

RESIDENT HANDBOOK  
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 Loyola's Graduate Medical Education Program.

#### C.2. Right to File Grievance

A resident has the right to grieve the following actions by the program director or Chief of Staff:

- written warning based on corrective disciplinary action;
- suspension based on corrective disciplinary action;
- termination based on corrective disciplinary action;
- 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. Grievance Procedure

1. All requests for grievance must be in writing and must be submitted to the Department Chairperson within fifteen (15) calendar days of the resident's receipt of the written notice of the actions described above in Section C.2.
2. The written request for grievance must include the following information:
  - a description of the action from which the grievance is taken;
  - the date of the action; and
  - the reason(s) why the action should be overturned.

The written request for grievance must also specifically state whether the resident would like the grievance determined through the submission of documents or by hearing. A resident who fails to request a hearing in the manner specified above shall have waived any right to a hearing.

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.

3. If the grievance will be determined through the submission of documents, the following procedure will apply:
  - (a) The Department Chairperson shall forward the written request for grievance to the Chief of Staff within five (5) calendar days of receipt.
  - (b) If the Chief of Staff did not take the action subject to grievance, the Chief of Staff may conduct the review of the documents submitted or, at his election, may designate another physician to conduct the review. If the Chief of Staff did take the action subject to grievance, he shall designate another physician to conduct the review.

- (c) Within five (5) calendar days of receipt of the written request for grievance, the Chief of Staff or designee shall notify the resident requesting the grievance and the person(s) whose action is the subject of the grievance (the "respondent(s)") that they have ten (10) calendar days to submit written documentation or other tangible things related to the grievance.
  - (d) The Chief of Staff or designee shall review the information submitted by the parties and issue a written decision within twenty-one (21) calendar days of receipt of the documentation. The Chief of Staff or designee shall provide the resident, the respondent(s), and the Department Chairperson a copy of the written decision. A copy shall also be retained in the resident's file in the Graduate Medical Education Office ("Central Office of Graduate Medical Education").
4. If a hearing is requested, the following hearing procedure will apply:
- (a) The Department Chairperson shall forward the written request for grievance to the Chief of Staff within five (5) calendar days of receipt.
  - (b) If the Chief of Staff did not take the action subject to grievance, the Chief of Staff shall appoint a Hearing Committee of not more than three (3) physicians to conduct the hearing. The Chief of Staff may elect to participate as a member of the Hearing Committee. If the Chief of Staff did take the action subject to grievance, he shall designate another physician to appoint a Hearing Committee of not more than three (3) physicians to conduct the hearing. The designee may elect to participate as a member of the Hearing Committee. The Hearing Committee shall appoint one of its members to serve as the Hearing Chairperson.
  - (c) The hearing shall be held within forty-five (45) calendar days of the Chief of Staff's receipt of the written request for grievance. The Chief of Staff shall notify the resident and respondent(s), in writing, of the date, time and location of the hearing as soon as practicable.
  - (d) The resident and respondent(s) shall notify the Chief of Staff, in writing, not less than 48 hours prior to the date and time of the hearing, of any and all individuals whom he or she intends to present as witnesses at the hearing.
  - (e) The resident or respondent(s) 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 and determine the order of presentation of information. The rules of evidence do not apply and all information provided, including hearsay, shall be considered for relevance and reliability by the Hearing Committee.
  - (g) The Hearing Committee may request additional information and/or clarification from the parties and others as it deems appropriate.
  - (h) The Hearing Chairperson shall issue a written report which includes recommendations, if necessary, and a decision regarding the grievance at issue to the Chief of Staff within thirty (30) calendar days of the hearing. The Chief of Staff shall advise the resident and respondent(s) of the Hearing Committee's decision in writing.
5. The following shall also apply to requests for grievance:
- (a) The resident may be assisted by any member of the Loyola community in preparing his/her side of the grievance.

- (b) The procedures are intended to be informal and collegial and to resolve disputes within the framework of the Loyola academic setting. No attorney may participate at any hearing.
- (c) The 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 described within this procedure.

#### C.4. Appeal to the Dean of the Stritch School of Medicine

1. If the resident is dissatisfied with the decision of the Chief of Staff, designee or Hearing Committee, he or she may appeal in writing to the Dean of the Stritch School of Medicine ("the Dean") within fifteen (15) calendar days of receipt of the written decision.
2. The written request for appeal to the Dean must include the following information:
  - a description of the action from which the grievance is taken;
  - the date of the action;
  - a copy of the written decision issued by the Chief of Staff, designee or Hearing Committee;
  - and
  - reason(s) why the action and/or written decision of the Chief of Staff, designee or Hearing Committee should be overturned.

No additional hearing will be conducted at this stage.

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.

3. The Dean shall provide a copy of the appeal to the respondent(s), the Chief of Staff, designee, or Hearing Committee.
4. The Dean may request additional written information and or clarification from the parties and others, as he or she deems appropriate.
5. The Dean shall issue a final written decision within thirty (30) calendar days of receipt of the written request for appeal. A copy of the Dean's decision shall be sent to the resident; the respondent(s); and the Chief of Staff, designee or Hearing Committee. A copy shall also be retained in the resident's file in the Central Office of Graduate Medical Education.
6. The Dean's written decision is the final decision in the matter under appeal

#### C.5 Applicability

This grievance procedure governs all disputes regarding the professional performance, conduct and eligibility to continue in the Graduate Medical Education Program at Loyola University Medical Center and 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.6 Resolution of Other Matters

For matters related to resident work environment or issues related to the program or faculty, please refer to Policy IIIO Resolution of Resident Issues.

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