**Colby College Health Services Chaperone Policy**

This policy seeks to prevent and respond to sexual misconduct and harassment that may occur between health care providers and patients at the College. The policy applies to providers at Garrison Foster Health Center, sports medicine physicians, and any other College health care provider, including third-party contractors. This policy excludes athletic trainers, who will be governed by their policies and procedures manual. It applies to in-person, virtual, and hybrid health care interactions.

1. **Definitions**
2. *Sensitive Health Care Interactions*

A sensitive health care interaction is one that involves a patient’s intimate body parts, defined as the genitalia, breasts, anus, groin, and buttocks. A health care interaction is also considered sensitive when the patient is under the age of 18 or is unable to give full informed consent or protect themselves from abuse, neglect, or exploitation.

1. *Chaperone*

A chaperone may be any authorized health care team member who has received the College’s chaperone training, including health care professionals and trained unlicensed staff members.

1. **Chaperone Policy**

Medical chaperones, as witnesses to health care interactions, can support patients and providers, and help prevent and discover sexual misconduct. For all health care interactions, patients may opt in to having a chaperone, for some they must opt out, and some mandate chaperone presence. For any health care interaction, if the patient and provider do not agree on the need for a chaperone, a solution that satisfies both must be found before the interaction occurs: either a new provider will be found or the interaction postponed. Patients may request a preferred gender for their chaperone, which should be accommodated whenever possible. No part of the chaperone policy should impede emergency care.

1. *Opt-in Health Care Interactions*

A patient or their legal representative may request a chaperone for any health care interaction at any time. Providers may also request chaperones for any health care interaction.

1. *Opt-out Health Care Interactions*

Patients must opt out of having a chaperone for sensitive health care interactions. This means that a chaperone will automatically be assigned and will only be removed if the patient declines the chaperone.

1. *Mandatory Chaperone Health Care Interactions*

Any sensitive health care interaction with a patient under the age of 18 requires a chaperone.

1. *Non-Chaperone Support People*

Patients are entitled to bring support people (friends, family, etc.) to health care interactions. A non-chaperone support person cannot serve as a chaperone.

1. *Chaperone Duties*

Chaperones must:

* Adhere to this policy
* Be present for the entire time that the patient and provider agreed upon
* Be positioned where they can actively observe the patient, provider, and execution of the health care interaction at all times
* Maintain patient privacy, dignity, and confidentiality
* Be familiar with what sensitive health care interactions entail
* Report good-faith concerns of sexual or other misconduct, potential misconduct, patient discomfort, and anything else they deem important immediately after the interaction
* Stop an interaction if sexual misconduct happens and immediately report it to an appropriate party, as defined by this policy. This does not override the need to make a post-interaction report

Chaperones may also:

* Assist providers during health care interactions
* Assist patients, if they request, with personal needs like hygiene, using the bathroom, and dressing and undressing

1. *Chaperone Training*

All potential chaperones must receive annual chaperone training, which will include:

* A review of this policy
* Instructions for how to carefully observe health care interactions
* A clear explanation that chaperones will not be subject to discipline or retaliation for making good-faith reports
* How to report sexual misconduct observed as a chaperone
* How to recognize and address implicit and explicit bias
* Privacy requirements and the bounds of patient confidentiality that allow chaperones to report misconduct
* Refreshers on why regularly-performed elements of health care interactions (especially sensitive ones) are done and what they entail
* A discussion of the uneven power distribution between providers and patients
* How to chaperone and report without bias regardless of their personal or professional relationship with a provider
* How to intervene when sexual misconduct, risk of misconduct, or patient discomfort occurs

1. *Patient Education*

College health care teams covered by this policy will make patients aware of the policy by:

* Informing patients of (1) the chaperone policy, (2) their patient’s rights, including the right to request a chaperone for any health care interaction, (3) their right to ask for any health care interaction to stop, and (4) how they can report concerns about a health care interaction through:
  + Easily viewable signs in the waiting rooms and lobbies of health care settings and in all locations where health care interactions may take place
  + Physical printouts in all waiting rooms of all health care settings
  + The websites of all College health care teams and the student health portal
  + Appointment confirmation and reminder emails and a pre-appointment student health portal message
* Informing patients of the chaperone policy relevant to their scheduled health care interaction (opt-in, opt-out, or mandatory) and their patient’s rights
* Informing patients if their provider has requested a chaperone for their interaction

1. *Reporting and Documentation*
2. *Chaperones*

If a chaperone notices sexual misconduct, a potential for sexual misconduct, or patient discomfort, they must tell the provider to stop the interaction and immediately report it to the Medical Director and the Title IX Coordinator. If the Medical Director is a subject of the incident requiring a report, the report shall be made to the Title IX Coordinator.

1. *Health Care Providers*

It is the health care provider’s responsibility to create an accurate record of health care interactions, which records the presence of, request for, or refusal of a chaperone and the chaperone’s full name and job title if used.

If the patient opts out of having a chaperone for an opt-out health care interaction, it must be documented in the patient’s record. As well, if the patient declined a chaperone, the provider will document that they explained why each element of the health care interaction was necessary and what it entails.

1. *Patients and Others*

Patients and other parties seeking to make a report may do so through the Title IX Coordinator. The Medical Director and Title IX Coordinator shall be notified of any patient reports pursuant to this policy.

The patient must sign an acknowledgment that they received written information about their right to a chaperone under this policy. This acknowledgment is required only for patient’s first visit to the Health Center.

1. **General Policies**
2. *Consent*

A patient may rescind their consent at any time and/or ask for a health care interaction or an element of a health care interaction to stop. The patient must be informed before the interaction that they may ask for it to stop at any time.

1. *Provider Duties*

During all health care interactions, providers must:

* Adhere to this policy
* Ensure the patient’s privacy by providing and using screens, gowns, and sheets. Only remove clothing as absolutely necessary and with the patient’s consent
* Stop what they are doing if a patient or chaperone asks them to
* Not make personal or sexual comments, hints, or jokes to the patient
* Leave doors unlocked and unblocked

1. *Screening*

All health care providers and potential chaperones covered by this policy must go through background screening upon their initial hiring which will examine their criminal records, claims against them, and licensed providers’ health care license status.

1. *Provider Training*

Individuals, departments, and teams providing medical care who are covered by this policy must participate in annual training on the following topics:

* This policy
* The Colby College Title IX Sexual Harassment Policy
* Patient rights guidelines
* Reporting obligations and how to report sexual misconduct
* Bystander reporting and intervention for sexual misconduct and other biases in health care settings, including the bounds of patient confidentiality that require reporting
* The importance of and ways to direct patients to support resources like the Title IX Coordinator, Confidential Title IX Advocate, Counseling Services, etc.

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