

LOYOLA MEDICINE  
RESIDENT HANDBOOK  
III. POLICIES AND PROCEDURES

**III.C. GRIEVANCE PROCEDURE**

C.1. Introduction

Loyola established this grievance procedure to provide a forum for the fair resolution of grievances regarding a resident's clinical and educational performance, conduct, or eligibility to continue in one of Loyola's Graduate Medical Education Residency Training Programs.

C.2. Right to File Grievance

A resident has the right to grieve the following actions by the Acting Party (Graduate Medical Education Office, Program Director or Department Chair):

- written warning based on corrective disciplinary action;
- suspension based on corrective disciplinary action;
- termination based on corrective disciplinary action;
- academic probation or extension of academic probation based on educational or clinical performance
- termination based on educational or clinical performance; or
- non-renewal of a Graduate Medical Education agreement.

C.3. Initial Filing of a Grievance

A. All requests for grievance must be in writing and must be submitted, by the resident, to the Designated Institutional Official within fifteen (15) calendar days of the resident's receipt of the written notice of one or more of the actions described above in Section C.2. A written request for a grievance submitted by a third party on behalf of a resident will not be accepted.

B. The written request for grievance must include the following information:

1. a description of the action giving rise to the grievance;
2. the date of the action;
3. a request that the action be overturned, including justification for this request and explanation of the action leading to the grievance
4. a request for grievance by document review or hearing

If the written request fails to specifically request a hearing, the right to a hearing shall be waived and the grievance shall be determined through a review of documents as set forth in Section C.4.

A resident who fails to request a grievance in writing within the time and in the manner specified above shall have waived any right to a grievance and the action, which could have been grieved, shall be considered final.

#### C.4. Grievance By Document Review

If the grievance will be determined by document review, the following procedure will apply:

- A. Within two (2) calendar days of receipt of the written request for a document review, the Designated Institutional Official will forward the written request for document review to the Vice President of Graduate Medical Education and the Program Director.
- B. Within five (5) calendar days of receipt of the written request for grievance by document review, the Designated Institutional Official shall provide written notice to the resident requesting the grievance and Acting Party (Graduate Medical Education Office, Program Director or Department Chair) that they have ten (10) calendar days from the date of receipt of the written notice to submit written documentation or other tangible things related to the grievance directly to the Vice President of Graduate Medical Education.
- C. Within fourteen (14) calendar days of receipt of documentation from the resident and the Acting Party, the Vice President of Graduate Medical Education shall review the information submitted and issue a written report, which includes recommendations, if any, and a decision regarding the grievance at issue to the Designated Institutional Official.
- D. Within five (5) calendar days of receipt of the Vice President of Graduate Medical Education's written report, the Designated Institutional Official shall advise the resident and the Program of the Vice President of Graduate Medical Education's decision, in writing, and provide a copy of the written report. A copy shall also be retained in the resident's file in the Graduate Medical Education Office.

#### C.5. Grievance by Hearing

If the grievance will be determined by a hearing, the following procedure will apply:

- A. Within two (2) calendar days of receipt of the written request for a hearing, the Designated Institutional Official will forward the written request for hearing to the Vice President of Graduate Medical Education and the Acting Party. Upon receipt of the written request for hearing, the Vice President of Graduate Medical Education shall appoint a Hearing Committee of three (3) physicians to conduct the hearing. Members of the Hearing Committee shall not be selected from the same department or specialty as the resident requesting the hearing. Not less than five (5) calendar days prior to the hearing, the Hearing Committee shall appoint one of its members to serve as the Hearing Chairperson. The Hearing Committee will advise the Designated Institutional Official of the identity of the Hearing Chairperson once selected.

- B. The hearing shall be held within thirty (30) calendar days of the Vice President of Graduate Medical Education's receipt of the written request for a hearing. The Designated Institutional Official shall notify the resident and the Acting Party, in writing, of the date, time and location of the hearing as soon as practicable.
- C. The resident and the Program shall notify the Designated Institutional Official, in writing, by 5:00 p.m. two (2) business days prior to the date and time of the hearing, of any and all individuals whom he/she intends to present as witnesses at the hearing. The resident shall be limited to three (3) witnesses, not including him/her. The witnesses shall speak only on the disciplinary action leading to the grievance or as character witnesses. The Acting Party shall be limited to three (3) witnesses, not including the program director/department chair. The Designated Institutional Official will forward the witness lists to the Hearing Chairperson upon receipt. Witnesses not disclosed within the time and manner specified above will not be permitted to testify at the hearing.
- D. The resident and the Acting Party may submit a position statement summarizing why the action-giving rise to the grievance should overturned or upheld. The position statement must be limited to five (5) pages in length and must be submitted by 5:00 p.m. five (5) business days prior to the date and time of the hearing. The Designated Institutional Official will forward the position statement to the Hearing Chairperson upon receipt. Position statements not submitted within the time and manner specified above will not be forwarded to the Hearing Committee for consideration.
- E. At the hearing, the resident and Acting Party may present any and all information which is relevant to a resolution of the grievance including, testimony of witnesses, written documents and/or other tangible things.
- F. The Hearing Chairperson shall decide all questions of procedure. The Program will present its case first and the resident will present his/her case second. The Acting Party and the resident will each be given ninety (90) minutes to present their cases and, if requested, an additional fifteen (15) minutes for rebuttal after the other party has presented its case. Unless the Hearing Chairperson deems it necessary, the hearing will not exceed three and one half (3.5) hours.
- G. The rules of evidence do not apply and all information provided shall be considered for relevance and reliability by the Hearing Committee. Neither the Program nor the resident may question each other or cross-examine the other party's witnesses. The Hearing Committee may ask questions of any individual participating in the hearing; this does not include support persons, who are not allowed to participate in the hearing.
- H. The Hearing Committee may request additional information and/or clarification from the parties and others, as it deems appropriate. Both the Acting Party and the resident may provide additional information to the Hearing Committee within three (3) calendar days of the conclusion of the hearing. If either party wishes to provide additional information, the intent to do so must be stated prior to the conclusion of the hearing. If a party fails to disclose his/her intent to provide

additional information within the time and manner specified above, any additional information submitted will not be considered by the Hearing Committee.

- I. The Hearing Chairperson shall issue a written report, which includes recommendations, if necessary, and a decision regarding the grievance at issue to the Designated Institutional Official within fourteen (14) calendar days of the conclusion of the hearing.
  - J. Within two (2) calendar days of receipt of the Hearing Chairperson's report, the Designated Institutional Official shall advise the resident, the Acting Party and the respective Department Chair of the Hearing Chairperson's decision, in writing, and provide a copy of the written report. A copy of the Hearing Chairperson's decision and report shall be retained in the resident's file in the Graduate Medical Education Office.
- C.6. The following shall also apply to requests for grievance by document review or hearing.
- A. The resident may be assisted by any member of the Loyola community in preparing his/her side of the grievance.
  - B. If the grievance is being determined by a hearing, the resident may have a support person present at the hearing; however, the resident is solely responsible for presenting his/her case and the support person will not be permitted to participate in the hearing in any way, witness included.
  - C. The procedures are intended to be informal and collegial and to resolve disputes within the framework of the Loyola academic setting. No attorney, including family members, may be present at or participate in any grievance hearing. If the Hearing Committee determines that either party has brought an attorney into the hearing, that individual shall be asked to leave the hearing.
  - D. The grievance hearing is not a legal or judicial proceeding and no attempt shall be made to conduct the hearing in accordance with any procedural, statutory, or other rules of procedure, or evidence other than as described within this procedure.
  - E. There shall be no written transcript or audio or video recording of any grievance hearing by either party; however, individuals participating in the hearing may take notes if they choose.
  - F. The Designated Institutional Official and the Vice President of Graduate Medical Education may answer questions regarding process and procedure. Neither the Designated Institutional Official nor the Vice President of Graduate Medical Education may assist the Acting Party or the resident in preparing or presenting his/her grievance.
- C.7. Appeal to the Regional Chief Clinical Officer
- A. If the resident is dissatisfied with the decision of the Vice President of Graduate Medical Education or Hearing Chairperson, he/ she may appeal the decision in

writing to the Regional Chief Clinical Officer within seven (7) calendar days of receipt of the written decision and report.

- B. The written request for appeal to the Regional Chief Clinical Officer must include the following information:
1. a description of the action from which the grievance is taken;
  2. the date of the action; and
  3. a copy of the written decision issued by the Vice President of Graduate Medical Education or Hearing Chairperson.

A resident who fails to request an appeal in writing within the time and in the manner specified above shall have waived any right to an appeal and the decision of the Vice President of Graduate Medical Education or Hearing Chairperson shall be considered final.

- C. The Regional Chief Clinical Officer shall provide a copy of the appeal to the Acting Party, the Vice President of Graduate Medical Education or Hearing Chairperson, and the Designated Institutional Official.
- D. In conducting the appeal, the Regional Chief Clinical shall review the following:
1. The resident's written appeal;
  2. The materials submitted by the resident and the Acting Party to the Vice President of Graduate Medical Education or the Hearing Committee; and
  3. The written decision and report of the Vice President of Graduate Medical Education or Hearing Chairperson.

No additional hearing will be conducted at this stage.

- E. The issues considered by the Regional Chief Clinical Officer during the appeal shall be limited to:
1. Whether there was a material failure to comply with this Grievance Procedure so as to deny the resident a fair review or hearing; and
  2. Whether the decision of the Vice President of Graduate Medical Education or Hearing Chairperson was supported by credible information.

The Regional Chief Clinical Officer shall not conduct a new review of the action giving rise to the grievance.

- F. The Regional Chief Clinical Officer shall issue a final written decision within fourteen (14) calendar days of receipt of the written request for appeal. A copy of the Regional Chief Clinical Officer's decision shall be sent to the resident, the Acting Party, the Vice President of Graduate Medical Education or Hearing Chairperson, and the Designated Institutional Official. A copy of the Regional Chief Clinical Officer's written decision shall be retained in the resident's file in the Graduate Medical Education Office.
- G. The Regional Chief Clinical Officer's written decision is the final decision in the matter under appeal.

C.8. Dates

- A. In the event a deadline set forth above falls on a weekend or a Loyola University Medical Center Holiday, the due date shall be the next business day.
- B. Exceptions to any of the time frames set forth in this Grievance Procedure may be made in the event of extenuating circumstances and/or by mutual agreement of the parties.

C.9. Applicability

This Grievance Procedure governs all disputes regarding the professional performance, conduct and eligibility to continue in a Graduate Medical Education Program at Loyola University Medical Center. Any provisions of any departmental rules of conduct, which may conflict with or be at variance with these procedures, are superseded by this procedure.

C.10. Resolution of Other Matters

- A. For matters related to resident work environment or issues related to the program or faculty, please refer to Loyola Medicine Policy G-13 Sexual Harassment/Workplace Harassment and Loyola Medicine Policy (NUMBER NEEDED) Consensual Relationships in the Workplace, as well as Housestaff Handbook Policies III.M Harassment/Abuse in the Workplace or Policy III.O Resolution of Resident Issues. If at any point a resident raises issues of discrimination, harassment and/or hostile work environment, those issues will be referred to Human Resources for investigation and will not be addressed in the grievance proceedings.

GMEC Approved: August 2020  
Reviewed: August 2020  
Revised: August 2020