

## **Colorado School of Public Health – Anschutz Medical Campus**

### **Procedures for Reported Perceived Lapses in Professionalism**

The Colorado School of Public Health (ColoradoSPH) Professionalism Statement describes the ColoradoSPH mission and the professionalism policies and procedures that apply to students, faculty, staff, post-doctoral fellows and residents in the ColoradoSPH, across the three partner institutions. It is the purpose of this document to describe the procedures to be followed at the ColoradoSPH - University of Colorado Anschutz Medical Campus (ColoradoSPH CU Anschutz) when a perceived lapse in professionalism is reported to the Office of Professional Excellence (OPE). Reports to the OPE may come from any individual, whether they were directly involved in a perceived lapse in professionalism or were informed by someone else about a perceived lapse.

The contact for the ColoradoSPH Cu Anschutz in the OPE is:

Email: [professionalism@cuanschutz.edu](mailto:professionalism@cuanschutz.edu)  
(No confidential information via email please)  
Professionalism Office Line: 303-724-4PRO (4776)

#### **A. Evaluation of a reported perceived lapse in professionalism**

When a report of a perceived lapse in professionalism is received by the OPE, personnel from the Office will: 1) review the initial complaint/concern, 2) perform an assessment comprising interview of claimant(s) and/or respondent(s), and 3) make an initial determination of the perceived level of seriousness, ranging from category 1 (least serious) to 3 (most serious) (Appendix A). In the case of an initial determination of a Category 2 or 3 lapse, the OPE will perform a thorough assessment including interview of claimant(s) and respondent(s) as well as collateral contacts if appropriate. If, upon evaluation of a complaint, the perceived lapse in professionalism is not deemed to be a lapse in professionalism, the case will be closed and all complainant(s) and/or respondent(s) will be informed of case closure.

If the report to OPE is deemed to require referral to other offices, such as Human Resources, Office of Equity/Title IX, Police, and/or Office of Research Misconduct, the OPE will make this referral. Such cases fall outside the scope of the OPE and the procedures outlined herein.

#### **B. Process for determined lapses in professionalism**

Procedures for responding to a perceived lapse in professionalism that is deemed to be a lapse in professionalism vary depending on how the incident is categorized, as follows:

##### **1. Category 1**

A Category 1 lapse in professionalism will be handled strictly by the OPE. This typically includes discussion about concerning professionalism issues with the respondent. No action will be taken within the ColoradoSPH; however, notification of Category 1 lapses in professionalism will be provided to the ColoradoSPH CU Anschutz Professionalism Committee (“Professionalism Committee”) without identifying the claimant name(s), unless the claimant has agreed to be identified.

##### **2. Category 2**

A Category 2 lapse in professionalism is considered serious enough to warrant the involvement of the respondent's immediate supervisor. Hence, it will result in the OPE meeting with the Professionalism Committee and with the immediate supervisor of the respondent. The OPE will provide recommendations and suggestions as appropriate (and consistent with similar lapses in other professional schools). This may include, but is not limited to, communication training, coaching, mediation, behavioral health referral, remediation, referral for peer assistance services, letter of direction or formal written notice. After the OPE provides a recommendation, the Professionalism Committee will develop by consensus the most appropriate course of action. The immediate supervisor will ensure implementation of the action.

### 3. **Category 3**

A Category 3 lapse in professionalism is considered the most serious type and, accordingly, warrants the involvement of the respondent's immediate supervisor and other ColoradoSPH CU Anschutz and university representatives, as deemed appropriate. Hence, it will result in the OPE meeting with the Professionalism Committee, immediate supervisor, and others as appropriate (e.g., University Counsel). The OPE will provide recommendations and suggestions as appropriate (and consistent with similar lapses in other professional schools). This may include, but is not limited to, communication training, coaching, mediation, behavioral health referral, remediation, referral for peer assistance services, letter of direction, formal written notice, or suspension with or without pay. After the Office provides a recommendation, the Professionalism Committee will develop by consensus the most appropriate course of action. The immediate supervisor and the Dean will be informed of the lapse and the Committee's recommendation, and the immediate supervisor will ensure implementation of the action.

## **C. ColoradoSPH CU Anschutz Professionalism Committee - Procedures**

The primary function of this standing committee is to examine **category 2** or **category 3** lapses of professionalism and develop by consensus the most appropriate course of action.

Members of the Professionalism Committee include:

- ColoradoSPH CU Anschutz Associate Dean for Faculty (*Chair*)
- ColoradoSPH CU Anschutz Faculty representatives (two) (one Professor and one Associate Professor preferred): will rotate every 3 years
- ColoradoSPH CU Anschutz Staff representative: will rotate every 2 years

Additional attending members at Professionalism Committee meetings include:

- Human resources representative
- University legal counsel representative
- OPE representative

For **category 3** lapses in professionalism, other members may include:

- University psychiatrist/psychologist

If the lapse in professionalism involves a member on the Professionalism Committee, or if the supervising authority of the individual involved in the lapse in professionalism is a member of the Professionalism Committee, the human resources representative (in consultation with the Dean) will appoint an *ad hoc* replacement for the member for that case. If the lapse involves the human resources representative, the Associate Dean for Faculty (in consultation with the Dean) will appoint an *ad hoc* replacement for the human resources representative for that case. If a

committee member is recused during the course of a committee meeting, the committee may proceed without that individual and without a replacement.

Prior to any Professionalism Committee meeting, the Chair will ask committee members (himself or herself included) whether there is any reason why they would be unable to render an unbiased opinion in an impending case. Committee members who disqualify themselves will be recused and replaced by a similar ColoradoSPH CU Anschutz member (e.g., associate dean, faculty or staff representative) by the human resources representative (or Associate Dean for Faculty if the human resources representative has disqualified him/herself) (in consultation with the Dean) for that case.

For **category 2** or **category 3** lapses in professionalism, the Professionalism Committee will call to order a meeting with the human resources representative, and University legal counsel representative, OPE representative and, for **category 3**, other necessary personnel (e.g., psychologist/psychiatrist). After a recommendation is provided by the OPE, the Professionalism Committee will determine by consensus the most appropriate course of action. The OPE will follow-up with the respondent (as appropriate) and the immediate supervisor to make sure that appropriate actions have been taken.

Final decisions regarding action for any **category 2** or **category 3** lapse in professionalism will be acted upon by the immediate supervisor within seven days of the deliberation. The immediate supervisor will meet with the respondent to discuss the case, the decision(s), and implement any actions.

At any time upon review of category 1, 2 or 3 lapses in professionalism, attendees at the Professionalism Committee meeting may call to question the assigned category by the OPE. Category determination can be changed during a Professionalism Committee meeting based on discussion with the OPE and Professionalism Committee.

The Professionalism Committee will meet monthly; however, *ad hoc* meetings may occur as needed. Meetings may be cancelled if no action items are to be discussed. When other personnel (e.g., legal counsel, etc.) must be present for a case presentation, all attempts will be made to schedule a meeting within two weeks of notification from the OPE that a meeting is necessary.

Electronic mail (e-mail) is an accepted official form of written communication in the ColoradoSPH CU Anschutz and therefore may be used to communicate information between members of the Professionalism Committee and other necessary parties; however, cases will be referred to by an identification number and not by name.

Written communications in hard copy format shall be used when appropriate. Materials required to be reviewed by members of the Professionalism Committee will be distributed in hard copy during the Committee meeting. All hard copy materials will be collected at the close of the meeting and shredded.

The Professionalism Committee is responsible for determining the procedures to be followed by the Committee. Changes to the procedures described in this section may be made by majority of the Committee.

#### **D. Protection of confidentiality**

A summary of each case will be entered into a database that is maintained in the OPE and accessible only by staff in the OPE. This will include category, type of lapse, date of meeting, and action implemented. In all cases, the Professionalism Committee will keep confidential the names of the individual(s) reporting, witnesses and potential witnesses except as required by ColoradoSPH CU Anschutz or university policy, or by law or statute. It is to be noted that claimants, respondents, collaterals, and Professionalism Committee members may be subject to disciplinary actions should they breach such confidentiality.

#### **E. Notification of final decisions**

The notification of the decision by the immediate supervisor regarding required actions will be in writing. The claimant will be informed as to whether the case was reviewed by the immediate supervisor and Professionalism Committee.

#### **F. Appeal process**

The respondent may appeal any **Category 2** or **Category 3** decision of the immediate supervisor and Professionalism Committee by writing to the ColoradoSPH CU Anschutz Dean within fifteen calendar days of being notified of the decision on the case. The Dean is able to reverse or modify the findings and recommendations of the Professionalism Committee and immediate supervisor if he/she concludes, by a preponderance of evidence, that one of the following situations exists: (a) new information regarding the alleged lapse in professionalism which was previously unknown to the respondent or the Committee is discovered; (b) there was an error in the process that prevented the respondent from presenting relevant information to the OPE that could have materially changed the Committee's decision; or (c) there is evidence that the Professionalism Committee acted in an arbitrary or capricious manner. The decision of the Dean shall be final. The Dean will communicate the decision to the respondent, the immediate supervisor, the Professionalism Committee, and the OPE, as appropriate.

## **Appendix A. Office of Professional Excellence Lapse in Professionalism Categories**

### **Category 1:**

- Triggered by single validated incident, no previous report, not egregious (not involving physical contact, racism or other protected class violations, etc.).
- Professionalism Committee is informed of the case.
- Complainant and respondent meet (separately) with representative of Office of Professional Excellence (OPE) to discuss incident.
- If a second category 1 case occurs for a respondent that involves behaviors/actions that relate to the first incident, the case will be upgraded to Category 2 or 3
- Approximately 52% of cases through 2015 in School of Medicine (similar data not yet available for other Schools at CU Anschutz)

### **Category 2:**

- Triggered by multiple validated incidents, but not seriously egregious.
- The OPE provides recommendations and suggestions as appropriate (e.g. communication training, mental health referral, remediation, peer assistance services, letter of direction, etc.)
- Professionalism Committee decides appropriate actions for the case.
- Respondent meets with immediate supervisor to discuss course of action.
- Approximately 41% of cases through 2015 in School of Medicine

### **Category 3:**

- Triggered by repetitive validated unprofessional acts (which failed resolution in categories 1 or 2); egregious acts, such as those involving physical or emotional abuse, racism, gender, sexual orientation; and/or complex, multifaceted or inter-related concerns which include professionalism
- The OPE provides recommendations and suggestions as appropriate (e.g., suspension, termination, reporting to licensing boards and other authorities as appropriate, etc.)
- Professionalism Committee decides appropriate actions for the case in consultation with others, e.g., University legal counsel representative, University psychiatrist/psychologist
- Respondent meets with immediate supervisor to discuss course of action.
- Approximately 7% of cases through 2015 in School of Medicine

**Figure 1.** *Process for Lapse in Professionalism*

