

## Procedures for Managing Discrimination from Patients, Families and Guests

### 1. PURPOSE

To provide guidance to UConn employees (including faculty and staff), students, residents, volunteers and applicable contractors and agents for managing discrimination and harassment from patient, families and guests. “Harassment” includes but is not limited to sexual harassment, such as unwanted sexual comments and/or sexual contact by patients, families and guests in clinical care settings.

### 2. RELEVANT UNIVERSITY POLICIES

The *Patient Rights and Responsibilities* provides in relevant part that all patients must:

Demonstrate respect and consideration for UConn Health: Patients as well as their families/visitors are expected to recognize and respect the rights of our other patients, visitors, staff, practitioners and medical staff.<sup>1</sup> Requests for practitioner or medical staff changes based on sex (gender) will be considered on a case-by-case basis. Requests for changes of practitioner or other medical staff based on other protected characteristics, including but not limited to the practitioner or medical staff’s age, race, ethnicity, religion or religious creed, disability, sexual orientation, gender identity or expression, color, national origin, ancestry, or membership in any other protected classes as set forth in state or federal law will not be honored. Threats, violence, disrespectful communication or harassment of any member of the UConn Health community for any reason will not be tolerated.

The University’s *Policy Against Discrimination, Harassment, and Related Interpersonal Violence* provides in relevant part:

The University of Connecticut (the “University”) is committed to maintaining a safe and non-discriminatory learning, living and working environment for all members of the University community – students, employees, and visitors. Academic and professional excellence can exist only when each member of our community is assured an atmosphere of safety and mutual respect. All members of the University community are responsible for the maintenance of an environment in which people are free to learn and work without fear of discrimination, discriminatory harassment or interpersonal violence. Discrimination diminishes individual dignity and impedes equal employment and educational opportunities.

It is the responsibility of every member of the University community to foster an environment free of Prohibited Conduct. All members of the

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<sup>1</sup>“Practitioner” and “medical staff,” as used herein, includes any individuals involved in the health-related care, treatment or service of a patient.

University community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. The University will support and assist community members who take such actions.

### **3. APPLICABILITY**

These guidelines apply to discrimination and discriminatory harassment committed by patients and/or other patient-related family members/guests occurring in the clinical and patient care settings on University property. For purposes of these guidelines, University property includes all areas owned or controlled by the University.

### **4. PROCEDURES**

#### **a. Patient Notification of Rights and Responsibilities**

- i. Patients and their representatives will be informed of their rights and responsibilities and how to get assistance with concerns or complaints, as soon as possible upon admission or encounter with the institution. Posters outlining patient rights and responsibilities will be displayed in specific public areas, including waiting rooms and in selected visible locations throughout the institution, including key hospital and ambulatory locations.<sup>2</sup> Inpatients will receive information relating to their rights and responsibilities and how to report concerns and complaints as soon as possible upon admission.<sup>3</sup>

#### **b. Initial Assessment of Discriminatory Behavior**

When a patient, family member or guest makes a potentially discriminatory request and/or shows disrespect for the dignity of others with a discriminatory or harassing comment or behavior:

- i. Assess the situation. Determine if the patient is physiologically stable.
  - If the patient is not physiologically stable, appropriate staff should administer appropriate treatment.
- ii. If the patient or visitor requests a change in practitioner or medical staff<sup>4</sup> based on the practitioner or medical staff's sex (gender), and there is a clinically or

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<sup>2</sup> Each clinic or hospital area should confirm with the Office of Accreditation and Regulatory Affairs that they have the most recent signage and that the signage is properly placed to meet regulatory requirements. It is the responsibility of the individual clinic or hospital area to print the signage and ensure proper placement.

<sup>3</sup> Inpatient psychiatry patients will receive education regarding patient rights and responsibilities upon admission.

<sup>4</sup> "Practitioner" and "medical staff," as used herein, includes any individuals involved in the health-related care, treatment or service of a patient. "Medical," as used throughout these procedures, means of or relating to the science or practice of medicine or dentistry, or anything else of or relating to the health-related care, treatment or service of a patient.

ethically appropriate reason for the request, the request shall be considered on a case by case basis. Examples of clinically or ethically appropriate requests based on the practitioner or medical staff's sex (gender) include:

- Modesty
- Religious beliefs
- Trauma/PTSD

Requests for changes of practitioner or medical staff based on other protected characteristics, including but not limited to the practitioner or medical staff's age, race, ethnicity, religion or religious creed, disability, sexual orientation, gender identity or expression, color, national origin, ancestry, or membership in any other protected classes as set forth in state or federal law will not be honored.

- iii. Ask for assistance. Notify your nurse/practice manager, clinical director or director (or equivalent) and/or attending physician or dentist (hereinafter, "Clinical Leadership") and request that they be present for and assist with subsequent conversations with the patient or visitor.
  - It is recommended that Clinical Leadership have another person in the room during any subsequent conversation with the patient relating to the patient's or visitor's discriminatory request, comment or behavior.
  - The Office of Patient Experience is also available to assist. The Office of Patient Experience can be contacted by calling 860-679-3176 between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.
  - If you are in need of assistance outside of business hours, please contact the administrative nursing supervisor or dental clinic manager.
- iv. Determine decision making capacity. Clinical Leadership should determine the patient's decision-making capacity.
  - If the patient has limited or impaired decision making capacity, due to mental handicap, intoxication, infection, or other medical condition(s), then the patient may not have the ability to trigger a change in practitioner or medical staff or to be held accountable for discriminatory comments or behaviors, and appropriate treatment should be administered.
  - Support should be provided to any impacted practitioners or medical staff.
  - If the behavior becomes threatening or abusive, activate the code response team or contact the UConn Police or local police, as appropriate based on the incident and location.

c. Clinical Leadership Conversation with Patient, Family Member and/or Guest

- i. Clinical Leadership (collaboratively, when possible) opens the dialogue; some of the following language may be helpful in guiding the conversation:
  - Help me understand your concerns/tell me more about your request

- I hear your request, however, here at UConn Health, we respect all people and we expect the same from our patients, their families and visitors. This is how we make UConn Health a safe place for everyone.
  - Your comment concerns me. At UConn Health, we work together as a team and each member of our team is qualified and competent. Are there any questions that I can answer?
  - I remind you that as a patient/family/visitor, it is your responsibility to show respect for all patients, visitors and staff and to refrain from engaging in verbal or physical abuse.
- ii. If the patient or visitor communicates an understanding of the rationale for the behavior to stop, and an ability to comply with the restriction, then care will continue with as needed reminders, prompts and redirection regarding appropriate behavior.
- iii. Clinical Leadership will debrief with the practitioner or medical staff who was the target of the behavior, and any practitioner or medical staff who were otherwise impacted.
- Provide support and acknowledgment that this kind of behavior is unacceptable.
  - Offer further support through EAP, the Ombudsman, Peer Support, or other relevant resources.
  - Ask the targeted practitioner or medical staff if they would like to continue to care for the patient. The targeted practitioner or medical staff shall not, whenever clinically possible, be required, coerced or pressured to continue care for the patient, and the targeted practitioner or medical staff shall not be subjected to retaliation for their decision regarding their continuing or discontinuing care of the patient, within clinically appropriate bounds.
  - If the targeted practitioner or medical staff decides not to continue care, Clinical Leadership will adjust the assignment to the extent possible.
  - As appropriate, Clinical Leadership will communicate any change in practitioner or medical staff to the patient, while reaffirming UConn’s commitment to non-discrimination and respect.
- iv. In the event the patient remains fixed on continuing with the discriminatory behavior or request, then the patient can be offered a transfer of care to another institution, or, for outpatient settings, the patient can be discharged. Consider the following points:
- At UConn Health, we do not accommodate discriminatory requests and harassing behaviors. There is zero tolerance for discrimination and we will not at any time accommodate discrimination and/or harassment.

- If you cannot agree to be treated by the entire team/agree to these conditions then you are indicating that you do not want to be treated in our system and we will assist you in finding another practitioner or medical staff member outside of UConn Health and transferring your care to them.

Report related incidents in Safety Intelligence, under Patient Related Incidents – Behavioral Events.

## **5. RESOURCES**

- Office of Patient Experience, 860-679-3176
- Employee Assistance Program, 195 Farmington Avenue, Suite 2000, 860-679-2877
- University Ombuds, 860-486-5143
- Spiritual Services, 860-679-3230
- Peer Support