

HOUSE STAFF COMPLAINT/GRIEVANCE PROCEDURES

Situations may arise in which a member of the House Staff disagrees with decisions and/or actions that they believe have adversely affected them or their training. The grievance processes outlined below may be utilized accordingly to address specific instances of concern.

Retaliation against a member of the House Staff or any other individual for taking part in the complaint/grievance procedures will not be tolerated and may result in disciplinary actions against the person who engages in retaliation.

Any potential witness who has concerns about participating in the Review process should contact the DIO or Employee and Labor Relations.

1. Complaint/Grievance Procedure for Warning, Probation, Non-Renewal and/or Non-Promotion

In the event of Warning, Probation, Non-Renewal and/or Non-Promotion, if the House Staff wishes to grieve their placement on Warning, Probation, Non-Renewal and/or Non-Promotion, they should as soon as possible, but *not later than fourteen (14) calendar days from the date the notification was issued placing the House Staff member on Warning, Probation, Non-Renewal and/or Non-Promotion*, contact in writing (via e-mail or hand delivery) the person(s) who initiated the Corrective Action of Warning, Probation, Non-Renewal and/or Non-Promotion to appeal the decision. They should also copy the DIO on this communication. Every effort should be made to resolve the problem fairly and promptly at this level, within *fourteen (14) calendar days, when possible, of receiving notification of the appeal from the House Staff*. A resolution and/or decision should be communicated in writing (via e-mail or hand delivery).

If the House Staff disagrees with the appealed decision above, the House Staff may then appeal the decision further to the DIO in writing (via e-mail or delivery to the GME Office during the business hours 8:00 a.m. – 4:00 p.m.) as soon as possible but *not later than fourteen (14) calendar days from the date of notification of the appealed decision*.

The DIO will seek to resolve the issue *within fourteen (14) calendar days, when possible, of receiving notification of the appeal to the DIO from the House Staff*, and the DIO may, at

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their discretion, seek advice from other members of the faculty, House Staff, or staff as deemed appropriate. After such evaluation and/or consultation the DIO will make a decision. This decision should be communicated in writing (via e-mail or hand delivery).

If the House Staff disagrees with the decision of the DIO and wishes to appeal the decision of the DIO, they must, *within fourteen (14) calendar days after the date of notification of the DIO's decision*, notify the DIO in writing (via e-mail or delivery to the GME Office during the business hours 8:00 a.m. – 4:00 p.m.) that they wish to continue to grievance process. The DIO will then direct the chair of the GMEC to convene the Review Committee to address the appeal.

All meetings and communications in the review process, whether written, virtual, or telephonic, must be conducted without the presence of third parties, with the exception of witnesses called and appropriate administrative support. However, any party to a review process may consult with counsel prior to the review process or during a break in the process.

(See “Review Committee” below.)

A House Staff's failure to follow the above directions within the noted time frames is considered acceptance of the Corrective Action.

2. Complaint/Grievance Procedure for Summary suspension and/or Immediate Dismissal

In the event of Summary Suspension or Immediate Dismissal, if the House Staff wishes to grieve their placement on Summary Suspension and/or Immediate Dismissal, they must notify the DIO in writing (via e-mail or delivery to the GME Office during the business hours 8:00 a.m. – 4:00 p.m.) *within seven (7) calendar days of the date the notification was issued placing the House Staff member on Summary Suspension and/or of their Immediate Dismissal*.

The DIO will then direct the chair of the GMEC to convene the Review Committee to address the appeal.

All meetings and communications in the review process, whether written, virtual, or telephonic, must be conducted without the presence of third parties (including, without limitation, legal counsel), with the exception of witnesses called and appropriate

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administrative support. However, any party to a review process may consult with counsel prior to the review process or during a break in the process.

(See "Review Committee" below.)

A House Staff's failure to follow the above directions within this time frame is considered acceptance of the Corrective Action.

3. Complaint/Grievance Procedure for Issues other than Corrective Action

If the complaint involves allegations of sexual harassment and/or discrimination and/or retaliation, refer to this *House Staff Manual*, [Section I.P. EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION/ANTI- HARASSMENT/NON-DISCRIMINATION/ANTI-RETALIATION](#).

In the event the House Staff member wishes to grieve work-related issues which may not be covered elsewhere in this House Staff Manual, they should as soon as possible, but *not later than sixty (60) calendar days from the event*, contact in writing (via e-mail or hand delivery) the person(s) actions or inactions have given rise to the complaint. If the person(s) involved is not the department chair or Program Director, the House Staff should consult with their Program Director and/or department chair to seek their assistance in the resolution of the issue. Every effort should be made to resolve the problem fairly and promptly at this level.

If the House Staff disagrees with the proposed resolution, the House Staff may then appeal the decision further to the DIO in writing (via e-mail or delivery to the GME Office during the business hours 8:00 a.m. – 4:00 p.m.) as soon as possible but *not later than thirty (30) calendar days from the date of notification of the appealed decision*.

The DIO will seek to resolve the issue and may at their discretion seek advice from other members of the faculty, House Staff, or staff as deemed appropriate. After such evaluation and/or consultation the DIO will make a decision.

If the House Staff disagrees with the decision of the DIO and wishes to appeal the decision of the DIO further, they must, *within fourteen (14) calendar days after the date of notification of the DIO's decision*, notify the DIO in writing (via e-mail or delivery to the

GME Office during the business hours 8:00 a.m. – 4:00 p.m.) that they wish to continue to grievance process. The DIO will then direct the chair of the GMEC to convene the Review Committee to address the appeal.

All meetings and communications in the review process, whether written, virtual, or telephonic, must be conducted without the presence of third parties (including, without limitation, legal counsel), with the exception of witnesses called and appropriate administrative support. However, any party to a review process may consult with counsel prior to the review process or during a break in the process.

(See “Review Committee” below.)

4. Review Committee

a. Timing

The Review Committee will meet, when possible, within 30 calendar days after notification of the chair of GMEC by the DIO in the event of Warning, Probation or events classified under Issues other than Corrective Action, and within 14 calendar days after notification of the chair of GMEC by the DIO in the event of Summary Suspension, Immediate Dismissal, Non-Renewal or Non-Promotion.

b. Composition of the Review Committee

The Review Committee consists of no fewer than six members of the current GMEC. The Executive Vice President for Medical Affairs and the DIO are not eligible to serve. In addition to the chair of the Review Committee, the Review Committee must contain two House Staff and four faculty members, none of which may be from the appealing House Staff’s department.

Any member of the Review Committee (faculty or House Staff) who has a conflict or potential conflict of interest involving the appealing House Staff such that they cannot make an impartial and unbiased decision must recuse themselves from the committee and a new member of the Review Committee will be appointed by the Chair of the GMEC. However, to the extent the recused member has knowledge of or was involved in the events leading up to the corrective action, they may still be a witness. Likewise, if there is a conflict or potential conflict of interest between the Chair of the GMEC and the appealing House Staff,

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the Review Committee will elect an alternate chair for the purposes of the review. Otherwise, the Chair of the GMEC will chair the Review Committee.

The Review Committee may review the appeal only when a quorum of the Review Committee is present. A quorum shall consist of at least two of the House Staff members and at least two of the faculty members of the Review Committee. The Review Committee will meet in person. If an in-person meeting is not possible, measures will be taken to comply with the confidentiality of the process, utilizing a HIPAA complaint and secure conferencing format, either telephonic or video formats.

If there is failure to reach a quorum, due to multiple recusals or other reasons, the DIO, or Chair of the Review Committee of the GMEC, shall appoint (a) new member(s) to the Review Committee. If, due to multiple recusals or other reasons, there are insufficient program directors from GMEC to meet the number required for composition of the Review Committee, the DIO or Chair of the Review Committee will appoint (a) new program director member(s) to the Review Committee from the broader pool of active program directors, none of which may be from the appealing House Staff's department. Likewise, if, due to multiple recusals or other reasons, there are insufficient House Staff from GMEC to meet the number required for composition of the Review Committee, the DIO or Chair of the Review Committee will appoint (a) new House Staff member(s) to the Review Committee from the pool of House Staff at VUMC, as long as the member has served more than 24 months in their current program. None of the appointees may be from the appealing House Staff's department.

c. Process for Review Committee

All relevant records, including without limitation both the program and the GME file, and other documentation related to the Corrective Action, as well as names of potential witnesses will be provided to the Review Committee as a part of the review process, subject to applicable policies, procedures, rules, regulations, and laws. The House Staff will be given equal access to all documents provided to the Review Committee. Peer names in the above referenced documents and/or communications will be redacted.

The House Staff may, if they so desire, appear before the Review Committee and be given an opportunity to provide a statement, either verbal, written, or both.

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The House Staff may identify additional documents that they wish to be considered by the Review Committee. The House Staff also may identify witnesses they wish to be called and should provide a list of such witnesses to the Chair of the Review Committee who may request the witnesses to appear before the Review Committee. For each requested witness, the House Staff will provide first and last name, title, area of work, and reason they are being called as a witness.

The Review Committee will determine which witnesses, documents, and information that they will review in connection with the matter before them. The Review Committee can request additional witnesses or documents based on its review of available information. Witnesses are limited to those who were directly involved with the circumstances giving rise to the action or who are otherwise knowledgeable of the circumstances.

If there are allegations of discrimination, harassment or retaliation that have been investigated by VUMC Employee Relations, a representative of Employee Relations may appear as a witness and present their findings to the Review Committee.

The Chair of the Review Committee determines the appropriateness and number of witnesses to be called in order to provide a full and fair review of all relevant facts.

The review is conducted without the presence of attorneys in the room. However, any party to a review process may consult with counsel prior to such review or during a break in the proceedings. A transcript of the proceedings will be made.

After completion of the review, the Review Committee submits a written summary of the proceedings, evidence, and recommendations to the VUMC Executive Vice President for Educational Affairs, who makes the final decision. A copy of the summary is maintained in the GME Office and by the Chair of the Review Committee.

To the extent covered by applicable law, documents reviewed by the Review Committee and transcripts of proceedings are protected by the Tennessee Patient Safety and Quality (Medical Peer Review) statutes (T.C.A. §631-150 and T.C.A. §68-11-272), the Health Care Quality Improvement Act, and as also

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further set forth in the House Staff Manual and/or applicable VUMC policies and procedures.

The VUMC Executive Vice President for Educational Affairs provides written notification of the final decision to the House Staff, the Program Director, the Department Chair/Clinical Service Chief, the DIO, and other appropriate persons for whom notification of the Review Committee's actions is deemed necessary.

Revisions reviewed and Approved by GMEC: 05/19/2023