1. PURPOSE

The purpose of this policy is to define procedures related to grievance, non-reappointment or termination of appointment. Procedures for grievance and discipline are defined.

2. POLICY

The duties, privileges, authority and responsibilities of GME Trainees (Interns, Residents and Fellows) are governed by their letters of appointment, by specific written authorization or delegation by the Dean, and by the rules, regulations, policies and procedures of the Medical Staffs and Hospitals. The guidelines of the University concerning employees and students will not be applicable to GME Trainees, unless so stated in the particular policy, regulation or guideline.

GME Trainees will be appointed for the term or terms set out in their letters of appointment and will be renewed in accordance with the provisions of their letters of appointment.

The term “grievance” shall mean any dispute concerning the GME Trainees’ conditions of work, notice of non-reappointment, or the interpretation or application of any rule, regulation, letter of appointment, practice or policy of the Indiana University School of Medicine or its affiliated hospitals.

Non-reappointment or non-renewal refers to a decision not to renew a resident’s contract for a subsequent year of training resulting in its expiration at the end of the current term and termination of employment.

Termination refers to revoking or terminating a resident’s contract prior to the end of a current contract.

The appointment of a GME Trainee may be revoked or terminated prior to the end of a current term of appointment for failure to abide by the rules and regulations, or policies and procedures of the Medical Staffs and Hospitals, or for activities or professional conduct considered to be disruptive to the operations of the hospitals, or to the quality of patient care, or the teaching programs, or activities which constitute a material breach of the letter of appointment.

Whenever a GME Trainee's conduct or activities, in the opinion of the Associate Dean of Graduate Medical Education or designee, may cause a threat of injury or damage to the health or safety of patients, employees or other persons in the hospital or to the GME Trainee unless prompt remedial action is taken, or if it appears reasonable to believe that the GME Trainee has failed to observe all laws or principles of medical ethics of the profession in such a manner as to impose a threat to patient care or the high ethical standards expected of GME Trainees, the Associate Dean of
Graduate Medical Education or designee may summarily suspend all or any part of GME Trainee's duties at such time and for such duration and under such terms and conditions as stated in the Procedure for Summary Suspension.

3. **SCOPE**

This policy applies to all Indiana University School of Medicine (IUSM) GME resident and fellow physicians.

4. **DEFINITIONS**

4.1 A GME Trainee is an IUSM resident or fellow, or a non-IUSM resident or fellow electively rotating through IUSM and provides clinical care as part of a GME program.

5. **PROCEDURE**

The procedures and remedies provided herein will be the exclusive remedies available to a GME Trainee who is disciplined or whose letter of appointment is modified, terminated or will not be renewed.

5.1 **Procedure for Filing a Grievance Based on Discrimination**

a. Formal charges of discrimination based on race, sex, age, religion, national or ethnic origin, disability, marital status, sexual orientation, or veteran status, should be filed with the campus Affirmative Action Office.

b. Prior to filing a formal complaint with the Affirmative Action Office, GME Trainees are encouraged to utilize preliminary steps such as the Teacher-Learner Advocacy Committee (TLAC). *(Reference 1)*

c. The submission of a grievance shall not relieve a GME Trainee from his or her responsibilities, including patient care, pending the outcome of any grievance.

5.2 **Procedure for Non-Reappointment of Contract**

For any grievance related to non-reappointment, the following procedure shall apply.

a. First, the GME Trainee shall promptly discuss his or her concern with the Trainee’s program director.

b. If the matter is not satisfactorily resolved, the GME Trainee shall forward his or her written grievance to the Associate Dean of Graduate Medicine within five (5) days.

c. The Associate Dean of Graduate Medical Education shall then review the written grievance.

d. Following review of the written grievance, and recommendation, if applicable, the Associate Dean of Graduate Medical Education shall, with
the consultation and approval of the Dean of the School of Medicine, promptly render a final decision, thus completing the grievance process.

5.3 Procedure for Discipline or Termination of Contract

For any grievance stemming from discipline or termination (not including notice of non-reappointment) of the GME Trainee, the procedures outlined below shall govern.

a. The Hospital Director, or Chair of the Department, or Program Director, or Chief of a Service, Department or Section, may lodge a complaint with the Associate Dean of Graduate Medical Education that there are reasons for the discipline or termination of the letter of appointment of a GME Trainee, or the Associate Dean of Graduate Medical Education may initiate the matter.

b. The chair of the TLAC may also report egregious actions by a GME Trainee that have come to the attention of the TLAC to the Associate Dean of Graduate Medical Education.

c. If the complaint is made by a Chief of a Service or Director of a Section, or if the information has come to the Associate Dean of Graduate Medical Education from other sources including the TLAC, the complaint will be referred by the Associate Dean of Graduate Medical Education to the Chair of the Department or to the Program Director to which the GME Trainee is currently assigned.

d. The Chair of the Department or the Program Director will then investigate the matter, and in not less than twenty (20) days after such referral, make a written report and recommendation to the Associate Dean of Graduate Medical Education.

e. If the complaint is made by the Chair of the Department or Program Director in which the GME Trainee is currently assigned, the Chair will state the charges with reasonable particularity and make a written report and recommendations to the Associate Dean of Graduate Medical Education.

f. If the matter has not been satisfactorily resolved, the Associate Dean of Graduate Medical Education will furnish to the affected person, a written notice of

1) the charges in reasonable particularity,
2) the Associate Dean of Graduate Medical Education's proposed recommendation, and
3) the right to be heard by the Associate Dean of Graduate Medical Education.

g. Such notice will be sent by certified or registered mail, return receipt requested.

h. Notice will be deemed delivered by either deposit via certified mail to the last known address of the affected Trainee or by personal delivery.

i. The GME Trainee will have fifteen (15) days after the mailing of such written notice or hand delivery to request a hearing by the Associate Dean of Graduate Medical Education, and failure to request a hearing will be deemed a waiver of the hearing.

j. If the affected person does not request a hearing, the Associate Dean of Graduate Medical Education may request a hearing to obtain more
information, or forward his/her recommendations to the Dean who will take final action.

5.4 Procedure for Summary Suspension

a. This action will be reported in writing to the Chair of the Department, the Program Director, the Dean, and the affected GME Trainee.
b. The GME Trainee has the right to a hearing to appeal the summary suspension in accordance with this article, providing the request is made within fifteen (15) days of the date of the Order of Summary Suspension.

5.5 Procedure for a Hearing

a. If a request is made for hearing by the Associate Dean of Graduate Medical Education, the Associate Dean of Graduate Medical Education will promptly and in no event less than five (5) days prior to the date of the hearing, notify the GME Trainee in writing of the date, time, and place of the hearing, and will state in concise language the acts or omissions with which the GME Trainee is charged.
b. The Associate Dean of Graduate Medical Education may appoint an Ad Hoc Hearing Committee or may hear the grievance him/herself. An accurate record of the hearing will be kept, which may be accomplished by the use of a court reporter or a recording device.
c. The affected person against whom the complaint has been lodged will have the right to be present at the hearing, but if the person fails without just or due cause to appear at the hearing, the failure will be deemed a waiver of the opportunity for hearing, in the same manner as though one had not been requested.
d. The person will be entitled to be accompanied by or represented at the hearing by a member of the Medical Staff or an attorney.
e. The Associate Dean of Graduate Medical Education may also be represented by an attorney.
f. The hearing need not be conducted strictly according to the rules of law relating to the examination of witnesses or presentation of evidence, and will be conducted by the Associate Dean of Graduate Medical Education on an intra-professional basis.
g. Any relevant matter upon which responsible persons customarily rely in the conduct of serious affairs will be considered.
h. The affected person will have the right to call and examine witnesses, to introduce written evidence, to cross-examine any witness on any matter relevant to the issue of the hearing, and to challenge any witness and to rebut evidence.
i. If the affected person does not testify on their own behalf, the person may be called and examined as if under cross-examination.
j. The hearing will be confidential and open only to the Associate Dean of Graduate Medical Education and those participating in the hearing process. Observers are allowed only by mutual agreement of the parties.
k. Within fourteen (14) days after the matter has been heard, the Associate Dean of Graduate Medical Education will transmit his/her recommendations to the Dean and the affected person.

l. The affected person may request an informal hearing with the Dean within five (5) days of the Associate Dean of Graduate Medical Education's recommendation.

m. Within five (5) days of the Associate Dean of Graduate Medical Education's recommendation, the Dean will make the decision, which will be final and will be transmitted in writing to the affected GME Trainee, with a copy to the Associate Dean of Graduate Medical Education, the Chair of the Department, and the Program Director.

6. IMPLEMENTATION

The Designated Institutional Official (DIO) for Graduate Medical Education is responsible for implementation of this policy.

7. OVERSIGHT

Policy authority for this document resides with the Graduate Medical Education Committee. The DIO and the Graduate Medical Education Committee are responsible for oversight. This policy will be reviewed every three years or more often if deemed necessary.

8. REFERENCES

1. The Teacher Learner Advocacy Committee

Information on the Teacher Learner Advocacy Committee (TLAC) can be found at:

http://faculty.medicine.iu.edu/docs/TLACbrochure.pdf

Supersedes: 08/13/2008
Approved by GMEC: 05/15/2013

Peter Nalin, MD, Associate Dean, GME
Electronic Signature on File

Issued by: ____________________________
(Signature and Title)