

**GMDEC Revised: February 2010**

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## **REVIEW PROCESS FOR GRIEVANCE OF DISCIPLINARY ACTIONS**

### **Informal procedure**

Residents who are concerned about actions within their programs that could significantly threaten their intended career development are encouraged to contact the DIO regarding their concerns. The DIO will work with the resident and the program as the particular situation requires.

### **Formal grievance procedure**

In the event that a resident is to be placed on probationary status, dismissed, his/her training agreement not renewed, or not promoted to a subsequent PGY level, he/she may initiate a formal grievance procedure.

The University of Tennessee Graduate School of Medicine assures the resident the right to appeal any disciplinary or adverse academic action taken by the residency program or institution that results in dismissal, non-renewal of a resident's agreement, non-promotion of a resident to the next level of training, or other actions that could significantly threaten a resident's intended career development. The grievance process is intended to provide a formal, structured review of the disciplinary action and its cause(s). All appeals must be processed according to the following policies and procedures.

The University of Tennessee - Graduate School of Medicine cannot compel participation in the formal grievance process by peers, medical staff, patients, or other witnesses, even if such is requested by a resident seeking review. Residents who have been dismissed will receive no remuneration during the pendency of review. At any of the levels of review, failure to submit a written request(s) within the designated time period(s) outlined above will constitute waiver of all rights to subsequent appeal.

### **Departmental Review**

1. Residents may initiate review of a disciplinary or adverse academic action(s) by submitting a written request for review to the department chair within ten (10) business days following the proposed adverse status. The following grievance procedures shall apply:
2. A written request by the resident for review must be submitted to the department chair within ten (10) business days. Or the resident may waive this department-level review and begin the review process at the GME level.

3. The initial review request must include: (a) all information, documents and materials the resident wants considered, and (b) the reason the resident believes the disciplinary or adverse academic action is not warranted. The resident may submit the names of fact witnesses whom the chair has discretion to interview as a part of the review process.
4. The department chair may appoint a designee or designate an advisory committee to review the decision. The committee's recommendation to the chair shall be non-binding.
5. The chair should decide and notify the resident and DIO in writing within ten (10) business days of the decision. If the decision is adverse to the resident, the notice shall also advise the resident of the right to review at the GME level.

### **GME Review**

1. The resident may appeal the adverse action following the departmental review or waive the departmental review and begin the review process at the GME level by submitting a written request to the Designated Institutional Official (DIO). The resident must submit a signed Waiver of Departmental Review Statement along with a written request for review to the DIO within ten (10) business days following notification of the proposed adverse action.

The resident's written request must include:

- any information the resident wants considered
  - any reason the resident feels the academic or disciplinary action is not warranted
  - the names of fact witnesses the resident would like called to the hearing
2. The DIO will convene a hearing. The DIO or designate will preside at the hearing but will not be a voting participant. The hearing will be scheduled within thirty (30) working days of the resident's request for a hearing. The hearing panel will consist of at least three (3) members of the GMEC, including a resident representative from the GMEC. The DIO will determine the time and site of the hearing in consultation with the resident and program leadership. Legal counsel will not be permitted in the hearing.
  3. The format of the hearing will include a presentation by a departmental representative; an opportunity for a presentation of equal length by the house officer; an opportunity for response by the representative, followed by a response of equal length by the house officer. This will be followed by a period of questioning by the hearing panel. The DIO in consultation with the departmental representatives and the resident will determine the duration of the presentations and the potential attendees at the hearing. The resident will have a right to request documents for presentation at the hearing and the participation of witnesses. The DIO at his/her discretion will invite the latter, following consultation with the hearing panel.

4. A final decision will be made by a majority vote of the hearing panel. The DIO, on behalf of the panel, will communicate in writing the final decision to the resident within ten (10) business days after the hearing. This process will represent the final appeal to the resident within the Graduate School of Medicine and the UT Medical Center.

Approved 4-05

Revised 2-10

**WAIVER OF DEPARTMENTAL REVIEW STATEMENT**

I, \_\_\_\_\_ M.D. (D.O, DDS), hereby waive the first level of review (department-level review) of the disciplinary or adverse academic action(s) taken by my residency program or other University of Tennessee Health Science Center officials.

I elect to waive department-level academic review and commence the process with review by the office the Assistant Dean for Graduate Medical Education.

Resident Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

Residency Program \_\_\_\_\_ PG Year \_\_\_\_\_

Reviewed by GMDEC 8-13-09

Approved by GMDEC