

STANDARD OPERATING PROCEDURES

Process for Responding to Patient Reports of Sexual Misconduct

DESCRIPTION OF STANDARD PROCEDURES

When it is reported that a patient has experienced sexual misconduct, the following procedures should be followed:

1. Ensure that the patient is safe and in stable condition.
2. Contact the UTMB Police Department if there is an emergency/imminent safety risk or the patient wants to file a report with the police.
 - a. UTMB Police Department contact information: 911 (emergency) or 409-772-1111 (non-emergency).
3. Anyone who has a reasonable cause to believe a child, person 65 years or older, or an adult with disabilities is being abused, neglected, or exploited must immediately report the circumstances to the Texas Department of Family and Protective Services (DFPS). See UTMB IHOP Policy 09.03.09 for additional information.
 - a. Texas DFPS Abuse Hotline: 1-800-252-5400.
4. Staff member must notify the Charge Nurse and/or Nurse Manager and Attending Physician.
 - a. Charge Nurse and/or Nurse Manager must notify the Hospital Clinical Operations Administrator within 5 minutes of receiving notification of event.
 - b. Charge Nurse must ensure Nurse Manager is Informed of event.
 - c. COA notifies Campus Administrator, Associate Chief Nursing Officer, Associate Chief Medical Officer within 5 minutes of receiving notification of event.
 - d. COA reports to unit/department and takes lead roles as patient advocate and will remain in unit/department until UTMB Police arrive and begin investigation.
 - e. COA Lead Role Responsibilities:
 - i. Ensure the patient is safe.
 - ii. Clarify details of event and obtain additional information.
 - iii. Notify Patient Services Representative.
 - f. The Administrator or ACNO will notify:
 - i. The VP – Hospital Operations (Regional or Galveston)
 - ii. Quality and Patient Safety Director/Campus Specialist
 - iii. Risk Management Specialist and/or Legal Department
 - g. The VP-Hospital Operations will ensure:
 - i. Executive Leaders have been notified of an event: Chief of Staff, Chief Medical Officer and Chief Executive Officer & President.
5. Responsible Employees (which includes all UTMB employees who are not designated as Confidential Employees under IHOP Policy 03.02.04: Sexual Misconduct Policy), who in the course and scope of employment, witness or receive information about an incident that the employee reasonably believes to constitute sexual misconduct, sexual harassment, sexual assault, dating violence, domestic violence or stalking must promptly report the incident and all known information directly to UTMB's Title IX Office. Responsible employees who fail to promptly report to the Title IX Office are subject to discipline, up to and including termination.
 - a. How to Report: All known information should be reported to the Title IX Office at: titleix@utmb.edu.

- b. Reporting Timeframes:
 - i. Responsible Employees are required to immediately report incidents of sexual assault (including rape, fondling, incest, and statutory rape), dating violence, domestic violence and stalking to the Title IX Office.
 - ii. Responsible Employees are required to report sexual misconduct that does not constitute sexual assault, dating violence, domestic violence and stalking within three (3) business days to the Title IX Office.
- c. Reporting Individually/Collectively:
 - i. Each Responsible Employee can report the information to the Title IX Office individually, or alternatively, one Responsible Employee can report the information on behalf of others. If one person is reporting on behalf of others, that should be made clear in the report to the Title IX Office.
 - For example: "I am reporting on behalf of myself and all employees in department x." Or, "I am reporting on behalf of myself and the following employees: [applicable names]."
 - ii. Each Responsible Employee will be held accountable for fulfilling their reporting obligations to the Title IX Office. Therefore, a Responsible Employee should confirm with anyone who has indicated they will report on their behalf that the individual has in fact submitted the report to the Title IX Office within the appropriate timeframe and clearly included their name/information within the report.

6. Confidential Employees who receive information regarding incidents of sexual harassment, sexual assault, dating violence or stalking committed by or against a student or an employee of the University, are required to report the *type of incident* to the Title IX Office. Information should be reported to the Title IX Office at: titleix@utmb.edu

- a. Confidential Employees may *not* include any information that would violate a student's expectation of privacy.
- b. The Confidential Employee's duty to report an incident under any other law also applies.

7. Document only that the patient is reporting a sexual assault in the electronic health record (EHR) by the nurse and/or provider.

Note: Additional details in the EHR can be admissible in a court of law.

8. If a sexual assault is reported: Inform sexual assault patients that they have the right to a Sexual Assault Forensic Exam with or without reporting the incident to the police. Sexual Assault Forensic Examinations should be performed by Sexual Assault Nurse Examiners within 120 hours of a sexual assault.

- a. If a Sexual Assault Forensic Exam is requested, the staff member should confirm whether the patient would prefer for the exam to be conducted at UTMB's Emergency Department or another non-UTMB hospital. If the patient requests the examination at UTMB, a SANE nurse should be notified immediately.
- b. Confirm that the patient is medically cleared by a UTMB provider prior to the SANE nurse's arrival for forensic examination and collection.
- c. In order to preserve evidence, patients should not: bathe or shower, use the restroom, brush their teeth, wash their hands, eat or drink, or discard the clothing worn during and/or after the assault.
 - i. Do not take oral temperatures.
 - ii. Place clothing and belongings removed from the patient in a paper bag if the patient needs trauma assessment. Any evidence collection must have

chain of custody.

- iii. If the patient has to urinate, ask patient to pat dry, not wipe, and collect the urine.
 - d. Ensure staff does not go into the room once the exam is in progress.
 - e. The patient consent will be obtained as part of the sexual assault kit.
9. Complete an electronic event report (RL Datix).
 10. Arrange placement for the patient by the Social Worker if the patient is not able to return to their home.
 11. Continue with discharge and follow-up as recommended by the UTMB provider.

DEFINITIONS¹

1. **Provider:** For the purposes of this policy, includes Medical Staff, Attending Physician, House Staff, Advanced Practice Nurse (APN), Acute Care Nurse Practitioner (ACNP), and Physician's Assistant (PA).
 - a. **Advanced Practice Providers (APP):** Includes physician assistants (PAs) and advanced practice registered nurses (APNs).
 - b. **Attending Physician:** An appropriately credentialed and privileged member of the medical staff who accepts full responsibility for a specific patient's medical/surgical care.
 - c. **House Staff:** Physicians in post graduate training; this includes interns, residents, and fellows. House staff will be directly supervised by a member of the Medical Staff. Supervision shall be continuous but shall not be construed as necessarily requiring the constant physical presence of supervising physician.
 - d. **Medical Staff:** All classifications of Physicians who are approved to be Medical Staff Members in accordance with the Bylaws and are, thereby privileged to admit and/or treat patients at UTMB and its allied treatment facilities.
 - e. **Medical Staff Member:** A Physician who has been approved for appointment or reappointment to the Medical Staff, with privileges appropriate to his or her category of appointment pursuant to the terms of the Bylaws.
 - f. **Physician:** A person licensed by the Texas Medical Board as a medical doctor or doctor of osteopathic medicine who diagnoses, treats, or offers to treat any disease or disorder, mental or physical, or any physical deformity or injury by any system or method or effects cures thereof and charges therefore, directly or indirectly, money or other compensation. "Physician" and "Surgeons" shall be construed as synonymous.
 - g. **Practitioner:** Physician, APN, or PA. PAs and APNs based on their licensure, education, training, and experience may provide medical services that are delegated by the supervising physician and within their scope of practice.

Note: The definition of a Practitioner according to the Texas Administrative Code (TAC) (Title 25, Part 1, Chapter 133, Subchapter A, Rule 133.2): A health care professional licensed in the State of Texas, other than a physician, podiatrist, or dentist. A practitioner shall practice in a manner consistent with their underlying practice act.
2. **Sexual Assault Nurse Examiner (SANE):** A certified sexual assault nurse examiner with specialized training on conducting a Sexual Assault Forensic Exam.

¹ See UTMB IHOP Policy 03.02.04 – Sexual Misconduct Policy for additional definitions.