

PROCEDURE GME11

Subject: NONACADEMIC GRIEVANCE

Effective Date: NOVEMBER 2004

Applies to:
HOUSTON METHODIST HOSPITAL SYSTEM -
GME PROGRAMS

Date Revised/Reviewed:
AUGUST 2023

Originating Area:
GRADUATE MEDICAL EDUCATION COMMITTEE

Target Review Date:
AUGUST 2026

I. GENERAL STATEMENT

Houston Methodist is committed to providing a work environment that is conducive to the learning activities of Residents. Residents are encouraged to bring concerns or complaints about work-related conditions to the attention of their Program Directors. In order to aid prompt and constructive problem solving, this procedure provides Residents with an opportunity to present their complaints formally.

Because a Resident may have a concern outside the Program Director's scope of authority or may not wish to communicate a concern or complaint directly to the Program Director, this procedure also establishes a means by which a Resident can confidentially bring a Nonacademic Grievance, concern, or dispute to the Designated Institutional Official (DIO).

The Employee Dispute Resolution Program Internal Procedure HR09 provides Residents with the means to have their Nonacademic Grievances, concerns, or disputes reviewed and responded to in a timely and appropriate manner. This procedure may be used to adjudicate Resident concerns related to the work environment or other nonacademic issues related to Program and Faculty. The Nonacademic Grievance Procedure GME 11 defines the supervisor levels described in HR09 as they apply to Residents.

A Resident may not use HR09 or the confidential process described in this procedure (GME 11) to challenge the judgment of teaching Faculty as medical educators in evaluating the Resident's performance, in giving feedback or counseling to a Resident, or in implementing a formal plan to improve Resident's academic performance at the Program level. A Resident will use the Adverse Academic Actions Procedure to adjudicate actions that could result in probation, extension in training (for academic problems), nonrenewal of agreement of appointment (non-reappointment), non-promotion, suspension, and termination from training prior to completion of Program or that otherwise threaten a Resident's intended career development.

II. DESCRIPTION OF NONACADEMIC GRIEVANCE PROCESS

- A. Use of Procedure HR09 by Residents: The Employee Dispute Resolution Program Procedure HR09 provides Residents with the means to have their nonacademic concerns reviewed and responded to in a timely and appropriate manner. This procedure may be used to adjudicate Resident concerns related to the work environment or other nonacademic issues related to Program and Faculty. When applied to Residents, the supervisory levels identified in HR09 are by level:
1. Immediate supervisor = Supervising physician
 2. Second level manager = Program Director/Associate Program Director
 3. Third level manager = DIO (In situations where the DIO is also the Resident's Program Director, either the GME Director or the Vice President of Education will serve as the third level manager.)
- B. Confidential Grievance Procedure: In the event a Resident has concerns or complaints about his/her program or educational learning environment, it is recommended s/he first address these issues with the Program Director and/or Department Chair of the respective program. If the resident/fellow believes real or perceived conflicts of interest would preclude or render unproductive such a discussion, it is recommended that s/he contact the DIO for advice and counsel on the most appropriate course of action to address the concern(s). Additionally, if the Resident's Nonacademic Grievance, concern, or dispute is outside the Program Director's scope of authority or the Resident does not wish to include the Program Director, the Resident may communicate the Nonacademic Grievance, concern, or dispute to the DIO. The Resident should describe the Nonacademic Grievance, the reason why the Resident believes he or she is aggrieved, and the remedy sought. The DIO will evaluate the Grievance or concern and recommend resolution.

If the Nonacademic Grievance, concern, or dispute is satisfactorily resolved by either the Program Director or the DIO, the terms of the resolution will be written and will be signed by the Resident and the Program or DIO. To protect confidentiality, a copy will be given to the Resident only and the original will be maintained by the Program or the DIO.

If the Nonacademic Grievance, concern, or dispute is not satisfactorily resolved, the Resident can request adjudication by the GMEC Executive Subcommittee (GMEEC). To conduct business related to a Resident Nonacademic Grievance, concern, or dispute, a quorum for the GMEEC is defined as: the DIO, the GMEC Chair, the Resident member, one Program Director, and one Subcommittee chair. A GMEEC decision will be determined by a simple majority vote of the members present. The DIO will replace any Program Director or Resident member from the Resident's Program with representative(s) from other program(s). The Resident will be asked to provide a written statement as to why either the Program Director's or DIO's response was not satisfactory and should describe in writing the Nonacademic Grievance, concern, or dispute, the reason why the Resident believes he or she is aggrieved, and the remedy sought. The Resident will be notified in writing of the GMEEC's decision within three (3) Working Days. The decision of the GMEEC will be final.

If the Nonacademic Grievance, concern, or dispute is not satisfactorily resolved and the Resident refuses to request adjudication by the GMEEC, the Resident and the Program Director or DIO will sign an acknowledgment that the Resident refused

adjudication by the GMEEC. To protect confidentiality, a copy will be given to the Resident only and the original will be maintained by the DIO.

- C. Records: Records of each Nonacademic Grievance process conducted between a Resident and the DIO will be maintained in the Department of Graduate Medical Education.
- D. Protection from Adverse Academic Action: Houston Methodist will take no unfavorable action against any Resident because of the submission of a Nonacademic Grievance, concern, or dispute through HR09 or this Nonacademic Grievance Procedure GME 11.

III. COMMITTEE REVIEWING OR APPROVING POLICY

- 1. Graduate Medical Education Committee [11 November 2004] [11 December 2008] [10 November 2016] [12 DECEMBER 2019] [09 August 2023]

AUTHORITATIVE REFERENCES:

Accreditation Council for Graduate Medical Education, Institutional Requirement IV.D., July 2023