

# The American Medical Writers Association Grievance Review Process

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## Overview

The purpose of the American Medical Writers Association (AMWA) **grievance review process**\* (hereafter, **grievance process**) is to provide a standardized method for handling any **grievance** that may be brought to AMWA. This standardized process is intended to ensure that grievances are handled fairly and impartially, regardless of the topic of the grievance or the identity of the **petitioner, respondent**, or other named parties (see Parties on page 2).

The grievance process is grounded in AMWA's bylaws and code of ethics. It is intended to be as simple as possible, understandable, straightforward, and transparent. It provides a consistent, unbiased process for a petitioner and a respondent named in a grievance to resolve the issue raised. It should be implemented in a manner that is respectful to the parties.

The details of the process are described in this document (see Submission process for filing a grievance on page 3). In general, grievances are submitted in writing to the AMWA **executive director** or **president** (see American Medical Writers Association Grievance Review Form on page 13). That person will acknowledge receipt of the grievance, coordinate the handling of the grievance, and notify all named parties. Both the executive director and the president will review and screen all grievances; if they cannot resolve the grievance or if expulsion of a member is a potential outcome, they will pass the grievance on to the **Administrative Review Committee (ARC)**.

The process involves a series of sequential reviews by the executive director and president, the ARC, the **Executive Committee (EC)**, and the **Board of Directors (BOD)**. Parties to the grievance will be notified of the status at each step. The executive director and president, ARC, or EC may elect to pass the grievance to the next body in the sequence for handling. Either the petitioner or respondent may appeal a decision, except that all decisions of the BOD are final (see Appeals on page 9). All grievances and related discussions are confidential (see Security and Confidentiality on page 4).

## Scope

The AMWA grievance process covers issues or actions associated with individuals or groups related to AMWA; grievances cannot be directed toward outside individuals, groups, or organizations. A grievance may be associated with professional conduct on the part of an AMWA member or the handling of an issue by a member of the AMWA staff, national or chapter officers, or others acting on behalf of AMWA (hereafter, **agents**) (see Disposition of a grievance on page 8).

## Parties

Two parties must be involved in any grievance to AMWA: petitioner and respondent.

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\* Terms in **bold** are defined in the Definitions section on page 2.

- A petitioner is any person or group who files a grievance associated with professional or AMWA-related conduct. Eligible petitioners include AMWA members, employees, or agents, as well as nonmembers, outside groups, or commercial entities if the grievance is within the scope defined above.
- A respondent is the person or group who is the subject of a grievance. If an individual, this party must be a member, employee, or agent of AMWA. If a group, this party could be the organization as a whole or a subgroup of the organization (eg, the EC, an AMWA chapter, a task force, the *AMWA Journal* editorial board).

### **Attributes**

Grievances may be brought by a petitioner to challenge or seek redress of possible wrong done by an AMWA policy, process, or procedure. Grievances also may be brought against an individual or group concerning professional misconduct in an area of medical communication (see Disposition of a grievance on page 8). Grievances should not be frivolous or trivial and, therefore, would not include ordinary complaints that are easily or routinely handled by existing AMWA policies or procedures. In addition, grievances must not be used as a mechanism for bringing harm to an individual or group or for conferring an advantage on the petitioner at the expense of the respondent. Anyone found to bring frivolous grievances may be subject to any of the possible outcomes of this grievance process.

As regards the legal system of the United States, the AMWA grievance process should not be used to determine whether or not legal action should be initiated. A grievance must not be pursued in lieu of legal action when the activity or practice in question is illegal; legal action would supersede any AMWA process. (Similarly, any legal action in which AMWA is a party cannot be superseded by this process.) Certain circumstances may warrant the initiation of a grievance procedure as regards AMWA matters (eg, membership status, fiscal responsibility, or other responsibility) separately from any legal proceedings. In addition, after an issue has been resolved by legal action, a grievance concerning that issue cannot be filed against individuals or parties involved in the action.

### **Submission process for filing a grievance**

To submit a grievance, the petitioner must complete a grievance form (see American Medical Writers Association Grievance Form on page 13), which includes space for a detailed description of the matter and party involved. This must be sent by the petitioner to either the AMWA president\* or executive director.† Additional information or supporting documentation may be provided on separate pages.

The completed grievance form must be submitted by electronic mail or postal mail. Text messaging and instant messaging are not acceptable methods. There is no time limit for submission of grievances associated with illegal activities, but any such activity should be reported upon discovery to appropriate legal authorities as required by law. Otherwise, the petitioner must submit the grievance within 6 months after the activity occurred.

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\* The name of the current AMWA president is available publicly on the AMWA website. The address is in the membership directory, which is in the members-only section of the website.

† The executive director is Susan Krug, CAE. Her address is American Medical Writers Association, 30 West Gude Drive, Suite 525, Rockville MD 20850; her e-mail address is skrug@amwa.org.

## **Security and Confidentiality**

### **Discussions and meetings**

Written records of grievance proceedings by the ARC, EC, and BOD are confidential. If a grievance is sent to the ARC, this fact, without details, is reported to the EC at a regular EC meeting, where it becomes part of the minutes.

No discussion of the grievance should occur at the EC or BOD meeting unless the grievance has been referred by the ARC to the EC or by the EC to the BOD. If the EC or BOD is considering the grievance, a **special session** must be called during the next regularly scheduled meeting to determine disposition. No observers may be present. All discussions are confidential; no discussion can take place outside the meeting. Only the result of the vote is reported at the next official meeting.

Only the **grievance coordinator** should communicate with the petitioner or the respondent. If a member of the ARC, EC, or BOD is approached by the petitioner or respondent for comment or explanation about a grievance, that person should refer the petitioner or respondent to the grievance coordinator.

### **Documents (archiving and access)**

To ensure that confidentiality is maintained, the AMWA executive director will maintain all records related to a grievance, including correspondence and documentation of phone calls or personal conversations, in a confidential archive that is maintained for a minimum of 5 years. Access will be available only to the executive director and AMWA president (not other headquarters' staff members or other AMWA members).

No other AMWA employee or member will have access to the records except in the following situations:

- If a grievance is forwarded for consideration (eg, from the ARC to the EC), the president may share records of discussions and copies of written evidence with the body considering the grievance.
- Records of relevant previous grievances may be reviewed by a representative of a body reviewing a new grievance. Determination of relevance will be made by the executive director or president.

## **Processing of a Grievance by AMWA**

### **Initial receipt, acknowledgment, and coordination**

When a grievance is submitted to the executive director or president, that person ordinarily acts as grievance coordinator, corresponding with the petitioner and any other named party and ensuring that the grievance is processed appropriately. The grievance coordinator acknowledges receipt of the grievance in writing (letter or e-mail) and explains the next step in its processing. If the grievance coordinator determines that the

grievance is unfounded, the grievance coordinator informs the petitioner that the grievance is unfounded and is therefore dismissed.

If the grievance involves a personnel issue related to AMWA staff, the grievance will be handled confidentially by the executive director according to the employee handbook. If the grievance is sent to the president, he or she will acknowledge receipt and forward the grievance to the executive director. If the grievance is sent to the executive director, she will inform the president but will not identify the respondent or provide any details. In either situation, the executive director will advise the petitioner that the issue has been addressed and that the decision of the executive director is final (and cannot be appealed). On the other hand, a grievance involving execution of AMWA policy by AMWA staff can be processed like other grievances (see Processing flow on page 5). A grievance about the executive director will be handled by the ARC. In that event, a **conflict of interest** exists for the executive director, so the president assumes responsibility for coordination.

If the grievance involves an AMWA officer or if a potential conflict of interest exists for the president, then the executive director assumes responsibility for coordination. If a potential conflict of interest exists for both the president and executive director, the grievance is coordinated by another member of the ARC.

### **Processing flow**

Processing of a grievance is a multistep procedure, as illustrated in the Figure (see page 10).

1. The grievance coordinator reviews the grievance to determine whether it is within the scope of this process (see Scope on page 2). The president or executive director also forwards the grievance to his or her counterpart, so that every grievance is reviewed by at least 2 people. If the grievance coordinator can resolve the grievance without further processing, he or she does so, communicating with the parties as needed (see Communication with the parties on page 7).
2. If the grievance cannot be resolved by the grievance coordinator or if the initial decision is appealed by the petitioner or respondent, the grievance is forwarded to the ARC for review and resolution.
3. If the ARC cannot reach a decision or if the ARC's decision is appealed, the grievance will be summarized and irrelevant details will be omitted; the summary grievance is forwarded to the EC.
4. If the EC cannot reach a decision or if the EC's decision is appealed, the summary grievance (without irrelevant details) is forwarded to the BOD.
5. If the recommendation resulting from any review step by the coordinator, ARC, or EC is expulsion of a member, the grievance always goes to the next step in the process. A recommendation to expel a member can be reversed at any subsequent step, except that decisions of the BOD are final. If the EC recommends expulsion, the grievance is sent to the BOD for final disposition.
6. All decisions of the BOD are final.

## **Roles and responsibilities**

The petitioner:

- Submits a written grievance and agrees to abide by the grievance review process as described in this document
- Agrees to maintain confidentiality
- Responds to requests for additional information as needed during the processing of the grievance
- May submit a written appeal as described in this procedure if dissatisfied with the resolution of the grievance

The respondent:

- Communicates with the grievance coordinator; may provide a formal response to the allegations in the grievance along with supporting evidence
- Is requested to maintain confidentiality
- May submit a written appeal as described in this document if dissatisfied with the resolution of the grievance

The grievance coordinator:

- Acknowledges receipt of the grievance and explains to the parties the next step in its processing
- Ensures that the grievance is processed as described in this document
- Requests scheduling of time on the agenda for an ARC meeting or for a special session at an EC or BOD meeting for discussion of grievances
- Communicates (see Communication with the parties on page 7) with the petitioner and all named parties to inform them of the status of the grievance
- Communicates with attorney if legal opinion is required or requested

The ARC, EC, or BOD:

- Reviews grievances that have been submitted to it and, if appropriate, follows an ethics decision-making model\*
- Votes on motions for resolution of grievances (see Decisions and voting on page 7)
- May ask the grievance coordinator to request additional information from the petitioner or respondent
- May not conduct independent research as individual members to reach a decision; however, the ARC, EC, or BOD may request assistance from a third party if deemed necessary
- Maintains confidentiality and may not communicate with the petitioner, the respondent, or any other named parties regarding the grievance (see Security and Confidentiality on page 4)

## **Evidence and representation**

The petitioner may include appropriate evidence or background information with the initial grievance. The respondent receives a copy of the initial grievance and all evidence against him or her and may provide a response, including evidence. The grievance

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\* Many ethics decision-making models are available, such as the one in Barnett J, Johnson WB. Ethics desk reference for psychologists. Washington, DC: American Psychological Association; 2008.

coordinator may request more information from the petitioner or respondent but is not required to do so.

A person being considered for expulsion has the right to represent himself or herself in person or by telephone at any BOD meeting at which expulsion will be discussed; participation is at his or her own expense. In addition, the petitioner, respondent, or both have the right to legal representation at his or her own expense. If any party intends to bring legal representation to a meeting, that party must advise the coordinator accordingly, who will advise the other party.

### **Decisions and voting**

Decisions are made only after review and discussion of the grievance and any additional evidence or background information.

Before a special grievance session of the EC or BOD, the individual presiding over the special session should prepare a schedule, which should include the length of the special session. In the case of a special BOD session, the schedule should also include the amount of time allocated to the petitioner and respondent for presenting their respective cases. In addition, the individual presiding should specify rules before the session.

At the start of consideration of a grievance by the president and executive director, ARC, EC, or BOD, potential conflicts of interest will be reviewed. Any person who has a known or potential conflict of interest, either personally or through employment, should make a statement to that effect before discussion of the grievance. The person can be asked to leave the room (or the conversation in the event of a conference call) at the discretion of the president or other person presiding over the meeting or conference call. Any person with a known or potential conflict of interest is excluded from the vote on transactions or items in which he or she would benefit personally or professionally. All members of the ARC, EC, or BOD who do not have a conflict of interest may vote.

The disposition of a grievance is decided by a majority vote, conducted by secret ballot at the ARC, EC, or BOD level. A written record of the vote is made and archived. Dissenters from the majority opinion may, at their discretion, record their dissenting vote. The decision is communicated to the parties, but the numeric vote count and votes of individuals are kept confidential.

All members of the ARC may vote in ARC deliberations. The executive director may participate in ARC, EC, and BOD discussions but may not vote. In EC or BOD proceedings, the AMWA president votes only to break a tie (as specified in Robert's Rules of Order).

The petitioner or respondent to a grievance does not participate in the decision-making discussion or voting, although, as previously noted, a person being considered for expulsion may represent himself or herself at a special session of the BOD before discussion begins.

### **Communication with the parties**

Only the grievance coordinator may communicate with the parties to a grievance. Communication between the grievance coordinator and the petitioner or respondent in a grievance should be by postal or e-mail correspondence. If a phone call occurs, the

grievance coordinator follows up with an e-mail to document the content of the discussion.

The president or executive director, acting as grievance coordinator, will acknowledge receipt of a grievance and explain the next step in its processing. If the grievance is considered to be within the scope of the grievance process, the grievance coordinator will notify any individual named in the grievance, give each a copy of the grievance, and advise them of the procedure for processing the grievance. If the grievance concerns a group, the grievance coordinator will notify the representative of that group. At each step of grievance processing, the grievance coordinator sends postal or e-mail correspondence to the parties to report the status of the grievance, request additional information if required, and explain the next steps in the process.

The petitioner and respondent are notified of the final disposition of a grievance in writing, by US Postal Service or courier, with proof of delivery.

### **Documentation**

The grievance process will be posted on the AMWA Web site.

Written records of grievance review proceedings by the ARC, EC, and BOD are kept by the grievance coordinator for the purpose of preparing a response to the parties; these notes are confidential (see Security and Confidentiality on page 4). If a grievance is forwarded to the ARC by the president or executive director, this fact is reported to the EC at a regular EC meeting, where it becomes part of the minutes.

If the next body in the process for consideration is the ARC or EC, then the report is also sent to that body. If voting has occurred, the report states the outcome of the vote. The number of votes for each side is confidential. The final disposition of a grievance is communicated to the petitioner and respondent in a report that includes the key facts considered in deliberations and the rationale for the decision.

### **Disposition of a grievance**

The body considering a grievance may decide to resolve it in any way it deems appropriate within the limits of the AMWA constitution and bylaws and consistent with the objectives identified in the Overview, such as respect for all parties (see page 2). In general, resolution should begin with educational efforts, such as a letter of explanation. In some situations, alternative dispute resolution may be the first or second step, and AMWA may wish to provide a forum for the petitioner and respondent to attempt to resolve the grievance. If additional efforts are deemed necessary, efforts should progress in a stepwise manner. Examples of additional steps include, but are not limited to, a reprimand or referral to AMWA's attorney. As a final resort, suspension or expulsion from AMWA membership can be recommended, but this step should be reserved for extreme situations.

### **Timeline for grievance processing**

The timetable for disposition of a grievance depends on the nature of the grievance. All parties to a grievance will be notified within 30 days that the grievance has been received and will be told when they can expect an update on the status of the grievance. When grievances are referred to the EC or BOD, they are considered at a special session called



during the next regularly scheduled meeting of the body hearing the grievance, and the status of the grievance is reviewed at each subsequent meeting until resolution.

## **Appeals**

### **Who may appeal**

Both the petitioner and the respondent may appeal, unless the grievance involves a personnel issue related to AMWA staff. In that case, the decision of the executive director is final (see Initial receipt, acknowledgment, and coordination on page 4).

### **Appeal process**

The appeal process will be posted on the Web site. Appeal may occur after each step except the last step. All decisions of the BOD are final.

Appeals must be made in writing and must include the reason for claiming that the appeal is warranted. Appeals must be sent to the grievance coordinator by US Postal Service or courier, with proof of delivery.

Appeals will be considered by the next body in the grievance process chain. For example, appeals to decisions made by the executive director and president are forwarded to the ARC for consideration. Appeals to ARC decisions are forwarded to the EC, and appeals to EC decisions are forwarded to the BOD. Appeals are considered during a special session called at the next regularly scheduled meeting of the body hearing the appeal, and the status of any appeals is reviewed at each subsequent meeting until the grievance is resolved.

The coordinator will notify all parties to the grievance that the appeal has been received and that it will be taken under serious consideration; the coordinator will also give the parties the schedule for addressing the grievance.

### **Timeline for appeals**

An appeal must be received within 30 days after the decision has been conveyed to the petitioner or respondent.

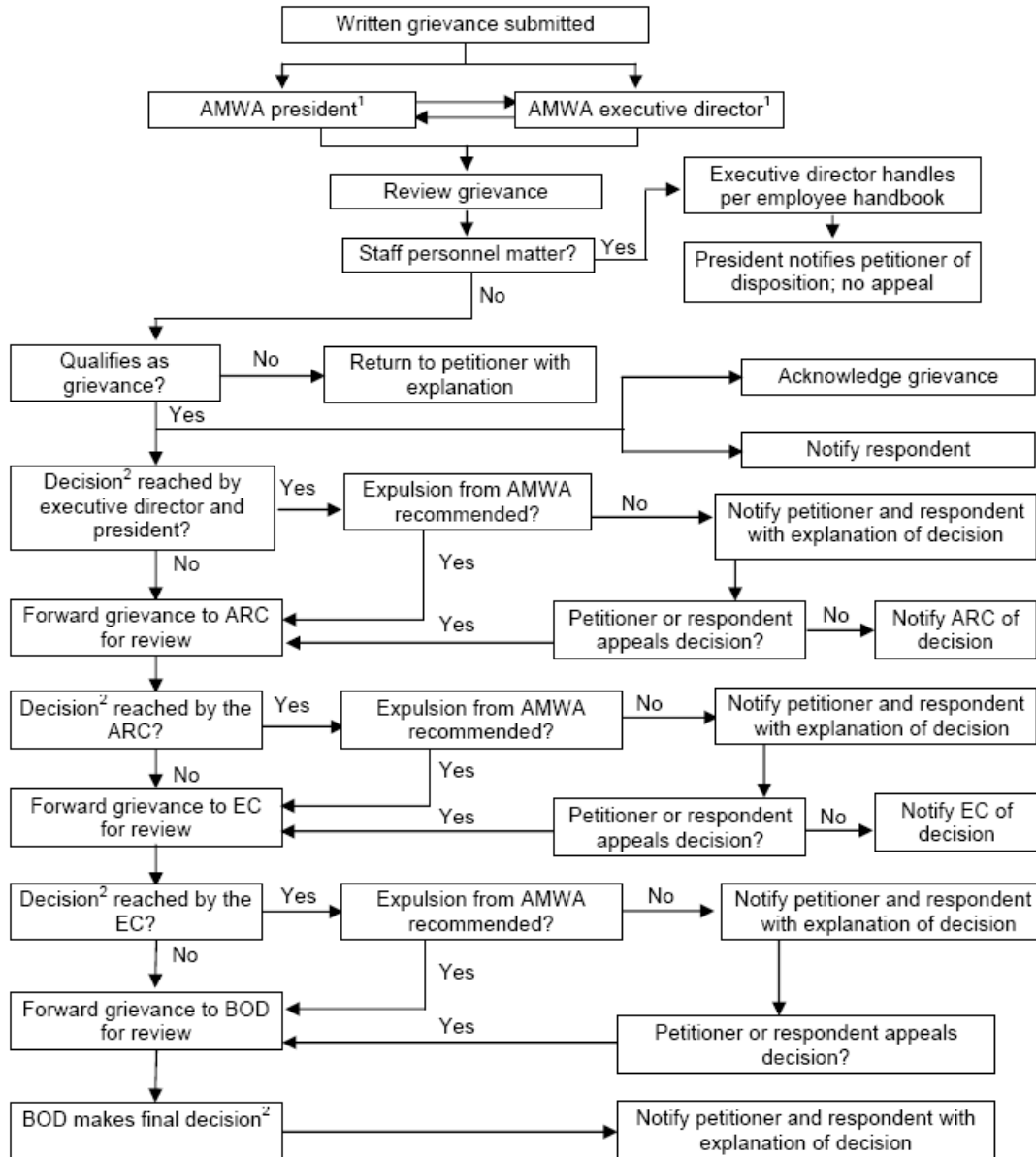
Once a final decision has been made on a grievance and all appeals have been exhausted, or if an appeal is not received within 30 days, the same grievance cannot be resubmitted. For example, a grievance reviewed and resolved by the current president and executive director, ARC, EC, or BOD may not be resubmitted for review in a subsequent year; however, processing of a grievance that has not been fully resolved in 1 year will continue into the following year.

## **Amending the Grievance Review Process**

The grievance process may be amended by the ARC or by a task force appointed by the president of AMWA. However, the EC must approve any revisions.

## Figure. Flow Diagram of Grievance Review Process

Note: Minor changes may be needed to finalize this diagram. If changes are needed, the final diagram will be distributed at the BOD meeting.



Note: This flow chart provides an overview of the grievance review process. Refer to the text for details.

<sup>1</sup> If a grievance concerns the executive director, the president is coordinator and forwards the grievance to the ARC for processing. If a grievance concerns the president, the executive director is coordinator and forwards the grievance to the ARC for processing.

<sup>2</sup> At each level, the decision could include, but is not limited to, a letter of explanation, assistance with alternative resolution of the grievance, a reprimand, referral to AMWA's attorney, or suspension from AMWA membership. At the BOD level, the decision could also include expulsion from AMWA.

## Definitions

**Administrative Review Committee.** The Administrative Review Committee (ARC) comprises the elected officers of AMWA (ie, president, president-elect, immediate past president, secretary, and treasurer).

**Agent.** An agent is a nonmember acting on behalf of AMWA, such as a contractor or an individual invited to participate in an AMWA event.

**Board of Directors.** The Board of Directors (BOD) is the official voting body of AMWA and comprises the Executive Committee and usually at least 1 delegate from each AMWA chapter.

**Conflict of interest.** A conflict of interest may occur when personal interests, either financial or nonfinancial, may prevent an individual from making an impartial decision.

**Executive Committee.** The Executive Committee (EC) comprises the association officers, administrators of departments, and the annual conference workshop coordinator. The EC is appointed by the president-elect before the annual conference at which he or she is inducted into the presidency. Appointments to the EC are subject to approval by the BOD.

**Executive director.** The executive director is the person employed by AMWA to oversee operations and management of the association and to implement the policy decisions of the officers, EC, and BOD.

**Grievance.** A grievance is a legitimate complaint concerning professional conduct associated with medical communication or the conduct of an AMWA member, or AMWA national or chapter business. Alternatively, a grievance might relate to the handling of an issue by a member of the AMWA staff, national or chapter officers, or agents of AMWA.

**Grievance coordinator.** Usually the executive director or president serves as grievance coordinator. The grievance coordinator corresponds with the petitioner, respondent, and any other named parties and ensures that the grievance is processed appropriately. If a potential conflict of interest exists for both the executive director and president, another member of the ARC will be responsible for processing the grievance.

**Grievance review process (also, grievance process).** The grievance review process is a hierarchical structure for dispute resolution that AMWA uses to address any and all complaints received. As described in this document, the process defines the types of grievances it covers, the stages through which the parties will proceed in attempting to resolve the grievance, the individuals responsible at each stage, the documentation required, and the time limits by which the grievance must be presented and dealt with at each stage.

**Petitioner.** The petitioner is the person or group who files a grievance associated with professional or AMWA-related conduct. Eligible petitioners include AMWA members or employees, as well as nonmembers, outside groups, or commercial entities if the grievance is within the scope defined above.

**President.** The association's president is the elected officer who presides over all AMWA activities for 1 year, beginning at the annual business meeting of the annual conference at which he or she takes office.

**Respondent.** The respondent is the person or group who is the subject of a grievance. If an individual, this party must be a member, employee, or agent of AMWA. If a group, this party could be the organization as a whole, or a subgroup of the organization (eg, the EC, an AMWA chapter, a task force, the *AMWA Journal* editorial board).

**Special session.** A session is held outside of a regularly scheduled meeting of the EC or BOD to review a grievance referred to the relevant body (see Discussions and meetings on page 4 and Decisions and voting on page 7).

## American Medical Writers Association Grievance Review Form

*Please note: This form is intended for use in conjunction with the AMWA Grievance Review Process. Please refer to the Grievance Review Process for detailed information about filing a grievance.*

Name (Petitioner): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ (Alternative) \_\_\_\_\_

E-mail: \_\_\_\_\_ AMWA member?  YES  No

I. Please identify the individual who is the subject of this grievance.

Name (Respondent): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ (Alternative) \_\_\_\_\_

E-mail: \_\_\_\_\_ AMWA member?  YES  No

II. Please state the grievance (500 words maximum; you may submit the contact information for other involved individuals or parties, additional specific documentation, or other supporting/illustrative materials with this form).

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III. Please specify when this matter occurred, or provide a brief timeline of relevant events or actions.

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IV. Please summarize any results or consequences related to the matter directly or indirectly, as applicable.

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I agree to maintain confidentiality regarding this matter.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Do not write below this line. If additional information is needed, the AMWA president or executive director will forward this form to the appropriate party.



V. You have been named as a party in a grievance (see above). Please complete the following:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ (Alternative) \_\_\_\_\_

E-mail: \_\_\_\_\_ AMWA member?  YES  No

Please provide additional details about the grievance (500 words maximum; you may submit additional specific documentation or other supporting/illustrative materials with this form.).

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I agree to maintain confidentiality regarding this matter.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **APPENDIX**

### **Development of the grievance review process**

In 2007, AMWA President Jim Cozzarin appointed President-elect Cindy Hamilton to lead an ethics task force, which was charged with reviewing the AMWA code of ethics and recommending ways to ensure that AMWA members were aware of the code. After review of the AMWA constitution and bylaws and consultation with the AMWA attorney, the task force recognized the need to address the following statement in the Bylaws Article I—Membership: “A member in any category may be suspended or expelled for cause by majority vote of the Board of Directors, provided that the member has been served with written notice of such cause 30 days in advance and has been offered a personal hearing by the Board of Directors in regular or special meeting.” Specifically, the stepwise process that should occur before suspending or expelling a member for cause needed to be defined and made available to the membership. The 2007-2008 task force very generally outlined a possible model. Task force members were Tad Coles; MaryAnn Foote; Art Gertel; Cindy Hamilton, chair; Sue Hudson; Marianne Mallia; Donna Munari, ex officio; Mary Royer; and Mary Whitman.

In 2008, President Cindy Hamilton appointed Past President Sue Hudson to lead a task force to define the grievance policy and refine the grievance process based on existing practice. The 2008-2009 Task Force completed a draft of this document, which explains the policy and specifies the steps involved in filing and resolving a complaint. The task force was reappointed for 2009-2010 by President Tom Gegeny to finalize the document for approval. The policy was discussed by the Executive Committee at its January 2010 meeting and approved by the Board of Directors at its May 2010 meeting. Task force members were Tad Coles; Tom Gegeny; Cindy Hamilton, chair, 2009-2010; Sue Hudson, chair, 2008-2009; Marianne Mallia; Donna Munari, ex officio; and Michele Vivirito.