make an audio record of the hearing, which shall include date, time and location of the hearing and names of those present. Evidence, e.g., records, written testimony, duplicated materials, etc., introduced will be noted. A copy of the audiotape of the proceedings will be provided to both parties upon written request. The original will be retained in the GME office for a period of one year.

6. All materials presented to the Panel shall be treated as confidential, and upon completion of the hearing, all materials shall be returned to the appropriate party or destroyed together with any notes taken during the process, except for a copy, which is forwarded to the Chair of the GMEC with the Panel's recommendation.

7. After completion of the hearing, the Resident Hearing Panel shall meet in closed session and prepare written findings and recommendations. Within four (4) business days of ending deliberations, the Chair of the Panel shall forward the Panel's findings and recommendations to the Chair of the Campus GMEC.

8. The Chair of the Campus GME Committee shall present the findings and recommendations to the Campus GMEC, which shall review the Panel's recommendations, provide written results of the GMEC's review and then forward the Committee's findings and recommendation and the Panel's recommendation to the Regional Dean / Associate Dean for Educational Programs for review and comment to be made within four (4) business days of receipt of the recommendations.

9. The Regional Dean / Associate Dean for Educational Programs may also provide a position regarding the findings and recommendations and shall forward the recommendations, comments and other appropriate documentation to the Dean, School of Medicine who shall make the final decision within four (4) business days of receipt of the materials.
10. Both parties shall have the right of appeal of any final decision but only on procedural grounds. The appealing party must provide written notice of appeal to the opposing party and the Regional Dean/Associate Dean for Educational Programs, and the grounds for the appeal must be submitted to the Dean within three (3) business days. Within three (3) business days, the Dean, whose decision is final, will notify all parties in writing of his decision regarding the appeal.

11. The Chair of the GMEC must approve any departures from these procedural guidelines, including established time frames, and only for cause.