**Policy Number: GME 14**

**Policy Title: Grievance Policy**

**Policy Statement:**  The purpose of the procedure is to secure at the lowest possible level equitable solutions to individual grievances which may arise about the interpretation or application of the Intern/Resident/Fellow Appointment Agreement.

Interns/Residents/Fellows are entitled to address concerns or complaints related to the work environment and issues related to the programs or faculty through a grievance process, as well as training or other disciplinary actions taken against them that could result in dismissal, nonrenewal of their contract, or other actions that could significantly threaten their intended career development.

These provisions are not available to grieve or appeal sanctions for cause, affirmative action or discrimination grievances, the termination of an Intern/Resident/Fellow due to program or department elimination or reduction or financial exigency, or to other circumstances where an OHSU policy provides that this grievance policy is not applicable.

**PRELIMINARY PROCEDURE / INFORMAL RESOLUTION**

No matter shall be submitted for the Grievance Procedure unless it has first been discussed personally by the Intern/Resident/Fellow and his/her Program Director. If the Program Director is personally involved in the matter, then the Associate Dean for GME, Designated Institutional Official (DIO) or his /her designee, shall be substituted for the Program Director. Both parties shall make a good faith effort to resolve the grievance in an informal manner.

Grievances that are within the responsibility of an OHSU department outside of their school or college, such as concerns regarding prohibited discrimination, will be referred to the appropriate OHSU office.

If the grievance is not resolved, the Intern/Resident/Fellow may proceed to Step One of the Grievance Procedure.

**INITIATION OF THE GRIEVANCE PROCESS**

If the Interns/Residents/Fellow is unable to resolve the grievance informally, the grievance shall be submitted in writing to the Associate Dean for GME, DIO or his/her designee with ten (10) business days following the grievable event or within ten (10) business days after the termination of the informal resolution phase, whichever is longer. If the grievance is not filed in writing within this timeframe, the intern/resident/fellow has no grievance pursuant to this process and procedure. The written grievance should describe the nature of the grievance, circumstances surrounding the grievance, previous efforts to resolve, and the requested remedial action. Grievances shall be reviewed by the Associate Dean for GME/DIO or his/her designee and the Legal Department to determine whether the matter is grievable.

 **GRIEVANCE PROCEDURE:**

1. The Associate Dean for GME, DIO or his/her designee will appoint a committee consisting of one (1) uninvolved Intern/Resident/Fellow and one (1) member of the Active Medical Staff appointed by the Associate Dean for GME, DIO or his/her designee; and one person from the Active Medical Staff or one (1) Intern/Resident/Fellow acceptable to and agreed upon by the two aforementioned appointed members. The Associate Dean for GME, DIO or his/her designee shall be the Chair of the Committee, shall attend to the administrative matters and may participate in the deliberations but shall not have a vote.
2. The Committee shall be formed within fourteen (14) business days of the filing of the grievance. The Committee shall hear the case as promptly as is practicable with due notice to all parties and in any event within ten (10) business days after constitution of the Committee unless delay is mutually agreed upon by all parties.
3. Evidence and argument may be submitted in writing or personally or both. Each party has the right to bring an advisor or support person to the proceedings. If the advisor or support person is an attorney, the Grievant must notify the Chair at least 5 business days prior to the proceedings. The attorney or counsel will not actively participate in the proceedings unless authorized by the Chair.
4. A record of the Grievance Committee session, except for deliberations, shall be kept. All Grievance Committee proceedings will be closed to the public.

**RESOLUTION AND GRIEVANCE PANEL RECOMMENDATION**

1. If at any time during the grievance process a resolution is reached, the Grievance Committee will prepare a statement of understanding for all parties to sign and file the statement with the Associate Dean for GME, DIO or his/her designee. If resolution is not reached, the Grievance Committee will complete its review and prepare a recommendation for the Executive Director, OHSU Healthcare, within fifteen (15) business days of the Grievance Committee session.
2. The Executive Director, OHSU Healthcare shall review the Committee recommendation and within five (5) business days notify in writing the parties involved in the dispute and the Associate Dean for GME, DIO or his/her designee of his/her approval of the Committee recommendation; and, if disapproval, of his/her decision on the grievable matter.
3. If no notice of appeal, as provided for in Step Two, is filed within five (5) business days of the Executive Director written decision, the decision shall be final. The Associate Dean for GME, DIO or his/her designee shall be responsible for seeing that any necessary action to resolve the grievance in accordance with the decision is carried out.

**RIGHT TO APPEAL**

If any party to the grievance is dissatisfied with the decision resulting from the procedure in Step One, they may appeal in writing to the Provost within five (5) business days following receipt of the decision in Step One. Appeals to the Provost may only be made upon the following grounds:

1. The program failed to follow established procedures with respect to the decision appealed from and the error resulted in prejudice to the Intern/Resident/Fellow; or
2. The decision is in conflict with applicable laws, rules or OHSU policies.

The Provost will review the appeal within thirty (30) business days, unless unusual circumstances require a longer review. The decision of the Provost is final.

**Policy Owner: Graduate Medical Education Committee**

**Amendment/Approving Committee: Graduate Medical Education Committee**

**Additional Resources**

|  |  |  |
| --- | --- | --- |
| **Form/Document** | **Use** | **Links** |
|  |  |  |
|  |  |  |
|  |  |  |

**Version control**

|  |  |  |  |
| --- | --- | --- | --- |
| **Version** | **Effective Date** | **Author** | **Description of Change** |
| 1 | 12/21/2017 |  | Original |
|  |  |  |  |