

**Policy Title:**  
**Student Mistreatment Policy**

**Background:**

The purpose of this policy is to ensure that the learning environment of the School of Medicine promotes the development of explicit and appropriate professional attitudes, behaviors, and values in medical students and other learners. To accomplish this goal, it is necessary to define the standards of conduct that must guide teachers' treatment of learners, and to provide a mechanism by which to address violations of the standards. All learners must be provided with procedures to report violations and to have those violations investigated and acted upon without fear of retaliation. In addition, this policy aims to ensure that ongoing education concerning the issues dealt with in this policy is provided on a regular basis to the entire SOM community.

**Policy:**

The University of New Mexico School of Medicine is committed to providing its learners with a learning environment that is safe, supportive and respectful. Such a learning environment would exhibit and promote:

- the modeling and learning of professionalism
- respect for individual rights, diversity, and differences
- confidentiality and trust
- protection of civil discourse without fear of retaliation
- freedom from bullying or intimidation

Interactions between teachers and evaluators (on the one hand) and learners (on the other) in the education programs offered by the SOM and taught by SOM fellows, residents and faculty members are guided by principles of mutual trust, respect, ethics, and professionalism. All learners have the right to study, learn, and work in an environment free from harassment, threats, intimidation, or bullying.

**Definitions/Examples**

For purposes of this policy, the following terms have the meanings indicated.

- "Student mistreatment" refers to behavior that creates an intimidating environment and that is likely to interfere with an individual's work, education or well-being. Examples of conduct that may be considered mistreatment include but are not limited to repeated patterns of or a single egregious episode of:
  - Being publicly humiliated
  - Being threatened with physical harm or being physically harmed
  - Being required to perform personal services
  - Being subjected to unwanted sexual advances or asked to exchange sexual favors for grades or other rewards
  - Being denied opportunities for training or rewards based on gender
  - Receiving lower evaluations or grades solely because of gender rather than performance
  - Being subjected to offensive sexist remarks/names

- Being subjected to racially or ethnically offensive remarks/names
  - Being denied opportunities for training or receiving lower evaluations or grades solely because of race or ethnicity rather than performance
  - Being subjected to offensive remarks/names related to sexual orientation
  - Being denied opportunities for training or receiving lower evaluations or grades solely because of sexual orientation rather than performance
- “Teacher” refers to a full-time or part-time faculty member or any other person who is responsible for evaluating the performance of one or more students, residents, fellows, or other learners. Fellows and residents are also considered “teachers” of medical students. A teacher occupies a “position of authority” if he or she is responsible for evaluating the academic performance including clinical skills, or professionalism of a learner.
  - “Resident” or “fellow” means any full-time or part-time resident or fellow at the School of Medicine.
  - “Learner” means any person enrolled in a course, clerkship, or other educational program offered by the SOM or taught by a resident, fellow or member of the faculty in an SOM department.
  - The “community” is defined as all sites where UNM medical students, residents, graduate students, fellows, and other learners receive training.

A teacher who violates this policy may be subject to discipline as outlined in the procedure below.

## **Procedures for reporting, investigating and resolving alleged violations of this policy**

### **1. Procedure for reporting mistreatment other than Sexual Harassment or Discrimination**

A complaint that the behavior of a faculty member, resident or fellow has been in violation of this policy may be made to an appropriate individual, including – but not limited to – one or more of the following:

- Director of Professionalism
- Associate or Assistant Dean of Students
- Associate Dean for GME
- Associate Dean for UME
- Associate Dean for Clinical Affairs
- Vice Chancellor for Diversity
- Clerkship directors
- Members of Crossroads
- Members of the Committee for Advancement of Professionalism and Ethics
- Learning Communities mentors
- Director of the Wellness Office
- Members of the SOM Faculty

Students may wish to remain anonymous and anonymous reports will be taken seriously and will be investigated based on the following criteria: (1) The source, specificity and nature of the information provided (2) The seriousness of the alleged conduct (3) The objectivity and credibility of the source of the report (4) Whether other individuals can be identified who were privy to the alleged policy violation; and (5) Whether such individuals are willing to pursue the matter.

It is strongly preferred that the complainant document the complaint in a written statement to the Professionalism Improvement Committee (PIC). The complainant may submit a complaint to any member of the PIC, or another member of the SOM administration (listed above) who will refer the matter to the PIC.

Upon receipt of a complaint the PIC will, in a timely manner, consider the gravity of the complaint and pursue appropriate investigation.

## **2. Procedure for Reporting Sexual Harassment or Discrimination**

Claims of sexual harassment by students against staff, faculty (including Teaching Assistants), another student, or third parties (e.g., someone who is not a student or employee of the University) should be reported directly to the OEO. The OEO will evaluate all reports of sexual harassment to determine whether or not the conduct fits within the definition of sexual harassment recognized by University policy. If so, the OEO will proceed with processing reported incidents through the application of informal measures, or when warranted, a formal investigation. In those situations where the circumstances warrant a formal investigation, a final determination will be issued by the OEO at the conclusion of the investigation. The OEO is located at 609 Buena Vista NE. The telephone number is (505) 277-5251, website is: <http://oee.unm.edu/>

## **3. Procedure for investigating and resolving alleged violations of this policy**

Informal resolution may be pursued by the person receiving the complaint, based on an assessment of the nature of the complaint and/or the wishes of the learner. Informal resolution may be achieved by direct discussion and/or mediation with the alleged offender. The faculty member involved in the informal resolution will inform PIC of the situation and the outcome so that PIC can maintain a database of mistreatment.

When a learner has exhausted the possibility of resolving a situation of abuse or mistreatment using informal mechanisms, he/she either acting alone or in conjunction with the initial recipient of the complaint may contact the Professionalism Improvement Committee (see below) and give a verbal or written description of the circumstances leading to the complaint.

### **Professionalism Improvement Committee:**

The Professionalism Improvement Committee was created by the Executive Vice Dean (EVD) to promote a positive learning environment for learners, including students, residents, and other learners, and residents, fellows. The functions of the PIC are:

- to receive and evaluate complaints from individual learners and refer them with recommendations to the appropriate Chair and the EVD.
- to receive survey results from block, course, clerkship, and other formal evaluations that identify individual faculty members, residents, fellows or academic units who are alleged to be in violation of this policy;
- to conduct regularly scheduled meetings to ensure dissemination of policies and to track learning environment issues in the School of Medicine.

The membership of the Professionalism Improvement Committee is as follows:

- Director, HSC Office Professionalism (Chair's Professionalism Improvement Committee)
- Associate Dean for Clinical Affairs: Medical Staff representative
- Associate Dean for Graduate Medical Education: GME representative

- Associate Dean of Students: Undergraduate medical education representative
- Associate Dean for Academic Affairs. Faculty representative

The above members may, at their discretion, include other ad-hoc members when they judge this to be prudent or necessary.

Upon receipt of a complaint the PIC will, in a timely manner, consider the gravity of the complaint and pursue appropriate investigation.

The PIC's evaluation may include other ad hoc members with expertise to address matters involving substance abuse/recovery, gender/sexual orientation and minority issues, mental health, clinical specialty issues, or other matters. The teacher and his/her Department Chair will be informed of the complaint and the evaluation that has been undertaken. The resident, fellow or member of the faculty will have the opportunity to address the PIC as part of its evaluation of the matter. After completing its evaluation, the PIC will present its findings to the relevant Chair and EVD, along with recommendations. The Chair may investigate the situation further. The Chair is responsible for an appropriate intervention and for informing the PIC within a month of the outcome of his/her intervention(s). The PIC will inform the complainant of the outcome of the intervention(s).

Interventions might include remedial coaching, referral for counseling or psychotherapy, ethics consultation, assignment of a mentor. The Chair will consider whether to place the faculty member on a progressive disciplinary program (as described in C-07 of the UNM Faculty Handbook, APPM 3215 and UNMH HR 130).

The PIC will track the outcomes of the process and provide feedback to appropriate entities.

**Anonymity/Confidentiality**

All individuals involved in the process should know and understand the need for confidentiality. Written documents will be provided to others only when the PIC refers the matter to the relevant Chair and to the EVD. In all cases, written material will be kept in confidential files maintained by the chair of the Committee. At the end of each fiscal year, the PIC will submit an annual report to the EVD, summarizing the nature of cases and issues considered during the previous year.

**Ongoing education to promote a positive learning environment and discourage mistreatment and abuse**

The School of Medicine provides ongoing education to its community concerning its commitment to providing a positive learning environment that is respectful of all individuals. Reference to this policy is included in the student and resident handbooks and posted on the SOM website. The policy will be reviewed by the PIC and the EVD on a regular basis; suggested modifications will be recommended to the Dean. A letter will be sent on a regular basis from the Dean or his/her designee to all residents, fellows and members of the SOM faculty (including voluntary faculty) reminding them of the School's statement on supporting an abuse-free environment, of this policy, and of the existence of resources for resolution.

Responsible Office:	Office of Medical Student Affairs
Approving Body:	Curriculum Committee
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