



UNIVERSITY OF
KENTUCKY
Regulations

Administrative Regulation 5:5

Responsible Office: EVPHA / GME Assistant Dean

Date Effective: **DRAFT**

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Grievance Procedure for House Officers

I. Introduction

It is the intention of the University to deal fairly with house officers; i.e., those individuals with a recognized professional degree in one of the health professions engaged in postgraduate training; Doctor of Pharmacy (Pharm.D.) and pastoral care residents; and others in training on the Graduate Medical Education rolls in the University of Kentucky College of Medicine, or other appropriate Colleges or in affiliated health care settings.

In the normal course of working together ~~on a day-to-day basis~~, problems in connection with the working relationship can ~~be expected to~~ arise. Mechanisms to raise and resolve such issues are outlined in the Graduate Medical Education Policy and Procedures manual. In most cases, the problem can and should be resolved at the first level of the program supervision. However, if a house officer faces formal action for academic or non-academic issues, including non-promotion, probation, suspension, non-renewal of contract, or termination and when a mutually satisfactory solution cannot be worked out at the first level of the program, the house officer ~~should~~shall be given an opportunity to grieve/appeal such actions pursuant to this Administrative Regulation ~~the decision~~ without fear of intimidation or retaliation ~~prejudice~~.

The procedures outlined in this Administrative Regulation herein is are designed to provide up to a four-stage grievance process to a method of dealing with house officer who wishes to appeal a Graduate Medical Education Program decision that will adversely affect the individual's standing as a student or University employee. All such grievances shall be acted upon in a prompt and equitable manner without placing an unreasonable burden on the University's resources and personnel. The proceedings are informal in nature, except when a house officer faces being dismissed from the training program. Unless a house officer is facing termination from the program, Procedural due process in this context does not require many of the features of the formal judicial proceedings employed by courts-of-law, such as public hearing, representation by counsel, cross-examination of witnesses, and adherence to rules of evidence. Thus, except for situations where dismissal from the program is proposed, emphasis is placed on a method of obtaining/getting at the facts, assuring/confirming that these se facts are reported accurately to the proper authority, and providing a decision which is fair to all concerned.

II. Grievance Procedure

A. Stage I

1. The aggrieved house officer shall state, in writing, the grounds for his or her grievance ~~any personal complaint~~ to the program director of the program in which the house officer is contracted. This must be submitted within ~~sixty (60)~~ thirty (30) calendar days of the action the house officer is appealing.

2. If a house officer's appeal raises a complaint related to harassment or discrimination, the program director shall notify the Office of Institutional Equity and Equal Opportunity (see AR 6:1).

~~2.3.~~ The grievance complaint shall be reported by the program director to the department chair.

~~4. The program director shall make every effort to resolve the matter in a mutually agreeable manner. shall be made by the program director to deal with the complaint on its merits without undue delay. However, the program director shall, within be allowed up to Within five (5) working days (Saturdays, Sundays, and holidays excluded) of receipt of the grievance, the Program Director shall provide a written response to the aggrieved house officer. to resolve the matter satisfactorily. The decision of the program director shall be termed an answer for the aggrieved house officer.~~

~~4. The program director's answer shall be in writing.~~

5. A copy of the director's written response answer shall be forwarded to the department chair and to the Graduate Medical Education office for filing in the house officer's official Graduate Medical Education file.

B. Stage II

1. If the aggrieved house officer is not satisfied with the response answer of the program director or if the answer is not received from the program director within the time allowance stated in Stage I, the house officer may appeal directly to the department chair.

2. The appeal shall be made, in writing, within five (5) working days (Saturdays, Sundays, and holidays excluded) after receiving the decision or, if no decision is received, within five (5) working days (Saturdays, Sundays, and holidays excluded) after expiration of the program director's time allowance as stated in Stage I.

3. The decision of the department chair shall be given in writing to the house officer within five (5) working days (Saturdays, Sundays, and holidays excluded) after receipt of the appeal.

4. Copies of the appeal and the decision shall be forwarded to the appropriate dean, as well as to the appropriate program director and to the Graduate Medical Education office for filing in the house officer's official Graduate Medical Education file.

C. Stage III

1. If the aggrieved house officer is not satisfied with the decision of the department chair, or if the decision is not received within the time allowance outlined in Stage II, the house officer may appeal to the dean of the college.

2. The appeal shall be made, in writing, within five (5) working days (Saturdays, Sundays, and holidays excluded) after receiving the decision or, if no decision is received, within five (5) working days (Saturdays, Sundays, and holidays excluded) after expiration of the department chair's time allowance as stated in Stage II.

3. The dean or the dean's designee shall investigate the appeal and shall forward a decision in writing to the house officer within seven (7) working days (Saturdays, Sundays, and holidays excluded) after receipt of the appeal.

4. Copies of the appeal and the decision shall be forwarded to the Medical Staff Executive Committee of the UK Chandler Hospital, as well as to the appropriate department chair, program director, and to the Graduate Medical Education office for filing in the house officer's official Graduate Medical Education file.

5. In matters pertaining to a claim of an academic freedom violation, a house officer who is not satisfied with the outcome at the conclusion of the Stage III grievance process has the opportunity to be heard before the University Senate Advisory Committee on Privilege and Tenure (GR X.D; SR 1.4.4.2.B.2).

6. In all other appeals matters, the aggrieved house officer who is not satisfied with the decision of the dean at the conclusion of the Stage III grievance process may elect to pursue the Stage IV grievance process in the manner enumerated below.

D. Stage IV

The Stage IV grievance process shall be conducted in accordance with the policies and procedures prescribed in steps 1-7 immediately below.

1. If the aggrieved house officer is not satisfied with the decision of the dean, the house officer may appeal to the Medical Staff Executive Committee of the UK Chandler Hospital, ~~if the stated grievance is one of the following:~~
 - ~~a. A charge of unfair termination of residency;~~
 - ~~b. Non-renewal of agreement (contract);~~
 - ~~c. Non-promotion to the next level of training;~~
 - ~~d. A charge of discriminatory act in violation of University fair employment rules and regulations;~~
 - ~~e. A charge of violation of pertinent basic University policies, including the University's sexual harassment policy(s);~~
 - ~~f. A charge of violation of the Code of Professional Behavior;~~
2. The appeal shall be made, in writing, within five (5) working days (Saturdays, Sundays, and holidays excluded) after receiving the decision or, if no decision is received, within five (5) working days (Saturdays, Sundays, and holidays excluded) after expiration of the dean's time allowance as stated in Stage III.
3. The Chair of the Medical Staff Executive Committee of the UK Chandler Hospital shall appoint a grievance ~~hearing~~ committee and shall designate a chair. The grievance ~~hearing~~ committee shall be composed of at least three (3) impartial members who are members of units outside the house officer's department and are either department chairs, program directors, or associate program directors.
4. The grievance ~~hearing~~ committee shall investigate the grievance, accumulate and study the facts in the case, ~~conduct hearings if deemed necessary,~~ and submit a written report of its findings and recommendations for disposition to the Medical Staff Executive Committee. When the formal disciplinary action is due to an academic deficiency or violation, no additional investigation by the grievance committee is required.

If the formal disciplinary action is the result of non-academic, disciplinary reason(s) including, but not limited to, ethical violations, violations of rules of conduct, and criminal convictions that can be adjudged objectively without any special expertise or credentials, the grievance committee shall conduct a hearing in accordance with the procedures set forth in section 5 below before submitting its findings and recommendations to the Medical Staff Executive Committee. ~~The hearing shall~~

commence no later than fifteen (15) working days after the Medical Staff Executive Committee received notice of the appeal from the house officer. If a hearing is not necessary, i.e. the dismissal or non-renewal is due to an academic violation or deficiency, the grievance committee shall submit its findings and recommendations to the Medical Staff Executive Committee within a period of ten (10) working days (Saturdays, Sundays, and holidays excluded) after notification of committee appointment, unless extended for cause.

5. The following procedures shall be followed in connection with each hearing;

- a. The house officer shall be informed in writing of the reasons for appearance before any grievance committee and be given sufficient time to prepare for the appearance;
- b. The house officer shall be provided with a copy of the rules and procedures governing the hearing before the grievance committee within a reasonable time prior to appearance before the committee;
- c. The house officer shall be notified in writing of the grievance committee's composition with sufficient time before the date of the hearing to permit the house officer to identify any member of the committee who, in the opinion of the house officer, has a conflict of interest or personal bias and request the member be recused. The Chair of the Medical Staff Executive Committee shall make the determination either to retain or disqualify a member; (QUESTION: Shouldn't this be the Chair of the grievance committee??)
- d. The hearing may be open or closed, according to the house officer's choice;
- e. The information discussed shall be treated confidentially and shall not be discussed with those not involved with the hearing;
- f. The University has the burden of proof. The standard of proof that shall apply is that a finding of responsibility is to be proven by a preponderance of the evidence. A preponderance of the evidence means that there is evidence that it is more probable than not that the violation occurred;
- g. The Chair of the grievance committee shall read a brief summary of the charges against the house officer;
- h. Each side, beginning with the University, shall be entitled to give a brief opening statement;
- i. The University shall present its witnesses and evidence and the house officer shall have the right to question the University's witnesses. The house officer shall then be entitled to present his/her witnesses and evidence and the University shall have the right to question the student's witnesses;
- j. The grievance committee members may ask questions of any witness who testifies;
- k. The house officer cannot be compelled to give testimony and refusal to do so shall not be considered evidence of responsibility for the alleged violation;
- l. After both sides have presented evidence, each side, beginning with the University, will be entitled to give a brief closing argument;
- m. The house officer is entitled to have an advisor present during the hearing, and the advisor can be an attorney. A grievance committee hearing shall not be delayed, however, due to the unavailability of an advisor;

- n. The role of the advisor shall be limited to providing advice to the accused student. The advisor cannot question witnesses, address the Chair or the grievance committee, or provide information for the panel's consideration;
 - o. After all the evidence and arguments have occurred, the grievance committee shall reconvene without the house officer or the house officer's advisor present to discuss and determine whether deny or uphold the house officer's appeal;
 - p. The hearing itself shall be recorded, but the grievance committee's deliberations shall not be recorded. The house officer shall have access to the record of the hearing;
 - q. At the conclusion of its deliberations, the grievance committee shall provide a written report to the Chair of the Medical Staff Executive Committee within seven (7) business days that summarizes the committee's recommendation regarding the house officer's appeal.
- ~~5. The house officer may have a spokesman of personal choice to represent the house officer at a scheduled hearing. At the hearing, the house officer or the house officer's spokesman shall not be permitted to confront and cross-examine other individuals but shall be furnished, in advance of the hearing, a list of those persons scheduled to appear before the committee.~~
6. The Medical Staff Executive Committee, excluding any members who previously rendered decisions at Stages I - III or participated as a grievance **hearing** committee member at Stage IV, upon reviewing the committee's recommendation, shall render a final decision and so notify the house officer in writing. A member(s) of the grievance **hearing** committee may be in attendance to present the case, but shall then leave the room and shall not be in attendance for the rendering of a decision.
7. A copy of the grievance committee's report of findings and recommendations, together with a copy of the final decision of the Medical Staff Executive Committee shall be forwarded to the program director, the department chair, the appropriate dean, and to the Graduate Medical Education office for filing in the house officer's official Graduate Medical Education file. In any case involving sexual harassment, copies of the grievance committee's report and the Medical Staff Executive Committee's final decision also shall be forwarded to the Office of Institutional Equity.

Revision History

AR II-4.0-5: 8/1/1977

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For questions, contact: [Office of Legal Counsel](#)