Purpose and Scope

The purpose of this policy is to define unprofessional behavior involving School of Medicine faculty and to outline the process for managing unprofessional behavior, and then, if necessary, the process for escalating allegations of unprofessional behavior beyond the division or department level. For consistency and clarity, this policy is based on the UUHC Professional Conduct Policy; however this policy to all School of Medicine faculty.

School of Medicine faculty working in or on behalf of the School of Medicine will conduct themselves in a professional manner and will treat all students, trainees, healthcare professionals and employees with respect, courtesy, and dignity.

It is expected that alleged unprofessional behavior by Medical School faculty that results in a complaint by another faculty member, any students and trainees, or other individuals in contact with the faculty, will be managed and documented at the division and/or department level. If the process needs to escalate beyond that level, then the policy and process outlined below will be enacted.

Relationship to Existing Mechanisms for Addressing Medical School Faculty Conduct

This policy is not an exclusive forum for resolving allegations of unprofessional behavior, but is supplementary to and complementary to other existing channels. This policy is complementary to University Policy, the Medical Student Code of Conduct, and the UUHC Medical Staff Bylaws, and is intended to be a furtherance of the collegial process.

Policy

The School of Medicine does not tolerate unprofessional behavior either within or related to the workplace. Unprofessional behavior means any behavior that prevents or interferes with an individual’s or group’s academic performance or creates a disruptive, unsafe, intimidating, hostile or offensive work and/or learning environment. Unprofessional behaviors can be active (e.g., profanity, yelling, or intimidation) or passive in nature (e.g., failing to respond to a colleague’s request for assistance). While there can be increasing levels of severity with respect to the types of unprofessional behavior, there may be incidents that rise to a more serious level, due to their severity or to the persistence of the unprofessional behavior after counseling and intervention.
Unprofessional behavior falls generally into three levels of increasing severity:

- **Level I**: Includes most passive disruptive behavior; additionally, active disruptive behavior such as verbal outbursts or abusive comments directed at-large, but which are reasonably perceived by a witness to be disruptive as defined above.
- **Level II**: Includes yelling, swearing or cursing; threatening, humiliating, sexual or otherwise inappropriate comments directed at a person or persons; physical violence or abuse directed at an inanimate object (including throwing objects in anger); and discrimination and/or retaliation.
- **Level III**: Includes physical violence or other physical abuse directed at a person or persons, and behaviors that persist after intervention and/or remediation.

**Process for Managing Unprofessional Behavior**

Any faculty member, employee, or University of Utah student or trainee, may bring an allegation of unprofessional behavior involving School of Medicine faculty to the cognizant department chair or division chief, or if the circumstances require, to any vice dean or the dean.

Allegations of unprofessional behavior trigger the process outlined below:

1. Either the department or the division, or the dean’s office will gather facts relevant to the allegation in coordination with the relevant Division Chief and/or Department Chair or designee, Dean or designee, and/or medical director or designee, as appropriate, or through direct interaction with fact witnesses or relevant documentation.

2. Either departmental/divisional head, or the cognizant dean will meet with the faculty member whose behavior has been challenged to further discuss the facts and circumstances that led to the complaint.

3. If it is determined that unprofessional behavior occurred, then the following actions may be taken, depending on severity:
   a. **Level I Response** will typically include:
      i. Written commitment from the faculty member not to repeat behavior
      ii. Notification of the faculty’s Department Chair
      iii. Development of a plan for following-up and monitoring as appropriate
      iv. Maintaining a permanent record of the incident
   b. **Level II Response** will typically include:
      i. Written commitment from the faculty member not to repeat behavior
      ii. Written notification of the remediation plan to the faculty member with copy to Department Chair
      iii. Notification of Dean or Vice-Dean
      iv. Mandatory follow-up

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1 Threats or actions directed against the complainant by the subject of the complaint will not be tolerated under any circumstance. Retaliation or attempted retaliation will result in corrective action.
v. Maintaining a permanent record of the incident
c. Level III Response will typically include the steps mentioned in connection with Level II above plus:
i. Notification of the School of Medicine Code of Conduct Committee, who will recommend an appropriate course of action to the Dean

There are a number of resources within the University of Utah that may be helpful in dealing with allegations of unprofessional behavior. Individual employees or team members may avail themselves of these resources when appropriate. Moreover, the Executive Committee may refer cases to these resources as appropriate or may ask complaining individuals to refer their concerns to these other resources.

- An employee, or faculty member when appropriate, may attempt to resolve the concern directly with the person who has engaged in the alleged unprofessional behavior.

- If the alleged unprofessional conduct involves a SOM employee (rather than faculty/Medical Staff), then the matter may be referred to the Director of Health Sciences Human Resources.

- If the alleged unprofessional conduct involves potential sexual harassment, hostile work environment based on sexual content or behavior targeted at a particular group, or potential discrimination or retaliation, the team member should report to his/her supervisor and/or to the Office of Equal Opportunity, 801.581.8365, located in Park Building Room 135.

- If there is an allegation of violation of criminal law, the team member should immediately notify security or campus police.

- Concerns involving medical students or residents may be referred to the appropriate vice dean or dean within the School of Medicine, or to the Assistant Dean, Graduate Medical Education, or to the relevant Residency Program Director or Department Chair.

- Any concerns or potential concerns related to the health of Medical Staff are not handled through the Committee, but may be referred to the relevant SOM Department Chair and/or the Office of Equal Opportunity and Affirmative Action as necessary. The Committee may refer Medical Staff members directly to the OEO or to Employee Assistance program.

A Professional Conduct Committee, an ad hoc committee in the School of Medicine, will convene as necessary to address any complaints or allegations or other related issues in a timely manner. The Chair of the Professional Conduct Committee will be the Vice Dean for Academic Affairs and Faculty Development, or his or her designee. The Chair will convene a committee that includes no less than:

- Vice Dean for Academic Affairs and Faculty Development or her/his designee (Committee Chair)
- Members of the Executive Committee (2)
- Representative from Human Resources (Advisory, non-voting) (1)
• Representative from the Office of the General Counsel (Advisory, non-voting) (1)

The committee may be incremented based on the source of the allegations; the chair of the committee will make that determination. The Committee will hear allegations and complaints, will investigate complaints within 30 days, and will recommend corrective actions to the dean. The dean may accept, amend or reject the recommendations.

The Committee Chair will submit a report to the Executive Committee annually; the report will include the number of Code of Conduct violations reviewed, the Level of the violation, and a summary of recommended actions.

The recommendations in this policy are consistent with University regulations 6-316 and 6-002

Additional resources may be found through Human Resources, the Office of Equal Employment Opportunity and Affirmative Action and the Employee Assistance Program.