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| <b>Name of Policy:</b> The Learning Environment and Faculty Professionalism<br><br><b>Policy Number:</b> 3364-81-04-018-00<br><br><b>Approving Officer:</b> Dean, College of Medicine & Life Sciences<br><br><b>Responsible Agent:</b> Associate Dean for Professionalism, College of Medicine & Life Sciences<br><br><b>Scope:</b> Faculty in the College of Medicine & Life Sciences |                                   | <br><br><b>Revision date:</b> 02/11/19<br><br><b>Original effective date:</b> 03/01/09 |
|  | New policy proposal               | Minor/technical revision of existing policy   |
| X  | Major revision of existing policy | Reaffirmation of existing policy  |

**(A) Policy Statement**

The University of Toledo, College of Medicine & Life Sciences (COMLS) subscribes to the Association of American Medical College’s guiding principles for promoting a positive learning environment and expects all faculty in the COMLS to understand and comply with these principles at all times.

**(B) Purpose of Policy**

The purpose of this policy is to clarify expectations of professionalism and behavior for Faculty and to have a mechanism in place to report exemplary professionalism by the Faculty as set forth in Article F below, as well as unprofessional behavior or perceived abuse or mistreatment. The policy also clarifies that persons may report their concerns without any fear of retaliation and with the expectation that COMLS will thoroughly investigate and address appropriately their concerns.

**(C) Scope**

The policy applies to all faculty members in COMLS, including all programs within the College (i.e., Physician Assistant Program) (referred to in this policy as “Faculty”).

This policy is not used to investigate allegations of discrimination or harassment on the basis of race, color, religion, sex, age, national origin, ancestry, sexual orientation, gender identity and expression, military or veteran status, the presence of a disability, genetic information, familial status, political affiliation, or participation in protected activities (referred to in this policy as “discrimination and harassment”). Allegations involving discrimination and harassment are investigated pursuant to Policies 3364-50-01 and, -02.

**(D) Standards for Faculty****1) General Expectations<sup>1</sup>**

- a. Faculty members, as medical educators, have a duty, not only to convey the knowledge and skills required for delivering the profession's contemporary standard of care, but also to inculcate the values and attitudes required for preserving the medical profession's social contract across generations.
- b. Faculty members, as medical educators, must be role models who epitomize professional values and attitudes in order to have a learning environment suffused with integrity and in which students learn enduring lessons of professionalism.
- c. Fundamental to the ethics of medicine is respect for every individual. Mutual respect between learners, as novice members of the medical profession, and their teachers, as experienced and esteemed professionals, is essential for nurturing that ethic. Given the inherently hierarchical and asymmetrical nature of the teacher/learner relationship and the health delivery enterprise, Faculty members have a special obligation to ensure that they always treat students, patients and colleagues respectfully.

**2) The Core Attributes of Professionalism:**

Numerous national organizations<sup>2</sup> have developed consensus statements and guidelines that outline the core attributes of professionalism. The following list, although not exhaustive, details the attributes of physicians who are involved in care of patients, however, a number of these principles hold value for medical educators as well. These core attributes include

- a. **Altruism** refers to the best interests of a Faculty member's patients and not to one's self.
- b. **Responsibility & Accountability** Requires that all Faculty members be responsible and accountable to patients for fulfilling the duties within the physician/patient relationship. Faculty members also must be accountable to society and to the profession for adhering to time honored ethical precepts.
- c. **Excellence & Scholarship** entails a conscientious effort to exceed ordinary expectations and to make a commitment to lifelong learning. It is an acknowledged goal for all physicians and members of the COMLS Faculty.
- d. **Duty** is the free acceptance of a commitment to service. This commitment entails being available and responsive when "on-call" for clinical services, accepting inconvenience to meet the patient's needs, enduring unavoidable risks to oneself when a patient's welfare is at stake, advocating the best available care regardless

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<sup>1</sup> Medical Professionalism in the New Millennium: A Physician Charter; Annals of Internal Medicine 2002; 136: 243-6

<sup>2</sup> AMA Code of Medical Ethics; <http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics.page>

of the ability to pay, seeking active role in professional organizations, and volunteering one's skill and expertise for the welfare of the community.

- e. **Honor and Integrity** is the consistent regard for the highest standards of behavior and refusal to violate one's personal and professional codes. These qualities include being fair, being truthful, keeping one's word and meeting commitments. Honor and integrity also requires avoiding conflict of interest and avoidance of relationships that allow personal gain to supersede the best interest of the patients as well as learners.
  - f. **Respect for others** including but not limited to patients and the patient's family, other physicians and professional colleagues such as nurses, residents, fellows and medical students.
  - g. **Caring & Compassion** is exhibiting a deep awareness, concern, and empathy for others coupled with the wish to relieve those experiencing the situation.
  - h. **Cultural Competency** is being well qualified to recognize, adapt, and respond to culturally based challenges during clinical and interpersonal encounters. It also includes adapting communication styles to that of the patient and their families.
  - i. **Confidentiality** is protecting the patient's information and being aware of mandated privacy regulations (e.g., FERPA and HIPAA).
  - j. **Leadership** is the capacity to guide, direct or serve as a channel for others. A leader shares responsibility for group learning, feedback, and discussion, supports colleagues by creating a collegial learning environment, and allows others to demonstrate excellence when appropriate.
- 3) **Domains of Professionalism:** Standards of professional behavior in the educational setting relate to multiple domains including but not limited to relationships with students or other learners, faculty members, staff, patients and their families as well as others. It is the responsibility of all faculty members to create a positive atmosphere conducive to learning and supporting the ethical principles listed above.
- 4) **Minimum standards of behavior:** COMLS Faculty must maintain the same standards as similarly situated academic faculty and instructors. The policies and behavioral standards listed below are exemplary, and not exhaustive, of the rules that apply to Faculty. Faculty found to have violated these policies and standards may be subject to discipline, up to and including termination:
- a. Faculty Rules and Regulations as such rules are formally adopted by Faculty and the University of Toledo Board of Trustees;
  - b. COMLS policies that apply to Faculty;
  - c. *iCare* Standards policy 3364-10-11, Standards of Conduct policy 3364-25-01 and Workplace Violence policy 3364-60-07;
  - d. Health Care Compliance Plan and HIPAA policies 3364-100-90-01 through 03,

3364-100-90-05, 3364-100-90-07 through 09, 3364-100-90-11 through 18, and related rules and regulations;

- e. Resolution of Conflict in accordance with Faculty Grievance and Appeals Policy 3364-72-51;
- f. University research policies, including but not limited to 3364-70-21 Policy on Integrity in Research and Scholarship and Procedures for Investigating Allegations of Misconduct in Research and Scholarship, financial conflict of interest for sponsored research programs policy 3364-70-01 or responsible conduct of scholarship and research policy 3364-70-02;
- g. If convicted or pleads to any felony, any drug-related misdemeanor or crime involving moral turpitude or immoral conduct or engaged in activity that constitutes any such crime

**5) Disruptive Behavior:** The University prohibits disruptive behavior by all faculty in all University facilities and environments where students, residents and other faculty learn and work. Disruptive behavior may result in review under this or other applicable policy or rules. Prohibited behavior by a faculty member includes, but is not limited to, words, acts, or omissions that:

- a. Prevent or interfere with an individual's or group's work, academic performance, or ability to achieve intended outcomes. Examples include but are not limited to intentionally ignoring questions or not returning phone calls or pages related to matters involving patient care, or publicly criticizing other members of the team or the institution;
- b. Create, or have the potential to create, an intimidating, hostile, offensive, or potentially unsafe work or academic environment. Examples include verbal abuse, threatening or intimidating words, or words reasonably interpreted as threatening or intimidating;
- c. Threaten personal or group safety, such as aggressive or violent physical actions;  
or
- d. Fail to comply with the University's Title IX or Nondiscrimination policies, 3364-50-01 and -02.

**(E) Procedure for Exemplary Professionalism Unprofessional or Disruptive Behavior**

Exemplary Professionalism Reports: In the event that a student, resident, fellow, staff member, patient or other faculty member wishes to report exemplary Faculty professionalism, the person should take the following steps

- a. The person should complete the Professional Behavior Report (Appendix A) with a narrative summary of the event(s) attached to the form;
- b. The person should submit the completed report form to any of the Associate

Deans in the COMLS, to the Office of Faculty Affairs or to the Office of the Dean of the College of Medicine. The Associate Dean for Professionalism will receive all Reports and house such Reports. The Associate Dean for Professionalism will provide a copy of the Report to the Chair of the Department within which the Faculty member belongs with a copy forwarded to the Office of Faculty Affairs and placed in the Faculty member's employment file.

**(F) Unprofessional or Disruptive Behavior**

1) Violation of Policy, Unprofessional or Disruptive Behavior

- a. Any student, patient, resident, fellow, staff or other faculty member who experiences or witness unprofessional or disruptive behavior or a violation of the code of conduct by a member of the Faculty is strongly encouraged to report the facts immediately to the Student Ombudsman, any Faculty member, Associate Dean, the Office of Faculty Affairs, or the Dean of the College of Medicine & Life Science's Office. The University strongly encourages any student who experiences or witnesses discrimination or harassment to report the facts immediately to the Title IX Coordinator. Any staff or faculty member who witnesses or learns of an allegation of discrimination or harassment is obligated to report to the Title IX Coordinator in accordance with Policy 3364-50-01 and Policy 3364-50-02.
- b. Any person witnessing or receiving a report of unprofessional behavior (other than a report of discrimination or harassment) may report in one of three ways:
  - 1) Complete the attached Report of Faculty Unprofessional Behavior;
  - 2) Submit the allegations in writing to any COMLS Associate Dean; or
  - 3) Submit the complaint or allegation through the learning environment anonymous reporting mechanism made available to all students at <http://utmc.utoledo.edu/learningenvironment>.

Any of these forms of reporting is a Report under this policy (the "Report"). Reports that include allegations of discrimination or harassment are to be immediately shared with the Title IX Coordinator in accordance with Policies 3364-50-01 and -02.

- c. Retaliation against persons making a Report is strictly prohibited. The University will address reports of unprofessional behavior in a fair and professional manner. Persons making a Report will receive acknowledgement of receipt of the Report and notice of final resolution subject to limitations provided by law or University policy.
- 2) Once a Report has been made, (3) (a) through (e) below apply to portions of the report that do not allege discrimination or harassment. :
- a. Receipt of Report: The person completing the Report or the Associate Dean receiving the Report must provide it to the Associate Dean for Professionalism. The Associate Dean for Professionalism will monitor the anonymous reporting mechanism. If the Associate Dean for Professionalism is the subject of the

Report, the Dean of the College of Medicine & Life Sciences receives the report.

- b. Administrative Leave: At the discretion of an Appointing Authority as defined in Board of Trustees Resolution 15-03-02, and in accordance with the policies and practices of the University, the Faculty member may be immediately placed on administrative leave, paid or unpaid, pending the outcome of the investigation and final determination findings and discipline if any, based on the severity of the allegation.
- c. Determination of the Formulation of an Ad Hoc Committee
  - i. Any two of the three persons listed in Section 3.c.ii. may determine that the allegations in the Report warrant an informal discussion and not the appointment of a COMLS ad hoc committee if any of the following apply:
    - 1) there is no known pattern of behavior; or
    - 2) the facts alleged on their face do not arise to an egregious or mandated review under University policy or applicable law; or
    - 3) whether the matter or allegations would be more appropriately handled under a medical staff policy (see Section 4 (b)) below
  - ii. The University may review the Faculty member's employment file(s), patient complaints, if applicable, or other historical behavioral files and information to determine whether a pattern of inappropriate behavior has occurred or is continuing. The allegations will be referred to an ad hoc committee or medical staff review unless at least two of the three following officials agree that an informal review is appropriate under section (c)(1) :
    - 1) the Associate Dean for Professionalism;
    - 2) the Chief Medical Officer (CMO); and/or
    - 3) Chief of Staff for the UTMC Medical Staff
  - iii. The Associate Dean for Professionalism, the CMO and Chief of Staff will be consistent, fair and non-discriminatory in all determinations of whether to recommend the appointment of an ad hoc committee or refer the matter to the appropriate medical staff committee.
  - iv. If the allegations contained in the Report are found to not warrant the appointment of an ad hoc committee or referral to a medical staff committee, the officials will document the reasons for their determination and the Associate Dean for Professionalism will retain a copy in the Faculty member's professionalism file. Any peer Faculty member may hold an informal discussion or similar mentoring-type discussion with the Faculty member.

A Faculty member may be subject to additional discipline under subsection (g) should the unprofessional conduct continue following informal proceedings. If

- d. Appointment of Ad Hoc Committee: If an ad hoc committee is recommended and then appointed by the Dean of the College of Medicine & Life Sciences, the

following will apply:

- i. The ad hoc committee will include no less than three voting members and the Associate Dean for Professionalism. The Associate Dean for Professionalism will serve as a non-voting member and who may be recused by the Dean based on a conflict of interest.
  - ii. The ad hoc committee will include COMLS faculty that are without material conflict with the allegations set forth in the allegations or complaint. The ad hoc committee may include the CMO, the Associate Dean for Student Affairs, the Associate Dean for Undergraduate and Graduate Medical Education, the Associate Dean for Preclinical Medical Education, other COMLS faculty members, or other faculty.
  - iii. The Associate Dean for Professionalism will recommend the suggested membership of the ad hoc committee to the Dean of the College of Medicine & Life Sciences who will approve the members in a timely fashion.
  - iv. An independent investigator should review the Faculty member's employment file(s), patient complaints, if applicable, or other historical behavioral files and information to determine whether a pattern of inappropriate behavior has occurred or is continuing. The investigation will obtain the facts via all reasonable efforts. The investigation should include the gathering of facts involving those witnessing the alleged event(s). For allegations of discrimination or harassment, the investigator may review any report generated under the applicable policies.
  - v. The ad hoc committee will review the results and findings of the completed independent investigation.
  - vi. The ad hoc committee will allow the Faculty member who is the subject of the Report to review the investigation report and meet with the committee if the Faculty member so desires. The Faculty member may also wish to submit a written statement. In either case, the Faculty member may explain the situation and investigatory findings from his or her perspective. The Faculty member will not be entitled to legal counsel. If the Faculty member elects to meet with the committee, the Faculty member will receive adequate prior notice of the time and place of the meeting with the membership of the ad hoc committee. If the Faculty member requests an opportunity to respond in writing, the Faculty member will receive adequate time to provide a response.
- e. Recommendations: The ad hoc committee will issue written recommendations with respect to findings of violations of policy or other applicable rules and make recommendations for disciplinary action, if warranted. The ad hoc committee will forward their findings and recommendations to the Dean of the College of Medicine & Life Sciences.

- f. Final Determinations
- i. The Dean of the College of Medicine & Life Sciences will make a final determination of whether there occurred a policy or rule violation and the proper disciplinary action. The Dean will render the final decision within 120 days of the filing of the initial Report, unless circumstances warrant otherwise.
  - ii. Where the allegation involves treatment or care of a patient, the faculty member whose conduct is being investigated has a right to request that a peer physician provide information to be considered as part of the investigation as to what conduct is ordinary or customary for the treatment or care at issue.
  - iii. At the conclusion of a discrimination or harassment investigation, the Chief of Staff will receive the investigation report, and in conjunction with the Title IX Coordinator where appropriate, will determine what discipline, if any, is appropriate, within 60 days of the filing of the original complaint. The complainant for matters covered under Policy 3364-50-01 will also receive concurrent notice of the discipline imposed, and will be given equal rights to appeal.
- g. Discipline: COMLS will apply a tiered approach for disciplinary action, based on severity and frequency of the infraction(s), violations or acts or omissions.
- i. For single minor events, an informal discussion may be sufficient with a peer member.
  - ii. For single events or a pattern of events or behavior, the Chair, an Associate Dean, or the Dean may discuss the conduct or pattern with the Faculty member.
  - iii. For recurring events of unprofessional behavior, monitored behavior, peer review, outside counseling or other behavior modification processes may be required.
  - iv. For any infractions, violations, or acts of omissions, place a disciplinary letter in the faculty member's file. The disciplinary letter may be from the Faculty member's Chair, the CMO or from the Dean of the College of Medicine & Life Sciences addressed to the Faculty member advising the Faculty member of the findings and violations, which then is placed in the Faculty member's file in the Office of Faculty Affairs.
  - v. For a serious single event or series of unprofessional behavior events, intervention and disciplinary action is required, up to and including notice of termination, suspension or immediate termination in accordance with the Faculty Rules and Regulations and other applicable policies and rules.
  - vi. Other discipline as appropriate to the situation may be imposed in situations involving discrimination or harassment based on the findings reached in that investigation.



- h. Rights of Faculty: All Faculty members will have the rights afforded to Faculty members under the Faculty Rules and Regulations, the Faculty Grievance and Appeals policy or other applicable policies or procedures promulgated from time to time by the University or the Board of Trustees.

3) Other Applicable Procedures:

- a. Allegations Regarding Clinical Care or Clinical Competency: Allegations regarding clinical care or clinical competency will be addressed in accordance with the Medical Staff Bylaws and applicable Medical Staff and relevant hospital policy within appropriate peer review or quality assurance committees. These allegations may include suboptimal clinical patient care, practitioner competency or patient care concerns, practitioner incapacity or impairment in the clinical setting, medical record delinquency or other allegations of a clinical peer review nature. The University may discipline a disruptive Faculty member under this policy or under the Medical Staff’s Disruptive Physician policy as applicable.

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| <p>Approved by:</p><br><br><p><u>/s/</u><br/>                 Christopher Cooper, M.D.<br/>                 Executive VP for Clinical Affairs<br/>                 and<br/>                 Dean, College of Medicine &amp; Life<br/>                 Sciences</p><br><br><p><u>April 11, 2019</u> _____<br/>                 Date</p><br><br><p><i>Review/Revision Completed by:<br/>                 Senior Leadership Team College of<br/>                 Medicine &amp; Life Sciences<br/>                 Committee on Rules and<br/>                 Governance<br/>                 Office of Legal Affairs</i></p> | <p><b>Policies Superseded by This Policy:</b></p> <ul style="list-style-type: none"> <li>• <i>none</i></li> </ul> <p><b>Initial effective date:</b> 3/1/09</p> <p><b>Review/Revision Date:</b></p> <ul style="list-style-type: none"> <li>• 12/28/10</li> <li>• 2/20/12</li> <li>• 1/30/14</li> <li>• 5/24/18</li> <li>• 2/11/19</li> </ul> <p><b>Next review date:</b> 2/11/22 (three years from most recent revision/review date)</p> |
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Addendum A  
College of Medicine & Life Sciences  
**FACULTY PROFESSIONALISM REPORT**

Faculty name and Course (*type or print legibly*) **Check if you are reporting:**

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Exemplary Professional Behavior

\_\_\_\_\_

Unprofessional Behavior or Mistreatment

*The above Faculty member has demonstrated exemplary professional conduct, or in the alternative, misconduct or unprofessional behavior as follows. Check all that applies*

a. **In the medical profession through support of the ethical principles applicable to the profession** by creating a positive atmosphere conducive to learning and supporting the ethical principles of duty, altruism, honesty and confidentiality, or more specifically:

- Maintaining honesty and truthfulness in all patient care and educational experiences;
- Being held accountable to patients for fulfilling the duties within the physician/patient relationship;
- Accepting a commitment to service and demonstrating a desire to put the best interests of the patient before one's self;
- Protecting the confidentiality of patient and student information as required by law and applicable policy; and
- Creating a positive educational environment for students, residents, fellows and faculty that will foster learning

b. **In Relationships with students, faculty, staff, patients and others** by maintaining appropriate boundaries, exhibiting compassion, respect for humanism and diversity and ensuring appropriate forms of communication with students, faculty, staff, patients and others, and using a dignified approach to conflict resolution and avoiding conflict in order to foster trust and demonstrate leadership, or more specifically:

- Showing **respect** for patients, students, residents and fellows, faculty and other health care professionals;
- Establishing and maintaining **appropriate boundaries** with patients, residents, fellows and students in all learning situations;
- Exhibiting compassion** for others;
- Demonstrating humanism** and the value of humans in all interactions;
- Respecting diversity** and **maintaining sensitivity to cultural** differences;
- Resolving conflicts** in a manner that respects the dignity of all involved;
- Using **professional language and communicating effectively** with students, patients and coworkers;
- By appropriately managing and **avoiding conflicts of interest**; and
- Exhibiting a deep awareness, concern, and **empathy for others** coupled with the wish to

relieve the source.

- Recognizing, adapting and responding** to culturally based challenges during a clinical encounter and adapting communication styles to the patient's styles.
  - Maintaining confidentiality** by protecting the patient's information and being aware of mandated privacy regulations, e.g., FERPA (students) and HIPAA (patients)
  - Showing Leadership** through the capacity to guide, direct or serve as a channel for others, sharing responsibility for group learning, feedback, and discussion, supporting colleagues by creating a collegial learning environment, and allowing others to demonstrate excellence when appropriate.
- c. **In Individual Performance by maintaining ethical standards** expected of all medical professionals:
- Being consistently punctual and timely with regard to clinical and educational experience, and professional in dress and appearance

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- Check this box if the exemplary conduct or unprofessional behavior requires immediate action.*

*Narrative description of the observed behavior and circumstance (use additional sheets if necessary)*

Date of Incident:

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\*\*Individual submitting Report (*print name and sign*)

Date Submitting Report: \_\_\_\_\_

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Associate Dean for Professionalism (*print and sign*)

Date of Receipt of Report: \_\_\_\_\_

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\*\* May be completed anonymously, but anonymous reports make it extremely difficult for the University to investigate and address appropriately

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