

**EMORY UNIVERSITY SCHOOL OF MEDICINE
DEPARTMENT OF PSYCHIATRY
AND BEHAVIORAL SCIENCES
DUE PROCESS PROCEDURES
2013-2014**

The Department of Psychiatry and Behavioral Sciences abides by the Emory GME Due Process and Grievance Procedures. The Due Process and Grievance Procedures are documented on the GME website: http://med.emory.edu/gme/housestaff/housestaff_policies/section33.html

Section 33: Grievance

A resident who has an unresolved significant dispute or complaint with the residency training program, his/her Program Director, or other faculty member may grieve the dispute or complaint in the manner described in the following Grievance Procedure. A resident may use the Grievance Procedure outlined in this Section only when he/she is a participant in an ACGME or Board accredited, Emory University School of Medicine graduate medical education program and possesses a valid, signed currently applicable GME contract for such participation. Once the grieving resident's participation in the relevant Emory graduate medical education program ends via expiration of contract term or otherwise, the resident's right to initiate or to continue this Grievance Procedure ends, and the Grievance Procedure immediately terminates regardless of any pending status of the grievance process. If the resident's participation in the Emory graduate medical education program ends while the grievance is being considered at a particular step outlined below, that consideration will immediately terminate, and any decision reached by the immediately prior decision-maker in the Grievance Procedure will be the final, non-appealable resolution of the grievance.

Only residents currently undergoing training in Emory's graduate medical education programs may utilize this Grievance Procedure. Therefore, a former Emory University School of Medicine resident is not eligible to initiate or to utilize this Grievance Procedure.

Note that this Grievance Procedure does not cover controversies or complaints arising out of the termination of a resident from an Emory graduate medical education training program during a contract period. Residents may appeal a residency appointment termination during a contract period pursuant to the procedures described in Section 34 of this Manual. Equal Opportunity Policies and procedures found in Appendix C of this Manual address the manner in which a resident may raise a complaint of discriminatory harassment.

33.01 Grievance Procedure

The Grievance Procedure has an Informal Resolution Process and a Formal Resolution Process. Each of these processes is explained below. The resident must utilize the Informal Resolution Process first, and then, if needed, advance to the Formal Resolution Process. Once the resident has used the informal and formal processes as described below, the resident cannot re-initiate the process for the same issue.

A. Informal Resolution Process

An aggrieved resident shall notify his/her Program Director, in writing, of the grievance. If the resident's grievance is with the Program Director, the resident should submit his/her grievance to the Chair of the Department. If the Chair of the Department is the subject of the grievance, the resident should submit his/her grievance to the Associate Dean for

Graduate Medical Education. If the Associate Dean for Graduate Medical Education is the subject of the grievance, the resident should submit his/her grievance to the Executive Associate Dean for Clinical Affairs.

This notification shall include all pertinent information and evidence that supports the grievance. The resident and the Program Director, the Chair, the Associate Dean of Graduate Medical Education or Executive Associate Dean of Clinical Affairs, as appropriate, hereinafter ("the Informal Resolution Process Decision-maker") or his/her designee shall set a mutually convenient time to meet to discuss the grievance and to attempt to reach a resolution. The aggrieved resident and the Informal Resolution Process Decision-maker should make a good faith effort to resolve the grievance at this informal level. Additional meetings may be scheduled either with the resident or with others **during the Informal Resolution Process to attempt to resolve the grievance.**

The Informal Resolution Process of this Grievance Procedure shall be deemed complete when the Informal Resolution Process Decision-maker informs the aggrieved resident, in writing, of his/her decision concerning the grievance. A copy of this decision shall be sent to the Program Director, Department Chair and the Associate Dean for Graduate Medical Education.

B. Formal Resolution Process

Upon completion of the Informal Resolution Process, the aggrieved resident may choose to proceed to the Formal Resolution Process.

1. The aggrieved resident must start the Formal Resolution Process by presenting his/her grievance, in writing, along with all pertinent information and evidence related to the grievance, to the Department Chair within fifteen (15) days of the conclusion of the Informal Resolution Process. [If the Department Chair is a subject of the resident's complaint or was the Informal Resolution Process Decision-maker, the aggrieved resident should submit the written grievance to the Associate Dean for Graduate Medical Education within the time deadline, and the Associate Dean for Graduate Medical Education, or his/her designee, will take the actions described in this sub-section in the place of the Chair. If the Associate Dean for Graduate Medical Education is a subject of the resident's complaint or was the Informal Resolution Process Decisionmaker, the resident should submit his/her grievance to the Executive Associate Dean for Clinical Affairs by the deadline.]

A resident's failure to submit the grievance within the fifteen-day deadline will result in the resident's waiving his/her right to proceed further with this Grievance Procedure. In this situation, the decision of the Informal Resolution Process Decisionmaker would be final.

Upon timely receipt of the written grievance, the Department Chair or his/her designee will contact the aggrieved resident to set a mutually convenient time to meet to discuss the resident's complaint. The Chair or his/her designee will review and carefully consider the material presented by the resident. In addition, the Chair/designee may engage in any further investigation and gather and review any additional information he/she believes to be appropriate and relevant when considering the resident's complaint. Ultimately, the Department Chair/designee

will provide the aggrieved resident with a written grievance determination within a reasonable period of time after the meeting.

2. Any individual who is unsatisfied with the Chair's written decision regarding the grievance may seek an appeal by submitting all grievance-related material and a written appeal request to the Associate Dean of Graduate Medical Education within fifteen (15) days after receipt of the Chair's written decision. [If the Associate Dean of Graduate Medical Education assumed the role of Chair as outlined in sub-section B.1., the individual should submit his/her grievance appeal to the Executive Associate Dean for Clinical Affairs. If the Associate Dean of Clinical Affairs assumed the role of Departmental Chair in sub-section B.1., the grievance appeal should be submitted to the Office of the Dean.] Failure to submit the grievance appeal within fifteen days after receipt of the Chair's written decision will result in the individual waiving his/her right to proceed any further with this Formal Grievance Procedure. Upon timely receipt of the grievance appeal, the Associate Dean of Graduate Medical Education or designee will review relevant information and may ask the aggrieved individual to meet and discuss the claims. The review and meeting, if desired, will be done within a reasonable time period, and the Associate Dean of Graduate Medical Education or designee will thereafter make a grievance appeal determination after taking any additional desired steps to review and address the grievance appeal.
3. Any individual who is unsatisfied with the grievance appeal determination may seek a final review by submitting all grievance-related material to the Dean of the School of Medicine within fifteen (15) days after receipt of the grievance appeal determination. Upon timely receipt of the grievance, the Dean will appoint an ad hoc grievance committee comprised of at least two faculty members from School of Medicine departments not involved in the grievance, and at least one resident who is not in the department of the aggrieved resident. The Associate Dean for Graduate Medical Education shall serve as an ex officio committee member. A quorum shall be three (3) committee members. The ad hoc committee shall hold a meeting and review relevant information provided by interested individuals as soon as feasible. This meeting shall be attended by all of the individuals directly involved in the dispute. The aggrieved resident may be asked to answer questions or present any other evidence concerning the grievance. Before, during, and after the meeting, the committee may gather and review additional relevant information pertaining to the dispute. Within a reasonable period of time after meeting with the resident, the committee will render its decision and inform the aggrieved resident, Program Director, Chair and Associate Dean for GME in writing of the decision. The decision of this ad hoc committee is final, and the entire Grievance Procedure, both the Informal Process and the Formal Process, terminates upon the ad hoc committee's rendering of a decision.