

NEWYORK-PRESBYTERIAN QUEENS
GRADUATE MEDICAL EDUCATION
POLICIES AND PROCEDURES

TITLE: GRIEVANCE AND DUE PROCESS POLICY AND PROCEDURE

PURPOSE:

To promote understanding and the possible resolution of matters that are encountered by members of the graduate staff in the day-to-day performance of duties to assure fair and equitable treatment.

POLICY:

The Graduate Medical Education Office will maintain a grievance and due process policy and procedure to address all grievances, including any restrictive corrective action, suspension, dismissal, non-promotion and non-renewal.

DEFINITIONS:

1. Grievance is an expression of dissatisfaction regarding any of the following:
 - a. The resident's written contract;
 - b. Duties assigned to a resident;
 - c. Performance reviews or evaluations;
 - d. Remediation or probation;
 - e. Restrictive corrective action including restriction or limitation of clinical privileges;
 - f. An issue regarding non-renewal of a resident's appointment;
 - g. Suspension, dismissal, non-promotion or non-renewal;
 - h. Discrimination of any type;
 - i. Application of policies

2. Ad Hoc Grievance Committee is a committee selected by the Designated Institutional Official (DIO) or his/her designee. The Ad Hoc Grievance Committee will consist of three (3) members and will include: one (1) trainee (except a resident/fellow in the same program as the trainee bringing forth the grievance), one (1) program director (PD) (except the PD in the same program as the trainee bringing forth the grievance), and (1) a Committee Chair who shall be another PD or core faculty member from a GME program (except from the same program as the trainee bringing forth the grievance).

PROCEDURE:

1. General Conflict Resolution

Every effort should be made to resolve all questions, problems and misunderstandings as soon as they arise. Accordingly, Trainees are encouraged to initiate discussions with their Program Director and/or Chief of Service at the time the dissatisfaction or questions arise. In addition, the DIO may be asked to facilitate this discussion. If there is no satisfactory response or resolution, Trainees may submit issues to the Virtual Ombudsperson.

2. Grievance Procedure

- a. If the trainee is unable to resolve his/her concern pursuant to section 1 above, the trainee may initiate the grievance procedure by submitting a written statement to the DIO or his/her designee. The written statement should set forth the basis for the grievance and the outcome or remedy sought. The written statement should be submitted for consideration within twenty (20) days of the time the trainee first had knowledge of the incident or was given notice of an action that gave rise to the grievance.
- b. The DIO or his/her designee shall select the Ad Hoc Grievance Committee (hereinafter the Committee). The DIO will facilitate a meeting between the resident, other involved parties, and the Ad Hoc Grievance Committee within thirty (30) days after receiving the grievance in writing.
- c. After the Committee and the Trainee (and other involved *parties*, as applicable) meet, the Committee may investigate further including interviewing additional individuals as necessary.
- d. In grievances involving questions relating to allegations of discrimination because of sex, sexual orientation, gender identity, age, creed, race, national origin, disability or other legally protected classes, the Chief Medical Officer, Vice President of Human Resources, and legal counsel for the Hospital shall be contacted by the DIO and shall participate in a fact-finding and advisory capacity.
- e. At no step in the grievance procedure will any outside counsel be permitted to represent the Trainee. However, each party may request to bring up to three (3) individuals within the NYPQ institution to the grievance meeting (for support only), if such requests are placed in writing to the DIO prior to the meeting.
- f. All parties involved shall treat all information in connection 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 resident's file. The GME Office will maintain a complete record.
- g. The Committee will issue a written decision to the DIO and trainee via email, hand delivery or certified mail within twenty (20) days of the meeting. A copy of the decision shall be given to the Chief Medical Officer, Clinical Service Chief and Program Director for inclusion in the trainee's file.

3. Appeal of Ad Hoc Grievance Committee Decision

- a. Upon receipt of the Committee's decision, the trainee shall have the right to appeal the decision within ten (10) days. The trainee must submit a written request, received within ten (10) days, to the Chief Medical Officer and DIO of New York-Presbyterian Queens. Failure to submit a written request within ten (10) days will constitute a waiver of the trainee's right to appeal and the Committee's decision shall be final.
- b. The Chief Medical Officer and DIO will review the request, the written decision from the Committee and any documentation provided to or by the Committee and issue a decision on the appeal within ten (10) days of the written request.
- c. The written decision of the Chief Medical Officer will be the final decision. This decision will be provided to the Trainee, Program Director, DIO, Clinical Service Chief, Ad Hoc Grievance Committee Chair and Director of GME.

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Chair, Graduate Medical Education Committee

Approved by GMEC: 1/20/2021