

**INDIANA UNIVERSITY SCHOOL OF MEDICINE
AND RADIOLOGY DEPARTMENT
PROCEDURES FOR GRIEVANCE, DISCIPLINE
AND TERMINATION**

- **General Policy:** The duties, privileges, authority and responsibilities of trainees (Interns, Residents and Fellows) are governed by their contracts of appointment, by specific written authorization or delegation by the Dean, School of Medicine 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 members of the house staff, unless so stated in the particular policy, regulation or guideline.
- **Terms of Appointment:** Members of the house staff will be appointed for the term or terms set out in their contracts of appointment and will be renewed in accordance with the provisions of their contracts of appointment.
- **Grievance Procedure:** The term "grievance" shall mean any dispute concerning the trainee's conditions of work, or the interpretation or application of any rule, regulation, contract of appointment, practice or policy of the Indiana University School of Medicine or its affiliated hospitals. 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. Prior to filing a formal complaint with the Affirmative Action Office, trainees are encouraged to utilize preliminary steps such as the Teacher-Learner Advocacy Committee. The submission of a grievance shall not relieve a trainee from his or her responsibilities, including patient care, pending the outcome of any grievance.

For any grievance, other than one stemming from discipline or termination, the following procedure shall apply. First, the trainee shall promptly discuss his or her concern with the member's program director. If the matter is not satisfactorily resolved, the trainee shall forward his or her written grievance to the Director of Graduate Medicine within five (5) days. The Director of Graduate Medical Education shall then review the written grievance and may, as he/she deems necessary, refer the grievance to an appropriate body or person (e.g., the Teacher-Learner Advocacy Committee or Affirmative Action Office) for an advisory recommendation. Following review of the written grievance, and recommendation, if applicable, the Director 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. For any grievance stemming from discipline or termination of the trainee, the procedures outlined below shall govern.

- **Termination of Appointment:** The appointment of a 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 contract of appointment.

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- **Procedure for Discipline or Termination:** 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 Director of Graduate Medical Education that there are reasons for the discipline or termination of the contract of appointment of a trainee, or the Director of Graduate Medical Education may initiate the matter. The chair of the Teacher/Learner Advocacy Committee (TLAC) may also report egregious actions by a trainee that have come to the attention of the TLAC to the Director of Graduate Medical Education. If the complaint is made by a Chief of a Service or Director of a Section, or if the information has come to the Director of Graduate Medical Education from other sources including the TLAC, the complaint will be referred by the Director of Graduate Medical Education to the Chair of the Radiology Department or to the Radiology Residency Program Director to which the trainee is currently assigned. The Chair of the Radiology Department or the Radiology Residency 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 Director of Graduate Medical Education.

If the complaint is made by the Chair of the Radiology Department or Radiology Residency Program Director in which the trainee is currently assigned, the Chair will state the charges with reasonable particularity and make a written report and recommendations to the Director of Graduate Medical Education. If the matter has not been satisfactorily resolved, the Director of Graduate Medical Education will furnish to the affected person, a written notice of 1) the charges in reasonable particularity, 2) the Director of Graduate Medical Education's proposed recommendation, and 3) the right to be heard by the Director of Graduate Medical Education. Such notice will be sent by certified or registered mail, return receipt requested. Notice will be deemed delivered by either deposit via certified mail to the last known address of the affected member or by personal delivery. The trainee will have fifteen (15) days after the mailing of such written notice or hand delivery to request a hearing by the Director of Graduate Medical Education, and failure to request a hearing will be deemed a waiver of the hearing. If the affected person does not request a hearing, the Director 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.

- **Summary Suspension:** Whenever a trainee's conduct or activities, in the opinion of the Director 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 trainee unless prompt remedial action is taken, or if it appears reasonable to believe that the 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 trainees, the Director of Graduate Medical Education or designee may summarily suspend all or any part of the trainee's duties at such time and for such duration and under such terms and conditions as stated in the

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Order of Summary Suspension. This action will be reported in writing to the Chair of the Radiology Department, the Radiology residency Program Director, the Dean, and the trainee. The 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.

- **Hearing:** If a request is made for hearing by the Director of Graduate Medical Education, the Director of Graduate Medical Education will promptly and in no event less than five (5) days prior to the date of the hearing, notify the 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 trainee is charged. The Director 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 tape recorder. 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. The person will be entitled to be accompanied by or represented at the hearing by a member of the Medical Staff or an attorney. The Director of Graduate Medical Education may also be represented by an attorney. 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 Director of Graduate Medical Education on an intra-professional basis. Any relevant matter upon which responsible persons customarily rely in the conduct of serious affairs will be considered. 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. If the affected person does not testify in their own behalf, the person may be called and examined as if under cross-examination.

The hearing will be confidential and open only to the Director of Graduate Medical Education and those participating in the hearing process. Observers are allowed only by mutual agreement of the parties. Within fourteen (14) days after the matter has been heard, the Director of Graduate Medical Education will transmit his/her recommendations to the Dean and the affected person. The affected person may request an informal hearing with the Dean within five (5) days of the Director of Graduate Medical Education's recommendation. Within five (5) days of the Director 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 house staff member, with a copy to the Director of Graduate Medical Education, the Chair of the Radiology Department, and the Radiology Residency Program Director.

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- **Exclusive Remedy:** As stated above, the procedures and remedies provided herein will be the exclusive remedies available to a trainee who is disciplined or whose contract of appointment is modified or terminated.