Your Reference Committee recommends the following consent calendar for acceptance:

RECOMMENDED FOR ADOPTION AS AMENDED

Late Resolution 01 – Institutional Support for Medical Trainees who Experience Harassment
RECOMMENDED FOR ADOPTION AS AMENDED

(1) LATE RESOLUTION 01 – INSTITUTIONAL SUPPORT
FOR MEDICAL TRAINEES WHO EXPERIENCE
HARASSMENT

RECOMMENDATION A:

The first Resolve of Late Resolution 01 be amended by deletion:

RESOLVED, That our AMA work with relevant stakeholders to advocate that the US Department of Education replace their May 2020 Title IX rule on sexual harassment and assault in educational settings, including undergraduate and graduate medical education, with a comprehensive rule that reflects our AMA’s own zero tolerance conduct policy; and be it further

RECOMMENDATION B:

The second Resolve of Late Resolution 01 be amended by addition and deletion:

RESOLVED, That our AMA support the creation of federal, state, and institutional policies that preserve the safety and well-being of all people affected by sexual harassment and/or assault, including in educational settings, clinical settings, and undergraduate and graduate medical education, through means such as, but not limited to:

a. Prompt and ongoing access to mental health services, including trained clinicians and crisis advocates for those accusing someone of harassment and/or assault, including students and trainees student victims of harassment/survivors
b. Curricular and academic accommodations for students and trainees accusing someone of harassment and/or assault victims of harassment/survivors
c. Timely and clear written and electronic notice of complaints to all parties with timely, impartial, thorough, trauma-informed investigation of complaints
d. Access to counsel
e. Ability to provide testimony without presence of the harasser

df. Efforts to limit perpetrator or institutional backlash by institutions or by those accused of harassment and/or assault, including those due to the aftermath of harassment and as a result of any reporting/investigations

g. Increased enforcement of survivors' rights

h. The continuation of investigation in instances in which those accused of misconduct quit or otherwise leave the institution by their own volition

i. Barring the institutional use of non-disclosure agreements in both hospital and academic settings for providers and students alike when there is a finding of guilt

j. Institutional/school adoption of non-retaliation policies protecting individuals filing reports or appealing rulings from retaliation by perpetrators or the administration

RECOMMENDATION C:

The third Resolve of Late Resolution 01 be amended by addition:

RESOLVED, Our AMA-MSS immediately forward the first and second Resolve clauses of this resolution to the November 2021 Meeting of the AMA House of Delegates.

RECOMMENDATION D:

Late Resolution 01 be amended by addition of a fourth Resolve clause:

RESOLVED, That our AMA-MSS study additional means to address sexual harassment and/or assault, especially in educational and clinical settings such as undergraduate and graduate medical education, including but not limited to:

a. Access to counsel

b. Ability to provide testimony without presence of those accused

c. Increased enforcement of survivors’ rights

d. Continuation of investigations in instances in which those accused of misconduct leave an institution by their own volition

e. Prohibition of institutional use of non-disclosure agreements in both hospital and academic settings
for providers and students alike when there is a finding of guilt

f. Institutional non-retaliation policies protecting individuals filing reports or appealing rulings from retaliation by perpetrators or the administration

RECOMMENDATION E:

Late Resolution 01 be adopted as amended.

RECOMMENDATION F:

The title of Late Resolution 01 be changed to:
“Advocacy on the US Department of Education’s Spring 2022 Title IX Rule on Sexual Harassment and Assault in Education Programs.”

RESOLVED, That our AMA work with relevant stakeholders to advocate that the US Department of Education replace their May 2020 Title IX rule on sexual harassment and assault in educational settings, including undergraduate and graduate medical education, with a comprehensive rule that reflects our AMA’s own zero tolerance conduct policy; and be it further

RESOLVED, That our AMA support the creation of federal, state, and institutional policies that preserve the safety and well-being of all people affected by sexual harassment and/or assault, including in educational settings, clinical settings, and undergraduate and graduate medical education, through means such as, but not limited to:

a. Prompt and ongoing access to mental health services, including trained clinicians and crisis advocates for student victims of harassment/survivors
b. Curricular and academic accommodations for student victims of harassment/survivors
c. Timely and clear written/electronic notice of complaints to all parties with timely, impartial, thorough, trauma-informed investigation of complaints
d. Access to counsel
e. Ability to provide testimony without presence of the harasser
f. Efforts to limit perpetrator or institutional backlash, including those due to the aftermath of harassment and as a result of any reporting/investigations
g. Increased enforcement of survivors’ rights
h. The continuation of investigation in instances in which those accused of misconduct quit or otherwise leave the institution by their own volition
i. Barring the institutional use of non-disclosure agreements in both hospital and academic settings for providers and students alike when there is a finding of guilt
j. Institutional/school adoption of non retaliation policies protecting individuals filing reports or appealing rulings from retaliation by perpetrators or the administration

RESOLVED, Our AMA-MSS immediately forward this resolution to the November 2021 Meeting of the AMA House of Delegates.
There was no VRC testimony on Late Resolution 01. We appreciate the authors’ proposed advocacy on such an important topic. There was concern raised by the Reference Committee regarding some of the sources cited – specifically regarding retaliation and the use of appeals processes. The majority of the resolution has merit and we did not want to refer the entire item, as that would prevent important work that could be done prior to the Biden Administration changes to Title IX legislation happening next Spring. However, there were some points in the second resolve clause that could benefit from further study and refinement from our MSS Standing Committees. We recommend adding a new resolve clause for our MSS to study these topics specifically.

We offer clarifying amendments to both the first and second resolve clauses. Additionally, we believe the immediate forward clause is warranted, since this issue will be addressed prior to the next meeting of our AMA. We also recommend a title change to further express the urgency of this resolution. Your Reference Committee recommends Late Resolution 01 be adopted as amended.