

## POLICY AND PROCEDURE

### UNIVERSITY OF NORTH CAROLINA HOSPITALS GRADUATE MEDICAL EDUCATION POLICY ON CONSENSUAL AMOROUS RELATIONSHIPS BETWEEN FACULTY AND RESIDENT/SUBSPECIALTY RESIDENTS

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Interactions between faculty and residents/subspecialty residents in graduate medical education training programs sponsored by the University of North Carolina Hospitals are guided by mutual trust, confidence, and professional ethics. Because professional relationships between faculty and residents/subspecialty residents have a power differential that must exist for appropriate training to occur, personal relationships that may develop between faculty and trainees carry risks of conflict of interest, breach of trust, abuse of power and breach of professional ethics. In particular, sexual or amorous relationships between medical supervisors and their medical trainees raise concerns: 1) because of inherent inequalities in the status and power that medical supervisors wield in relation to medical trainees; and 2) because other healthcare team members may perceive such relationships as providing a trainee with preferential treatment from the faculty member or the faculty member's colleagues, both of which may adversely affect patient care, as well as UNC Hospitals' ability to provide appropriate medical training, in general. Accordingly, amorous relationships between a medical trainee and an attending or other supervisor, even when consensual, are not acceptable regardless of the degree of supervision in any given situation.

#### **POLICY:**

It is the policy of UNC Hospitals that faculty members shall not engage in consensual relationships with trainees whenever the faculty member has a professional "position of authority" with respect to the trainee in matters involving evaluation of trainee performance as part of the graduate medical education program. Should a consensual relationship develop, or appear likely to develop, while the faculty member is in a position of authority, the faculty member and/or the trainee must terminate the position of authority.

This policy will also apply to relationships between residents/subspecialty residents and students during student rotations/experiences in which the performance of the student as part of their approved curriculum is being evaluated.

#### Definitions

1. **Faculty**, for purposes of this policy only, consists of full or part-time faculty and all other personnel who evaluate resident/subspecialty resident performance.

2. **Residents/subspecialty residents** are all full or part-time residents/subspecialty residents assigned to UNC Hospitals.

3. **Medical student** refers to any student enrolled in a course approved by the UNC School of Medicine.

4. **Trainee** refers individually or collectively to residents, subspecialty residents, medical students or other students participating in clinical education rotations at UNC Hospitals.

5. A **consensual relationship** exists when, without the benefit of marriage, two persons as consenting partners (a) have a sexual union or (b) engage in a romantic partnering or courtship that may or may not have been consummated sexually.

6. **Position of authority** includes situations in which a faculty member or other supervisor is responsible for supervision and/or evaluation of the performance of a resident/subspecialty resident, or when a resident/subspecialty resident is responsible for supervision and/or evaluation of the performance of a student. Instruction that does not have a supervision and/or evaluation component is not included.

### Procedures

When a consensual relationship, as defined above, exists or develops, a position of authority with respect to the trainee must be avoided or terminated. Avoidance or termination includes, but is not limited to: removing any supervisory, teaching, evaluating, advising, coaching, or counseling responsibilities between the person in the position of authority and the trainee; or transfer of the trainee to another rotation. The supervisory role should be eliminated if the parties involved wish to pursue their relationship. Faculty members, residents, subspecialty residents, students or other trainees must notify the UNC Hospitals Office of Graduate Medical Education and their supervisor (e.g., department chair, program director or other responsible administrative official most directly involved in the training program, excluding the person alleged to have violated this Policy) of any prohibited relationship in which they are involved; and, have a duty to cooperate in making acceptable alternative arrangements. The alternative arrangements should avoid negative consequences for the trainee. If acceptable alternative arrangements are not feasible, the relationship cannot continue.

### Non-Compliance with Policy

Because of the sensitive nature of such relationships, every reasonable effort should be made to resolve alleged Policy violations on an informal basis if possible. Any credible allegation of a faculty member's failure to avoid or terminate a position of authority while in a consensual relationship obligates the department chair, program director or other responsible administrative official most directly involved in the training program, excluding the person alleged to have violated this Policy, to conduct a prompt and thorough inquiry to determine whether the allegation is true. The University of North Carolina at Chapel Hill's policy on Improper Relationships between Students and Employees shall govern any inquiries and violations of this policy that involve faculty or staff of the University. When the result of such an inquiry is that a violation of this Policy exists, and the supervisor refuses to terminate the position of authority or, alternatively, the involved persons refuse to terminate the relationship, the department chair, program

director, or other responsible administrative official most directly involved in the training program, excluding the person alleged to have violated this Policy, shall terminate the position of authority and may impose sanctions against the parties involved. Any remedial action taken by administrative officials will depend on the totality of the circumstances.

### Sanctions

Persons in violation of this policy shall be subject to appropriate sanctions. Efforts should be made to provide constructive education for concerned parties and to take corrective rather than punitive action if a Policy violation is found; an acknowledgment of the violation and a commitment not to violate the Policy in the future, along with a warning or other appropriate action directed toward the faculty or staff member, may be sufficient resolution. In cases where further action is deemed appropriate, sanctions may range from a letter of reprimand to dismissal, all in accordance with applicable Hospital and/or University procedures.

Complaints found to be knowingly false or made in willful disregard of the truth shall subject the complainant to the same sanctions.

### Faculty Rights

Nothing herein shall abridge the rights of faculty as outlined in applicable University policies on academic freedom, employment, or tenure.

### Amorous Relationships Outside the Official Supervisory or Evaluative Context

Even when a faculty member has no professional responsibility for a trainee, the faculty member should be sensitive to the perceptions of other healthcare team members that a trainee who has a consensual relationship with a faculty member may receive preferential treatment from the faculty member or the faculty member's colleagues. In particular, when the individual and the trainee are in the same academic unit, or in units that are allied, relationships that the involved parties view as consensual may be disruptive to unit activities and appear to others to be exploitative. Further, in these and other situations, the faculty or staff member may face serious conflicts of interest. In any such situation, therefore, persons in position of authority should be most careful to remove themselves from involvement with any decisions that may reward or penalize trainees. Individuals in positions of authority must also be aware that romantic or amorous relationships with trainees that may begin as consensual are fraught with danger for exploitation and pose a legal risk to both the individual and the institution.

### Appropriate Relationships

Friendships or mentoring relationships between faculty or staff employees and students are not proscribed, nor is it the intent of the Hospital that such non-amorous relationships be discouraged or limited in any way.

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