

University of Colorado School of Medicine

Graduate Medical Education

Policy: Grievance Policy and Procedure		Policy #
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Grievances are limited to allegations of wrongful suspension during the training year or non-renewal of the annual housestaff training agreement.

The decision to suspend, dismiss or terminate a house officer is an academic responsibility of the University of Colorado School of Medicine Graduate Medical Education programs. If a house officer believes he/she has been wrongfully terminated, the grievance process described below can be invoked. The process is intended to protect the rights of the housestaff and the training program and to ensure fair treatment for both parties.

In all cases of suspension, termination, or non-renewal of contract, it is expected that the appropriate probationary and remedial periods will have been performed as prescribed in this manual.

All “written notification” associated with the formal grievance process shall be by certified mail.

Grievance Procedure

1. Notification of intent to appeal: After receiving the written notification of termination, the house officer will have 10 calendar days to file, in writing, a formal appeal to the associate dean of graduate medical education. The house officer may be represented by an attorney in an advisory capacity, but the attorney may not function as a spokesperson for the house officer during this **grievance** process.

2. Assembly of review committee: Upon receipt of an appeal, the associate dean will convene an ad hoc committee to review the house officer’s case. The committee shall seek advice from University counsel who shall be present for the hearing to advise the committee. The review committee may also seek advice from outside experts in the field of the housestaff’s specialty if deemed necessary.

The review committee will include the senior associate dean for clinical affairs (or designee), one regular faculty member from a different training program and one representative from the Housestaff Association, not in the same clinical program. The senior associate dean for clinical affairs will chair the review committee. The house

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officer may object to a member of the review committee for cause. The senior associate dean has sole discretion to replace a member if deemed warranted.

- 3. Hearing:** The review committee will assess the merits of the case and hear evidence and arguments by the house officer and the program director, or department chair, or division head.

The program director, department chair, or division head is obligated to present to the review committee the reasons for and substantiating evidence of the house officer's termination. The house officer may question witnesses who testify on behalf of the program director, department chair, or division head. The house officer may present documents, letters of support and call the testimony of witnesses. These witnesses may be questioned by the program director, department chair, or division head.

The review committee shall tape record the hearing proceedings, but not its deliberations. Either party may, at its own expense, have a verbatim transcript made of the proceedings by a court reporter. Both parties may request a copy of the tape recording made by the committee.

- 4. Final Determination:** The review committee will make its determination within 30 days from the close of the hearing. The review committee will notify the house officer, department chair, division head, or program director; and the associate dean in writing of its decision. The decision of the committee to uphold the termination or to reinstate the house officer is final. Should the house officer be reinstated, the review committee may impose an additional period of probation and/or remediation as a condition of continuation.

Notification of State Boards

- 1. Reporting required for housestaff dismissed, suspended, or required to repeat year:** In accordance with the Colorado Medical Practice Act, the University will report to the Board of Medical Examiners (BME) any licensed resident who violates the provisions of the Colorado Medical Practice Act or any resident "who has not progressed satisfactorily in the program or who has been dismissed from the program for inadequate performance or ethical reasons." The phrase "not progressed satisfactorily in the program" means those residents who have been dismissed, suspended or required to repeat a year of the program.

- 2. Probation:** Probation is a remedial mechanism utilized by the University in a variety of circumstances. It is designed to improve the academic performance of a resident. In most instances, residents placed on probation continue to progress satisfactorily in a program. Reporting of residents placed on probation to the BME is not required. The University will not approve "moonlighting" for any resident on probation.

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3. Referral to Colorado Physicians Health Program (CPHP): If a resident is required to be evaluated by CPHP as a condition of probation, it will be left to the discretion of CPHP whether or not that person needs to be reported to the BME. In the event the resident fails to comply with this condition of probation, the resident either will be suspended or dismissed which would result in a report to the BME by the University. CPHP also will have discretion regarding reporting to BME those residents who have been referred to CPHP through mechanisms other than probation.