

Student Mistreatment Policy

Teacher Conduct and Learner Complaints
Approved by the COC, August 12, 2009
Amended September 1, 2011

Purpose

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 a teacher's treatment of learners, and to provide a mechanism to address alleged violations of the standards. All learners must be provided with procedures to report violations without fear of retaliation and to have those violations investigated and acted upon. 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 community. The "community" is defined as all sites where UNM medical students, residents, graduate students, fellows, and other learners receive training.

Policy

The University of New Mexico School of Medicine is committed to providing its learners with a secure learning environment that reflects courtesy, civility and respect. A respectful learning environment exhibits and promotes:

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

Other specific professionalism attributes have been defined by the UNMHSC Medical Staff through an inclusive and iterative process. Those attributes are covered in a document entitled Medical Professionalism: A Statement from the UNMHSC Medical Executive Committee, which is attached as Appendix 1 to this document.

Interactions between teachers and evaluators (on the one hand) and learners (on the other) in the education programs offered by the SOM or 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

Mistreatment of learners can occur in a variety of ways that may impair learning. Examples of mistreatment of learners include – but are not limited to – a repeated pattern or a single egregious instance of public humiliation or belittlement, criticism or other actions that reasonably can be interpreted as demeaning or humiliating, unwarranted exclusion from reasonable learning

opportunities, unwelcome sexual comments, jokes, innuendos, or taunting remarks about one's body, attire, age, gender, ethnicity, sexual orientation, marital status, intentional physical contact such as pushing, shoving, slapping, hitting, tripping, throwing objects at, or aggressive violation of personal space.

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

- “Teacher” means 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.
- “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.
- 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.
- “Abusive conduct” means behavior that is intended by the actor to create an intimidating environment and that is likely to interfere with an individual's work or education. Abusive conduct can be verbal, visual, physical, or communicated in writing or electronically. Such conduct is typically directed against a particular individual or individuals. Examples of conduct that may be considered abusive include but are not limited to repeated patterns of or a single egregious episode of:
 - threatening or intimidating behavior or words (written or oral);
 - obscenities/profanities (verbal or gestures) directed at a person;
 - threatening or obscene gestures, jokes or cartoons;
 - degrading a person or a group on the basis of a racial, religious or cultural characteristic or sexual orientation
 - taunting, jeering, mocking or humiliating another person through acts or words;
 - excessive screaming and/or yelling at or around others;
 - insulting a person with the intent to embarrass, humiliate or aggrieve that person, especially in the presence of others;
 - endangering the safety of an individual or group of individuals;
 - inappropriate or unprofessional criticism that is primarily intended to belittle, embarrass, or humiliate.
 - It is a violation of this policy for any teacher knowingly, deliberately or intentionally to engage in abusive conduct directed at a learner. A teacher who violates this policy may be subject to discipline as outlined in the procedure below.

Procedure for investigating and resolving alleged violations of this policy

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:

- SOM ombudsperson;
- faculty members;
- Associate Dean of Students;
- Associate Dean for GME;
- Associate Dean for UME;
- Associate Dean for Clinical Affairs;
- members of CAPE;
- clerkship directors; or
- members of Crossroads.

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. 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 (PIC):

The Professionalism Improvement Committee was created by the Executive Vice Dean (EVD) to promote professionalism among learners, including students, residents, and other learners, and residents, fellows and members of the SOM faculty. The functions of the PIC are:

- to receive and evaluate complaints from individual learners and refer them with recommendations to the EVD
- to receive results from block, course, clerkship, and other formal evaluations that identify individual faculty members, residents, fellows or academic units that 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.
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The membership of the Professionalism Improvement Committee is as follows:

- Director, HSC Office Professionalism (Chairs 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.

A complainant must be willing to be identified to the person against whom a complaint is directed. It is strongly preferred that the complainant document the complaint in a written statement to the PIC. The complainant may submit a complaint to any member of the Professionalism Improvement Committee.

Upon receipt of a complaint the Professionalism Improvement Committee will, in a timely manner, evaluate the complaint and determine whether the best initial action is a further attempt at resolution by the Professionalism Improvement Committee or whether the complaint requires immediate referral to the EVD. The Professionalism Improvement Committee'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 Professionalism Improvement Committee will make a recommendation to the EVD or his/her designee regarding a process for resolution, further investigation, or other actions. The Professionalism Improvement Committee will inform the complainant of the recommendation made to the EVD.

The EVD or his/her designee in consultation with the resident, fellow or faculty member's Department Chair, will decide what additional actions, if any, are indicated and appropriate. Complaints may be referred by the EVD to another entity for further action – including but not limited to – the Office of Clinical Affairs, the Office of Graduate Medical Education, the Office of Undergraduate Medical Education, the Dean of the College of Nursing, the Dean of the College of Pharmacy, the Dean of the College of Arts and Sciences, the Office of Equal Opportunity or the UNMH Human Resources Department. Remedies could include – but are not limited to – review of this policy signed by the teacher, required attendance at one or more educational or training programs, an apology to the complainant, an oral or written warning, loss of discretionary funding, and the like. In cases of especially serious violations of this policy, sanctions up to and including termination of employment may be imposed. While counseling is not considered a remedy, it may be offered in combination with one or more remedies.

Additional actions will, when appropriate and indicated, follow established processes – including but not limited to – those in the UNM Faculty Handbook, UNM Policies and Procedures Manual ("Big Red"), the Medical Staff Bylaws, and the Graduate Medical Education Handbook.

The EVD will inform the Professionalism Improvement Committee as well as the Dean of the School of Medicine regarding steps taken and final outcomes. 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 Professionalism Improvement Committee refers the matter 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 Committee 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 topic and this policy should be addressed at the time of matriculation and at the beginning of the third year of medical school. The policy will be reviewed by the Professionalism Improvement Committee 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.