

# Policy Regarding Professionalism and Reporting Misconduct for Faculty and Learners

## Section 1: Preamble, Policies, Responsibilities

### I. Preamble.

Faculty, whether employed by the University or affiliated or associated through agreements with the University to act as volunteers, and medical students (who for purposes of this policy also include residents and fellows and hereafter are referred to as “learners”) are obligated under a variety of policies and standards, both at the College of Medicine (COM) and within the University of Arizona, to interact with one another in a professional manner. The COM is committed to ensuring that the learning environment is conducive to open communication and robust interactions between faculty and learners that promote the acquisition of knowledge and foster attitudes and skills required for the professional practice of medicine. Such activities require an environment that is free from harassment, discrimination, retaliation or other inappropriate conduct.

All faculty and learners are governed by University, COM, and Arizona Board of Regents policies, and are expected to adhere to them. Violations of these policies will be investigated and disciplinary action will be imposed, if appropriate, under existing policies of the University and COM.

The COM recognizes that one of its most important missions is to educate learners to become physicians and to provide exceptional Graduate Medical Education programs. It further recognizes that physicians have been entrusted by society to carry out vital responsibilities, including maintenance of health and the prevention, diagnosis and treatment of disease. In accepting this trust, society expects members of the medical profession to act honorably in all of their endeavors. This responsibility applies to practicing physicians and faculty members in academic medical centers and to the learners with whom they work.

The COM requires its faculty and learners to conduct themselves in a manner that demonstrates respect for others. As an institution, the COM recognizes the right of faculty members and learners to express their ideas, values and religious beliefs and to practice them within the confines of the ethics and acceptable standards of the medical profession and within the constraints of the law. Learners and faculty should consider that each individual has particular strengths and limitations. Faculty members are expected to treat learners as developing professionals and future

colleagues. Learners are expected to be respectful of one another and to treat each other and the faculty in the same professional manner.

The COM recognizes that learners may be subject to undue influence by faculty and other employees. Therefore, the COM has, by adopting this Code of Conduct, recognized that such influence should not impact the ability of a learner to complete his or her training, and that any undue influence or attempt to exercise such influence by a faculty member or other employee within the COM is prohibited by this Code of Conduct. In addition to this Code of Conduct, faculty and learners are governed by all other policies promulgated by the Arizona Board of Regents, the University of Arizona and the COM. To the extent that this Code is not inconsistent with other University of Arizona or Arizona Board of Regents policies or rules, it shall apply to faculty and learners alike. Other University policies and procedures govern conduct and grievances arising from misconduct that affect other University staff.

## II. Providing Information about Policies.

The University of Arizona and its COM are obligated to provide information to its faculty, professional staff and learners related to policies governing their conduct. To ensure faculty members, professional staff and learners are aware that myriad policies govern their conduct, the following non-exhaustive list of policies is included in this policy for reference. These policies are subject to change without notice, which will not affect the remainder of this policy.

Policies related to all faculty, learners and staff

- University Handbook for Appointed Personnel's Statement on Professional Conduct
- Policy for Management of Personal Conflicts of Interest for the University of Arizona
- University of Arizona Student Code of Conduct
- Attributes of Professional Behavior
- Nondiscrimination and Anti-harassment Policy
- Workplace Violence Policy
- Policy on Disruptive Behavior in the Institutional Setting
- Disruptive and Threatening Student Guidelines
- ABOR Policy on Protection of Employees from Reprisal for Whistleblowing

Policies related exclusively to medical students

- Policies and Procedures for Student Progress and Appeals of Academic and Disciplinary Decisions

- Institutional Objectives: Educational Competencies for the Program leading to a M.D. Degree
- Code of Conduct and Procedures for the Honor Code Committee
- Code of Academic Integrity

Policies related exclusively to medical residents

- Due Process Guidelines for Residents and Fellows

### **III. Institutional Responsibilities of Faculty Members and Members of COM Administrators to Learners.**

Faculty members and COM administrators shall provide:

1. An environment for learners that is physically safe for those individuals.
2. A curriculum in which education is paramount in the assignment of all tasks. In assigning tasks to learners, faculty and administrators shall keep in mind that the primary purpose of such assignments is to enhance the individual's educational experience.
3. Support for the learner's professional development. This support should include a carefully planned and well-articulated curriculum. Administrators should facilitate the progress of learners through this curriculum. Faculty and administrators should support learners in their personal development as they deal with the various adjustments to the profession and the difficulties they may encounter in their lives outside of the institution.
4. An understanding that each learner requires a certain amount of free time for self-care, social and family obligations, and recreation.
5. Accurate, appropriate and timely feedback to learners concerning their performance in the curriculum. In assessing learners, faculty and administrators should act in a manner that is consistent with the stated goals of the educational activity, which should, in turn, be meaningful for future medical practice. In addition, faculty should provide learners feedback during an educational activity or during their training program, as well as at the end of a course or the completion of the training program, in a professional and respectful manner.
6. Opportunities for learners to participate in decision-making within the COM, including participation on committees that design and implement curriculum, assessment tools, etc., in accordance with COM bylaws and other governing documents.

### **IV. Responsibilities of Learners to Faculty and Administrators of the COM.**

Learners shall:

- Respect the authority of the faculty and administrators in determining the proper training environment and activities for their education.
- Meet the objectives of the curriculum to the best of their abilities.

- Take an active role with the faculty regarding the refinement and evaluation of the curriculum.
- Communicate to the faculty regarding the refinement and evaluation of the curriculum.
- Support their colleagues in their professional development.
- Assume an appropriate level of responsibility on healthcare teams and execute these responsibilities to the best of their abilities.

## **Section 2: Report Form (exemplary or lapses), Definitions, Reporting Misconduct, Remedies, Confidentiality**

### **V. Preamble**

Section 1 provides expectations and policies for professional behavior. At times, behavior occurs that is commendable over and beyond the everyday expectations, or behavior occurs that is a lapse in the everyday expectations. This section (Section 2) provides the definitions and procedures to follow in these types of circumstances.

### **VI. Report Form (The online report form is in development)**

The Professionalism Report Form provides a process for faculty students, residents, fellows and staff to anonymously and/or confidentially report exemplary professional behavior OR lapses in professional behavior, demonstrated by faculty, residents, fellows, and students.

Reports will be reviewed by a Professionalism Committee, who will direct the report to the appropriate person or office (i.e, act as a triage stage). Reports are submitted electronically such that only a numerical code is associated with the report.

Charges and Purview of the Professionalism Committee:

- Maintain anonymity and confidentiality
- Refer reports of professional behaviors to the appropriate person or office, based on definitions and reporting policies outlined in Policy Regarding Professionalism and Reporting Misconduct for faculty and learners at the university of Arizona College of Medicine
- If a member is the (or one of the) designated personnel to address a professionalism issue, the member will reclude him/herself from any discussion of that case.

Members of the Professionalism Committee:

- The members include Dean-appointed faculty, and a legal representative
- The members represent both campuses of the College of Medicine, including members from Tucson and Phoenix.

## VII. Nondiscrimination and Anti-harassment Policies at the University of Arizona.

The University of Arizona has promulgated a Non-discrimination and Anti-harassment Policy, which prohibits discrimination, harassment and retaliation on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, and genetic information in its admissions, employment and educational programs or activities. University policy also prohibits sexual harassment. Should learners or faculty believe they have been discriminated against because of these characteristics, they may file a complaint with the Office of Institutional Equity, located at University Services Building, 888 N. Euclid, Tucson, AZ 85724. That office shall provide the exclusive forum for filing complaints regarding unlawful discrimination, harassment or retaliation as described in that policy.

## VIII. Definitions. In this Code, unless the context otherwise requires:

1. “Abuse” or “abusive behavior” means, with respect to a learner, conduct that results in the infliction of, or allows another person to inflict or cause physical pain or injury, wrongful confinement, impairment of bodily function, disfigurement or that would cause a reasonable person emotional damage. To constitute abuse, the inappropriate conduct need not be physical, but also may include verbally threatening or mistreating an individual. It shall also constitute abuse for a faculty member or other employee of the COM to solicit a learner to provide medication, write a prescription or procure medication, of whatever kind, for the faculty member or other employee or a member of that individual’s family or other person. Abuse, including sexual abuse or misconduct, also may be defined by other established University policy or by law, as it may be modified from time to time. To the extent that another University policy also defines this term, the term shall include those definitions. Nothing in this policy shall require that, if the conduct about which an individual complains constitutes criminal conduct, the procedures under this policy shall foreclose making a criminal complaint to appropriate law enforcement authorities.
2. “Board” means the Arizona Board of Regents and is sometimes referred to herein as ABOR.
3. “Faculty” means all employees of the Arizona Board of Regents in teaching, research, or service, whose notice of appointment is as lecturer, instructor, assistant professor, associate professor, professor or otherwise designated as faculty on the notice of Appointment or Notice of Reappointment. Faculty also include volunteers who sign an associate or affiliate agreement with the University and who are involved in the teaching, research or service mission of the University. Although not designated as faculty, graduate students who serve as assistants, associates or otherwise, are bound to follow the same governing policies related to faculty at the University of Arizona.
4. “Harass” shall mean actions of a repeated nature that, either intentionally or unintentionally, could reasonably cause another individual to suffer either emotional or physical pain or anxiety. Persistent and unwarranted criticism that takes on the form of personal attacks shall also constitute harassment. “Harass” shall not include “sexual

- harassment,” or other unlawful harassment defined under the University’s Non-discrimination and Anti-harassment Policy. Any complaints related to allegations of harassment addressed by the Nondiscrimination and Anti-harassment Policy shall be filed and investigated exclusively with the Office of Institutional Equity.
5. “Learner” shall mean any individual who is registered or enrolled in one or more classes as a student. A faculty member or full-time employee who takes any course as a privilege of employment is not a learner under this definition. Graduate students who serve as assistants, associates or otherwise, and all other students employed part-time are classified as learners rather than faculty or other university employee. Residents and fellows who are employees of the Arizona Board of Regents and who are participating in a graduate medical education training program at the COM, and whose employment is governed by an employment agreement under the provisions of the University Handbook for Appointed Personnel, Chapter 4, and the Arizona Board of Regents Policy Manual, also are considered “learners” for purposes of this policy.
  6. “Misconduct” is an act that violates this Code or any other University policy governing conduct of faculty or learners.
  7. “Records” shall mean any written documentation that is made prior to or as a result of a complaint.
  8. “University” means The University of Arizona.

## **IX. Professional Misconduct Prohibited.**

Physician faculty members and learners are expected to conduct themselves in accordance with the professional standards required of members of the medical profession as prescribed in A.R.S. § 32-1401, et seq. (allopathic physicians), and A.R.S. § 32-1800, et seq. (osteopathic physicians). Those who violate either University or ABOR policy or the professional standards set forth above will be subject to disciplinary action.

Additionally, the following behavior is proscribed by this Code of Conduct:

1. Verbally abusing another individual associated with the COM or its affiliated entities, whether or not that individual is a faculty member, administrator or learner.
2. Committing a criminal act, whether in connection with the individual’s participation in an educational program or activity or otherwise that reflects adversely on the individual’s honesty, trustworthiness or fitness as a faculty member or learner in other respects.
3. Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.
4. Knowingly making a false allegation or accusation or statement in connection with a complaint, whether made under this Code or another University, COM or Board Policy.

## **X. Reporting Misconduct.**

Every faculty member or learner who has knowledge that another faculty member or learner has violated this Code or other University policy or has committed an act that raises a substantial question regarding that individual’s honesty, trustworthiness or fitness as a faculty member or

learner in other respects, or that substantially affects the educational process at the COM, is expected to report that conduct to an appropriate office at the University of Arizona. It is expected that the recipient of a complaint will refer a faculty member or learner to the “Professionalism for All” website (which includes the report form) or to the appropriate office if a complaint is required to be filed in a particular University office. Those offices may include:

1. The University of Arizona Dean of Students’ office (complaints of discrimination, harassment and retaliation that fall under the Nondiscrimination and Anti-harassment Policy, where both the alleged policy violator and the person who is the subject of the potential discrimination, harassment, or retaliation are students, then the person who is the subject of the conduct should contact the Dean of Students).
2. The University of Arizona Office of Institutional Equity (complaints of discrimination, harassment and retaliation that fall under the Nondiscrimination and Anti-harassment Policy, in all cases that do not fall under paragraph VIII.1. above);
3. The COM Office of the Deputy Dean for Education (if the complaint involves a violation of professionalism, mistreatment or abuse by either a faculty member or learner);
4. An individual’s department head if the misconduct relates to an appointed person for which another policy does not provide a complaint mechanism;
5. To the Arizona Medical Board or the Board of Osteopathic Examiners if the individual is a licensed physician and has engaged in professional misconduct as defined by Arizona law;
6. To the University of Arizona Human Resources department, the University of Arizona Dean of Students’ office, or law enforcement officials if an individual believes he has been subjected to workplace violence;
7. To a law enforcement officer if the misconduct appears to be criminal in nature; or
8. By calling the University’s Ethics and Compliance Hotline (866) 364-1908 if the individual is not sure to which office a complaint most appropriately should be addressed.

The Deputy Dean for Education or his or her designee may conduct an investigation to determine whether a complaint of abuse or mistreatment of a learner warrants disciplinary action; otherwise, all other complaints will be investigated by the University office charged with investigating complaints of misconduct under existing University policies. The COM may request updates from the offices charged with investigating such complaints to ensure that faculty and learners’ concerns have been appropriately addressed.

Failure to report misconduct or unprofessional behavior described in this Code or in other University policies may result in disciplinary action under applicable policies. Retaliation against anyone who makes a good faith complaint under this Code or other University policies prohibiting misconduct will constitute misconduct that will be addressed under existing University policies.

## **XI. Confidentiality.**

Employees of the Office of Institutional Equity, the Dean of Students' office or other responsible administrators to whom complaints have been made related to violations of this Code or other University policies are required to maintain the confidentiality of the information they receive, except where disclosure is required by law or is necessary to facilitate legitimate University processes, including the investigation and resolution of the complaint.

## **XII. Remedies.**

1. If the subject of a complaint is a faculty member or administrator, the University officer who has investigated a complaint related to a violation of this Code or other University policy will provide a summary of the investigation to individual's supervisor, along with recommendations, which the supervisor will take into consideration in determining whether disciplinary action is appropriate.
2. If the subject of the complaint is a student, the University officer who has investigated a complaint related to a violation of this Code or other University policy will provide a summary of the investigation to the University of Arizona Dean of Students' office if the investigator determines that the misconduct violated the Student Code of Conduct and to the Associate Dean for Student Affairs at the COM. The University of Arizona Dean of Students' office may take appropriate disciplinary action against such student if his or her conduct also violates the ABOR Code of Conduct.
3. If the subject of the complaint is a learner at the COM whose conduct is alleged to have violated the professionalism standards at the COM, and the Deputy Dean for Education determines after investigation that the conduct warrants further review, it will refer the matter to the COM's Student Progress Committee, which will take appropriate action.
4. If the subject of the complaint is a faculty member or administrator whose conduct is alleged to have violated the professionalism standards at the COM, and the Deputy Dean for Education determines after investigation that the conduct warrants further review, it will refer the matter to the faculty member's or administrator's department head (if a faculty member) or the COM Dean (if an administrator), who will take appropriate action under existing University policies related to disciplinary action.
5. If the subject of the complaint is a resident or fellow who is participating in a GME program at the COM, whose conduct is alleged to have violated the professionalism standards at the COM, and the Deputy Dean for Education determines after investigation that the conduct warrants further review, it will refer the matter to the GME Office, which will initiate appropriate disciplinary action in accordance with the Due Process Guidelines for Residents and Fellows.
6. If disciplinary action is undertaken as a result of a complaint, all records prepared in the investigatory process will be made available to the appropriate administrator or body for such disciplinary process.

## **XIII. Records Retention.**

If a University officer, after investigating a complaint under this policy, determines that the individual against whom a complaint was made did not violate either this Code or any other



University policy and that there is not basis to recommend disciplinary action, all materials gathered throughout the complaint and investigation process will be kept separate from the individual's employment or student file, but shall be retained in the Associate Dean for Student Affairs' office (if it relates to a student), and in the Deputy Dean for Education's files if the individual against whom the complaint was filed is a faculty member or administrator, for future reference should additional similar complaints be made regarding the individual about whom the complaint was made.