

<b>Name of Policy:</b> College of Medicine & Life Sciences: The Learning Environment and Faculty Professionalism		 <b>Revision date:</b> 06/08/22  <b>Original effective date:</b> 03/01/09	
<b>Policy Number:</b> 3364-81-04-018-00			
<b>Approving Officer:</b> Dean, College of Medicine & Life Sciences			
<b>Responsible Agent:</b> Senior Associate Dean for Faculty Affairs and Development			
<b>Scope:</b> Faculty in the College of Medicine & Life Sciences			
<input type="checkbox"/>	New policy proposal	<input type="checkbox"/>	Minor/technical revision of existing policy
<input checked="" type="checkbox"/>	Major revision of existing policy	<input type="checkbox"/>	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 E 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, or political affiliation.. Allegations involving discrimination and harassment are investigated pursuant to Policies 3364-50-01 and, -02. This policy is not used to investigate allegations of misconduct or unprofessionalism that fall to other offices such as the Title IX or Title VII office.

**(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. Conviction or nolo contendere plea to any felony, any drug-related misdemeanor charge or crime involving moral turpitude or immoral conduct or engagement in any activity that constitutes any such crime while at any location or during any time period while employed as a University of Toledo faculty member.
- 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 other academic work;
  - b. 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, such as 3364-50-01 and -02.

**(E) Procedure to report Exemplary Professionalism 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 appropriate section of the Professional Behavior Report (Appendix A) with a narrative summary of the event(s) attached to the form (known as the Report);

- b. The person should submit the completed Report to any Assistant or Associate

Dean in the COMLS, to the Office of Faculty Affairs or to the Office of the Dean of the College of Medicine. The Senior Associate Dean for Faculty Affairs and Development will receive all Reports and will provide a copy of the Report to the Chair of the Department within which the Faculty member has their primary appointment. For non-anonymous reports, a copy of the redacted report will be forwarded to the Office of Faculty Affairs and placed in the Faculty member's employment file.

### **(F) Process for Evaluation of 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 any Faculty member, any administrator such as an Assistant or Associate Dean, the Office of Faculty Affairs, or the Office of Dean of the College of Medicine & Life Science.. The University strongly encourages any student who experiences or witnesses discrimination or harassment on the basis of gender 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 on the basis of gender is obligated to report this 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 on the basis of gender) may report in one of three ways:
  - 1) Complete the Professional Behavior Report (Appendix A) with a narrative summary of the event(s) attached to the form (known as the Report); The person should submit the completed Report to any Assistant or Associate Dean in the COMLS, to the Office of Faculty Affairs or to the Office of the Dean of the College of Medicine
  - 2) Submit the allegations in writing to any COMLS decanal staff ; or 3) Submit the complaint or allegation through the learning environment anonymous reporting mechanism made available to all students at <http://utmcc.utoledo.edu/learningenvironment>.

Any of these forms of reporting constitutes the Report under this policy. . Reports that include allegations of discrimination or harassment on the basis of gender 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. For non-anonymous reports, 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, the following procedure is instituted:
  - a. Receipt of Report: The person completing the Report or the decanal staff member receiving the Report must provide it to the Senior Associate Dean for Faculty Affairs and Development. If the Senior Associate Dean for Faculty Affairs and Development 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 Level of Review including Formulation of an Ad Hoc Committee
    - i. The Report is reviewed by the Senior Associate Dean for Faculty Affairs and Development. Review of the Faculty member's employment file(s), prior patient complaints, if applicable, or other historical information related to unprofessional behavior may occur to determine whether a pattern of inappropriate behavior has occurred or is continuing. The following outcomes then occur: informal counseling session, referral to other office for review (such as the Medical Staff Office or the Title IX Office), or formation of an ad hoc committee to review the allegations.
      - 1) An informal counseling session may occur if the following conditions are met:
        - a) there is no known pattern of unprofessional behavior
        - b) The facts of the Report do not arise to an egregious or mandated review under University policy or applicable law;
      - 2) Referral to another administrative office for review and adjudication.
        - a) Reports may be forwarded to administrative offices for review such as the Medical Staff Office, Dean's Advisory Council on Professionalism, or the Title IX office if the Senior Associate Dean for Faculty Affairs and Development determines that the matter in the Report should be evaluated by another office. The Report may be returned to the Office of Faculty Affairs for further review if they do not reach the criteria required for evaluation in that office.
      - 3) Formation of an ad hoc committee to review the Report and recommend to the Dean corrective action as needed.

a) Formation of an ad hoc committee will occur only in consultation with University authorities under the following procedure

i) at least two of the following three officials determine that the matter in the Report rises to the level of egregious behavior or a mandated review as per University policy or applicable law and does not fall under the jurisdiction of another office (such as Title IX).

For Clinical Faculty,

1) Senior Associate Dean for Faculty Affairs and Development

2) Chief Medical Officer (CMO) for the University of Toledo Medical Center

3) Chief of Staff for the University of Toledo Medical Center

ii) All University officials will be consistent, fair and non-discriminatory in all determinations of whether or not to recommend the appointment of an ad hoc committee.

iii) If the allegations contained in the Report are found to not warrant the appointment of an ad hoc committee or referral to other office for review, the Senior Associate Dean for Faculty Affairs and Development will document the reason for the determination and inform the Dean of the College of Medicine and Life Sciences (COMLS) of the determination.

d. Appointment of Ad Hoc Committee: If appointment of an ad hoc committee is recommended by at least two of the three University officials listed in F.2.c.i.3.i, an ad hoc committee will be appointed by the Dean of the College of Medicine & Life Sciences and the following will apply:

- i. The ad hoc committee will include no less than three voting members and the Senior Associate Dean for Faculty Affairs and Development. The Senior Associate Dean for Faculty Affairs and Development will serve as a non-voting member and may be recused by the Dean based on a conflict of interest. If the Senior Associate Dean for Faculty Affairs and Development is recused from the ad hoc committee, the Director of the Office of Faculty Affairs will serve as a non-voting member.
- ii. The ad hoc committee will include full time COMLS faculty with regular UT appointments as defined in the Faculty Rules and Regulations, that are without material conflict with the allegations set forth in the allegations or with the faculty under review and that are in themselves in good standing
- iii. The Senior Associate Dean for Faculty Affairs and Development will recommend the suggested membership of the ad hoc committee to the Dean of the College of Medicine & Life Sciences who will finalize the committee membership in a timely fashion.

- iv. The ad hoc committee shall review the Faculty member's employment file(s), patient complaints, if applicable, or other historical behavioral files and information to obtain the facts related to the allegations via all reasonable efforts. The investigation should include the gathering of facts including interviews of those witnessing the alleged event(s) and the Faculty that is the subject of the Report. Written statements may be submitted as well. Additional investigative information may be provided to the ad hoc committee or requested by the ad hoc committee as needed. Faculty will not be entitled to legal counsel as part of the ad hoc committee review process.
- 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 COMLS..
- f. Final Determinations
  - i. The Dean of COMLS will make a final determination of whether there occurred a policy violation 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.
- g. Discipline: The 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 Reports of single minor events for which there is no known pattern of unprofessional behavior and the facts of the Report do not arise to an egregious level or necessitate a mandated review under University policy or applicable law;, an informal discussion with the Senior Associate Dean for Faculty Affairs and Development may occur.
  - ii. For recurring Reports of minor unprofessional behavior which do not rise to an egregious level or necessitate a mandated review under University policy or applicable law, monitored behavior, peer review, outside counseling or other behavior modification processes may be required. A disciplinary letter will be placed in the faculty member's personnel file from the Dean of the College of Medicine & Life Sciences addressed to the Faculty member and advising the Faculty member of the findings and violations, and the corrective actions needed.
  - iii. For a serious single event or a series of unprofessional behavior events which collectively rise to an egregious level, disciplinary action 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 may occur. A disciplinary letter will be placed in the faculty member's personnel file from the Dean of the College of Medicine & Life Sciences addressed to the Faculty member. If formation of an ad hoc committee occurred in the review of the unprofessional behavior, the Dean of the COMLS will include this information in the disciplinary letter.

iv. Other discipline as appropriate to the situation may be imposed based on the findings reached in the investigation of the Report

h. **Rights of Faculty:** All Faculty members will have the rights of review and appeal 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. .

<p>/s/ Christopher J. Cooper, M.D. Executive Vice President for Clinical Affairs and Dean for the College of Medicine and Life Sciences</p> <p>June 13, 2022 Date</p> <p><i>Review/Revision Completed by: Senior Leadership Team College of Medicine &amp; Life Sciences Committee on Rules and Governance Office of Legal Affairs</i></p>	<p><b>Policies Superseded by This Policy:</b></p> <ul style="list-style-type: none"> <li>• none</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> <li>• 6/8/22</li> </ul> <p><b>Next review date:</b> 6/8/25 (three years from most recent revision/review date)</p>
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### Addendum A: COMLS FACULTY PROFESSIONALISM REPORT

Faculty name (type or print legibly): \_\_\_\_\_

*The above Faculty member has demonstrated exemplary professional conduct in the following domains (check all that apply):*

- Altruism** refers to the best interests of a Faculty member's patients and not to one's self.
- 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.
- 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.
- 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 of the ability to pay, seeking active role in professional organizations, and volunteering one's skill and expertise for the welfare of the community.
- 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.
- 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.
- Caring & Compassion** is exhibiting a deep awareness, concern, and empathy for others coupled with the wish to relieve those experiencing the situation.
- 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.
- Confidentiality** is protecting the patient's information and being aware of mandated privacy regulations (e.g., FERPA and HIPAA).
- 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.



