Section 7: - Administrative Academic and Disciplinary Processes

- Grievances
- Remediation Actions
- Disciplinary Actions
- Academic Appeal Processes
- Voluntary Termination
GRIEVANCES

At the University of Illinois College of Medicine Rockford, a resident may raise and resolve issues without fear of intimidation or retaliation. The DIO and the chair of the Graduate Medical Education Committee maintain an open door policy.

The individual residency program may have extensive grievance policies and procedures and will make them available to all residents and faculty.

Approved: 4/25/2017
**REMEDICATION ACTIONS**

Remediation actions are designed to define and correct areas of marginal and/or unsatisfactory performance by a resident to close an identified learning gap. These actions include Performance Review, Academic Remediation, repeating a rotation(s) and repeating an academic year. Each is designed to correct a deficiency and is **not** a form of discipline. If a remediation action should result in the non-promotion of a resident to the next level of training, then it may be subject to the University of Illinois College of Medicine Rockford Graduate Medical Education Appeal process.

**PERFORMANCE REVIEW**

A performance review is a tool that program directors may use to formally notify residents on areas of marginal/unsatisfactory performance noted by the faculty and/or program director. This review is designed to assist the program director in counseling and developing an improvement plan for the resident.

Performance reviews are not to be used as a substitute for the ongoing assessment and evaluation of residents during training. Performance Reviews may be used at the first written notice to the resident that their current performance needs improvement in any of the six (6) ACGME competencies. Any resident who receives an overall marginal or unsatisfactory evaluation for any rotation, semi-annual evaluation, or year of training should have a Performance Review on file. The Performance Review should be signed by the resident and documents the performance concern(s) and strategies for improvement. The Performance Review should be started as soon as marginal/unsatisfactory progress has been identified. The resident should be informed within 7-10 working days. If the resident fails to meet the expectations documented in the Performance Review, Academic Remediation may be implemented.

**ACADEMIC REMEDIATION**

Academic Remediation is a remediation action that may be used by the program directors in instances where the resident has failed to comply with the academic requirements established by the residency training program, University of Illinois College of Medicine Rockford, and/or participating institutions. Academic Remediation may serve as an official notice to the resident of unsatisfactory performance and expectations for remediation. Typically the deficiencies are associated with a significant lapse in one or more of the six (6) ACGME competencies. The deficiencies may also include disruptive physician behaviors not addressed in the ACGME competencies.

If the program director implements Academic Remediation, he/she is required to provide the resident with a notification letter advising him/her of the Academic Remediation status and the area(s) of unsatisfactory performance, measures to improve performance, time frame for completion, and consequences of not addressing the issues outlines. A copy of the notification letter, signed by the program director and resident, must be sent to the DIO. If a resident failed to satisfactorily meet the expectations outlines in the Academic Remediation document, additional remediation, disciplinary, or adverse actions may be implemented.

**REPEAT ACADEMIC YEAR**
Repeating an academic year is a remediation action that may be used in limited situations such as: overall unsatisfactory performance during the academic year and failure to pass an annual written examination. Each residency program is responsible for establishing specific written criteria for repeating an academic year. At least four (4) months prior to the end of the academic year, the resident shall receive written notice of his/her requirement to repeat the academic year. If the primary reason(s) for non-promotion occurs within the last four (4) months of the contract year, the program will provide the resident with as much written notice of non-promotion as reasonably possible. A copy of the notification, signed by the program director and resident, will be sent to the DIO. Any resident receiving a non-promotion to the next level of training may implement the GME Academic Appeal process.

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DISCIPLINARY ACTIONS

Disciplinary actions are typically utilized for serious acts requiring immediate action. Whenever the professional activities, conduct, or demeanor of a resident interferes with the discharge of assigned duties or those of other University or affiliated institution employees or jeopardizes the well-being of patients, the University, through its administration, reserves the right to respond to the situation through corrective action as it sees fit. All disciplinary actions, unless otherwise specified, are subject to the University of Illinois College of Medicine Rockford Graduate Medical Education Academic Appeal Process. All disciplinary actions will become a permanent part of the resident training record.

CAUSES FOR CORRECTIVE ACTION
The following list provides examples of resident actions that can be grounds for discipline. The list is not intended to be inclusive of all reasons for corrective action. The program director considers the severity of the infraction, prior warnings and efforts on the part of the resident to correct his or her behavior when determining the course of action.

1) Behavior that threatens the well-being of patients, medical staff, employees or the general public.
2) Other substantial or repeated misconduct considered to be professionally or ethically unacceptable, or which is disruptive to the normal and orderly functioning of the institution to which the resident is assigned.
3) Failure to conform to the terms of the Resident Agreement, or established policies and procedures of the program, University, and/or University of Illinois College of Medicine Rockford (UICOMR).
4) Failure to comply with federal, state and local laws.
5) Failure to provide patient care of satisfactory quality expected for the resident’s training level.
6) Sexual harassment, sexual misconduct, or abuse.
7) Repeated or lengthy absences from work assignments without reasonable excuse.
8) Fraud by commission or omission in application for the residency position or in completing other official University documents.
9) Failure to perform normal and customary services of a resident as defined by the accreditation body.
10) Suspension, revocation, or any other activation, voluntary or not, of a resident’s license by the State of Illinois for any reason.

Corrective action may or may not be progressive, in that it follows the order of actions listed below. If a resident’s behavior, in the judgement of the program director and/or the University of Illinois College of Medicine Rockford (UICOMR) administration warrants removing the resident from normal duties, suspension or dismissal may be imposed without prior warning.

ORDER OF DISCIPLINARY ACTIONS

Written Warning
The program director may issue a letter of warning to a resident. The letter will detail the situation, the remedy requirement of the resident and the consequences of not correcting the situation. A copy of the letter will be placed in the resident’s department file.
**Probation**
Probation is a disciplinary action that constitutes notification to a resident in writing of specific deficiencies that must be corrected in a stated period of time. Probation is typically the last opportunity to correct deficiencies and the final step before dismissal occurs. The resident will receive credit for training time and the salary and benefits will remain in force during the probation period.

The program director will schedule a meeting with the resident to discuss the reasons for probation, the actions required by the resident and the date of the probation. The program director must present a letter that is reviewed in advance by the Designated Institutional Officer (DIO). A copy of the probation notification, signed by the program director and resident, must be placed in the resident’s file and sent to the DIO.

At the end of the probationary period, the program director meets again with the resident and depending on the resident’s performance makes the decision to:

1. Remove from probation,
2. Give an additional period of probation; or,
3. Enter into the termination process.

**Suspension**
A resident may be suspended from all program activities and duties by his or her program director, department chair, the Assistant Dean for Graduate Medical Education, or the Dean of the College of Medicine Rockford. Program suspension may be imposed for conduct that is deemed to be grossly unprofessional, incompetent, erratic, potentially criminal, non-compliant with the University of Illinois College of Medicine Rockford policies, procedures, and Code of Conduct. All suspensions must be reported to the DIO.

1. **Summary Suspension:** The program director and/or UICOMR administration may at any time summarily suspend a resident with pay. Within ten (10) working days of the date of imposition of such summary suspension, the program director must either reinstate the resident or provide the resident with a written notification of his/her general suspension or termination. The resident shall not have the right to appeal a summary suspension.

2. **General Suspension:** The program director may suspend the resident with pay if he or she believes that the resident has failed to comply with the resident duties in the Resident Agreement. The resident must be provided with written notification detailing the reasons for suspension, its length and the remedy necessary to remove the suspension. The notice may also indicate under what circumstances the resident may be terminated if the situation is not corrected. Failure to correct the infraction in the period specified may lead to further corrective action. Suspension will be removed when the reasons for suspension have been corrected to the satisfaction of the program director and DIO. The resident shall have the right to appeal the general suspension as set forth in GME Policy 704 Academic Appeal Process in the GME Policy Manual at https://rockford.medicine.uic.edu/education/graduate-medical-education-gme/welcome/policies-manual/

**Non-Promotion or Non-Renewal of Agreement**
A decision of intent not to promote or renew a resident’s contract should be communicated to the GME Office by the program director and the resident must be provided written notice no later than four (4) months prior to the end of the contract year. If the primary reason for non-renewal occurs during the
last four months of the contract, the program will provide the resident with as much written notice as circumstances allow.

A copy of the notification, signed by the program director and resident, must be sent to the DIO. The resident shall have the right to appeal the non-promotion or non-renewal as set forth in GME Policy 704 Academic Appeal Process in the GME Policy Manual: https://rockford.medicine.uic.edu/education/graduate-medical-education-gme/welcome/policies-manual/.

**Denial of Certificate of Completion**
A resident may be denied a certificate of completion of training as well as a result of overall unsatisfactory performance during the final academic year of residency training. Overall unsatisfactory performance may include the entire year or 50% of rotations during the final academic year. The residency program is responsible for setting specific written criteria for denial of certificate of completion.

In certain situations, at the discretion of the program director, a resident denied a certificate of completion may be offered the option of repeating the academic year.

**Termination / Dismissal**
Termination or dismissal is the removal of a resident from a training program even though the resident holds a current Resident Agreement. Residents may be dismissed for a variety of serious offenses. The DIO must review all dismissals. In the event of dismissal, a prior written notice will not be provided to the resident when it is determined that the seriousness of their act requires immediate dismissal. The resident does not need to be on probation or suspension for this action to be taken. The resident has the right to appeal a termination as set forth in GME Policy 704 Academic Appeal Process in the GME Policy Manual: https://rockford.medicine.uic.edu/education/graduate-medical-education-gme/welcome/policies-manual/

Immediate dismissal will occur if the resident’s name appears on any government exclusions/sanctions list.

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ACADEMIC APPEAL PROCESS

Introduction
The University of Illinois College of Medicine Rockford assures a resident the right to appeal disciplinary or adverse academic action taken by the residency program or institution. The academic appeal process is intended to provide a formal, structured review to determine if the policies and procedures leading up to the disciplinary or adverse academic action were followed in a fair and reasonable manner.

Applicability
The procedures provided under this policy DO NOT apply to the following:

A. Departmental determinations relating to certification and/or evaluation of the resident’s academic performance or clinical competence. Such certification shall be handled according to the standards of the various specialty boards.

B. The nullification of the Resident Agreement as a result of the resident’s failure to meet any or all of the pre-conditions set forth in Section IV of the Resident Agreement. Said nullification is not subject to appeal.

C. The reduction of a Resident’s clinical privileges or an imposition that some or all of the privileges be performed under direct supervision shall not constitute a suspension and the Resident is not entitled to a hearing.

D. The failure to complete medical records in a timely manner, may result in suspension for the Resident until such time the delinquent records are completed. In this case of suspension, the resident is not entitled to an appeal hearing.

Request for Hearing
Residents may initiate review of a disciplinary or adverse academic action(s) by submitting a written request for review to the Assistant/Associate Dean for GME or his/her designee within fourteen (14) working days of written notification of his/her probation, suspension and/or termination.

Hearing Committee
The Hearing Committee shall consist of a minimum of three faculty members from the resident’s department. The Assistant/Associate Dean for GME shall appoint the members of the Committee. If there are insufficient faculty from the department willing or able to serve on the committee, the Assistant/Associate Dean for GME will appoint members from other departments. The Program Director shall not be a member of the Committee. The Committee shall elect a member of the group to preside at the hearing.
Conduct of Hearing:

A. The Committee shall convene the hearing within 14 working days of receipt of the resident’s written request.

B. The Committee shall notify the resident in writing of the date, time and place for the hearing as soon as reasonably possible, but no less than 72 hours in advance of the hearing.

C. The resident and program director shall be present at the hearing and each shall present information or materials (oral or written) as they wish to support their cases. No other representatives shall be present during the hearing, with the exception of attorneys who represent the resident/fellow and the University. Attorneys will be allowed to attend only in an advisory role to his/her client and shall not be allowed to address the Hearing Committee, the other party or each other directly.

D. Any materials to be presented at the Hearing by either party must be provided to the Committee at least three (3) working days prior to the hearing. A copy of any materials submitted to the Committee by either party will be provided to the other party at least one (1) working day prior to the Hearing. The Committee shall have the sole right to determine what information or materials are relevant to the proceedings and shall consider only that which they deem to be relevant.

Hearing Committee Decision

A. A majority vote of the Committee shall decide the issue(s) before it and the program shall be bound by the decision.

B. Regardless of the outcome of the hearing, the Committee will provide the resident and program director with a written statement of its decision and the reason(s) for such decision within ten (10) working days from the date of the conclusion of the hearing.

Appeal of Hearing Committee Decision

A. A resident may appeal the Committee’s decision to the Assistant/Associate Dean for GME within ten (10) days of the issuance of the Committee’s decision.

B. The Assistant/Associate Dean shall review the Committee’s decision and any documentation submitted to the Committee and may conduct his/her own investigation of the matter. The Assistant/Associate Dean for GME may, or may not appoint an Appeals Committee, to review and discuss the matter. If appointed, the Appeals Committee will have a minimum of three (3) members and the make-up of the Appeals Committee will be at the discretion of the Assistant/Associate Dean.

C. He/she shall render his/her decision in writing within a reasonable time, but not later than twenty (20) working days after receipt of the request for appeal.

Final Appeal

A. The resident may appeal the Assistant/Associate Dean’s or the Appeal Committee’s decision to the Regional Dean of the College of Medicine within ten (10) days from the date of issuance of the decision.

B. The Regional Dean shall render a decision within ten (10) working days after receipt of the request for appeal. The decision shall be final and not appealable.

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VOLUNTARY TERMINATION

Residents may leave their training programs voluntarily or involuntarily prior to completion. The procedure for involuntarily terminating a resident is outlined in Exhibit B, Procedural Rights to Suspension and Termination, in the Resident Agreement. The policy sets forth other conditions under which a resident may voluntarily terminate participation in the program.

DECLINING TO SIGN RESIDENT AGREEMENT
A resident may choose to decline to accept an offered agreement for the following year by not signing and returning the Agreement within two weeks of its offer. The resident will remain in good standing during the remainder of the current agreement without prejudice and will be assigned tasks until the end of the term of the agreement.

RESIDENT RESIGNATION
Any resident wishing to voluntarily terminate participation prior to the end date of the agreement must submit a written request for release to their Program Director. The Program Director has the right to delay or specify the actual termination date to ensure coverage of services, up to the end of the term of the agreement. The Assistant Dean for GME must be notified upon receipt of resident resignation.

A resident who resigns prior to the end of the contract but is not released by the Program Director will not be allowed a contract for another UIC-COM program for the current or following year, unless the Program Director releases the resident from his/her contract in writing.

The Assistant Dean for Graduate Medical Education may, at his discretion, review resident releases from contracts, and may reverse approval for the release to the end of the resident’s current contract.

The Resident Agreement will be considered terminated on the date agreed to by the Program Director or on the Resident’s last day of work if he/she is leaving without approval of the Program Director. The paycheck will be issued at the next regular payday, provided the resident has completed the clearance process.

Approved: 4/25/2017
SPECIAL PROGRAM REVIEWS

Purpose:
To ensure a proactive process for effective oversight by the GMEC for educational quality by identifying and monitoring of underperforming programs. The Special Review Process is an internal and confidential quality assurance assessment and should not be shared with external parties.

Scope:
All graduate medical education programs for which UICOM Rockford serves as a Sponsoring Institution.

Responsibility:
The Graduate Medical Education Committee is responsible for defining triggers for program underperformance and the screening and monitoring methods used to identify risks to educational quality.

Procedure:

A. The Graduate Medical Education Committee identifies underperformance or quality concerns through a wide range of mechanisms including:
   1. Program failure to meet established ACGME Common Program Requirements and specialty-specific requirements as evidenced by:
      a) Multiple citations (issued or extended); or,
      b) A status of continued accreditation with warning or probation.
   3. ACGME Resident and Faculty Surveys including:
      a) Significant downward trends since last survey;
      b) Results at or below 80% in any category for two consecutive periods; and/or
      c) Results that necessitate review dependent upon severity.
   4. Program non-compliance with administrative duties; including failure to:
      a) submit Milestones evaluations or other reporting required by ACGME;
      b) submit a timely annual program evaluation to GME office; or,
      c) address other institutional administrative requests or requirements.

B. Request for Special Review:
   1. Program administration can request a special review.
   2. The DIO, at his or her discretion and based on underperforming data from a program, can request a comprehensive review.

C. Special Review Process
   1. GME Office will schedule a Special Review within 60 days of identifying a need for review.
      a) The Special Review will be conducted by a team appointed by the Assistant Dean for GME/DIO or appropriate designee. At a minimum, the team will consist of the Assistant Dean for GME or appropriate designee to function as lead reviewer, a program director or other faculty member, and a resident.
b) The team members should not be a part of the program under review.

2. GME Office Supports the Team
   a) The lead reviewer requests data and materials from the program under review to be shared with the review team in advance of the assessment.
   b) The Special Review team conducts interviews with the program director, faculty, and residents at each level training. Other individuals may be interviewed as determined by the team.
   c) A written report is prepared by the team with proposed quality improvement goals and corrective actions and then presented to the program director for comment or correction. The report is reviewed at the next available GMEC.

D. GMEC Monitoring
   1. The GMEC makes final recommendations for the corrective action plan and monitors the program’s progress through progress reports, data collection, accreditation results, surveys, annual program reviews and other appropriate means.

Approved by GMEC 10/31/19