

West Virginia University School of Public Health Graduate Medical Education Policy on Grievances (IR IV.D)

The purpose of this policy is to provide a mechanism for resolving disagreements, disputes and complaints that may arise between residents and their Program Director or other faculty member.

Employment Grievance Procedure for Non-Academic Issues set by the State of West Virginia for State Employees

An employment grievance may be filed by the resident to address a violation, misapplication, or a misinterpretation of the statutes, policies, rules or written agreements applicable to the resident regarding classification, compensation, terms and conditions of employment, employment status, discrimination, harassment, favoritism, or any action, policy or practice constituting a substantial detriment to or interference with the effective job performance of the resident, or the health and safety of the resident. Such a grievance may also include differences relating to the resident's appointment or responsibilities with WVU Hospitals as well as the WVU SPH. The grievance procedures for such matters are set forth in the WVU Public Employees Grievance Procedure <http://grievanceprocedure.wvu.edu/>

Academic Grievances – Graduate Coursework

Residents in Preventive Medicine are required to enroll in the Master of Public Health (MPH) or an equivalent degree, or, if they already have an MPH degree, take specific classes to fulfill board certification requirements and/or at the discretion of the program. Disputes or questions of interpretation of academic policy, grading or academic dishonesty in the context of fulfilling degree or specific coursework requirements fall under the Academic and Professional Standards Policy for graduate programs set forth by WVU which are available at:
<http://catalog.wvu.edu/graduate/enrollmentandregistration/#text>

Academic Grievance - Residency Program

Residents may appeal disagreements, disputes, or conflicts with the decisions and recommendations of their program regarding academic-related issues using the procedure outlined in this section. Because successful completion of graduate coursework or degree is considered an integral part of the overall residency program, this section may additionally apply to issues related to graduate coursework or fulfilling MPH degree requirements.

Procedure

1. Level I Resolution

A good faith effort will be made by an aggrieved resident and the Program Director to resolve a grievance, which will begin with the aggrieved resident notifying the

Program Director, in writing, of the grievance within 10 working days of the date of receipt of the dispute or complaint. This notification should include all pertinent information and evidence which supports the grievance. Within ten (10) working days after notice of the grievance is received by the Program Director, the resident and the Program Director will set a mutually convenient time to discuss the complaint and attempt to reach a solution. Level I of the grievance procedure will be deemed complete when the Program Director informs the aggrieved resident in writing of the final decision. This should occur within 5 working days after the meeting between the resident and Program Director. A copy of the Program Director's final decision will be sent to the Department Chair and to the Designated Institutional Official (DIO) for GME. The resident is not entitled to legal representation during the Level 1 meeting.

2. Level 2 Resolution

If the Program Director's final written decision is not acceptable to the aggrieved resident, the resident may choose to proceed to a Level 2 resolution, which will begin with the aggrieved resident notifying the Department Chair of the grievance in writing. Such notification must occur within 10 working days of receipt of the Program Director's final decision. This resident's notification should include all pertinent information, including a copy of the Program Director's final written decision, and evidence which supports the grievance. Within ten (10) working days of receipt of the grievance, the resident and the Department Chair will set a mutually convenient time to discuss the complaint and attempt to reach a resolution.

Level II of this grievance procedure will be deemed complete when the Department Chair informs the aggrieved resident in writing of the final decision. This should occur within 5 working days of the meeting with the resident and the Chair. Copies of this decision will be kept on file with the Program Director and in the Chair's office. The resident is not entitled to legal representation during the Level 2 meeting.

2. Level 3 Resolution

If the resident disagrees with the Department Chair's final decision, he or she may pursue a Level 3 resolution of the grievance. The aggrieved resident must initiate this process by presenting their grievance, in writing, along with copies of the final written decisions from the Program Director and Department Chair and any other pertinent information, to the DIO within 5 working days of receipt of the Department Chair's final written decision. Failure to submit the grievance within the 5 working day time frame will result in the resident waiving his or her right to proceed further with this procedure. In this situation, the decision at Level II will be final.

Upon timely receipt of the written grievance, the DIO will appoint a Grievance Committee and will contact the aggrieved resident to set a mutually convenient time to meet with them. The Grievance Committee will review and carefully consider all material presented by the resident and his or her Program Director or the grievable party at the scheduled meeting.

Upon request for a formal resolution at Level III, the DIO, with the assistance of the DIO in the School of Medicine (SOM), will form a Grievance Committee composed of at least two residents, and three Program Directors from the SOM. No members of this committee will be from the aggrieved resident's own department. The SPH DIO will choose a faculty member appointed to the Grievance Committee to be the chair of the committee. The Grievance Committee hearing should occur within 20 working days from receipt of the Level III grievance.

All committee members must be present throughout the hearing. The aggrieved resident must personally appear at the Grievance Committee meeting. The Chair will preside over the hearing, determine procedure, assure there is reasonable opportunity to present relevant oral or written information, and maintain decorum. The Chair will determine if information is relevant to the hearing and should be presented or excluded. The aggrieved resident may present any relevant information or testimony from any colleague or faculty member. The Resident is NOT entitled to legal representation during the Grievance Committee hearing. The Program Director and Department Chair may be requested by the Committee to also be present for oral testimony. The Chair is authorized to exclude or remove any person who is determined to be disruptive.

The Chair may recess and reconvene the hearing by invoking the right for executive session. Upon conclusion of the presentation of oral and written information, the hearing record is closed. The Grievance Committee will deliberate in executive session outside the presence of the involved parties.

Decisions are to be determined by vote of a majority of members of the Committee and are final. After deliberation, the Chair will prepare a written decision to be reviewed and signed by all of the Committee members. The aggrieved resident should be notified within 5 working days of the hearing.

A transcriptionist may be present for the purpose of recording the meeting minutes. Minutes and the final written decision of the Committee will be placed on file with the SPH DIO, Department Chair and in the resident's academic file.

All participants in the grievance are expected to maintain confidentiality of the grievance process by not discussing the matter under review with any third party except as may be required for purposes of the grievance procedures.

The Grievance Committee will provide the aggrieved resident with a written decision within five working days of the meeting and a copy will be placed on file with the DIO, the Program Director and the Department Chair.

The decisions of the Grievance Committee will be final.

Approved by GMEC February 5, 2016

Revised and Approved by GMEC July 17, 2018