

## **POLICY REGARDING STUDENT MISTREATMENT AND THE LEARNING ENVIROMENT**

### **Policy Statement**

The Tilman J. Fertitta Family College of Medicine is committed to fostering an environment of mutual trust, respect, confidence, and acceptance. The Tilman J Fertitta Family College of Medicine is committed to maintaining an environment where there is mutual respect between students and teachers, and between peers.

### **Purpose**

This policy specifies the expectations and procedures for professional standards and conduct for all students, faculty and staff involved in the delivery of all aspects of the medical education program and insures the Tilman J. Fertitta Family College of Medicine is in compliance with the LCME standards 3.5 and 3.6.

### **Scope and Application**

This policy applies to faculty, staff, and students, regardless of title or status, at the Tilman J. Fertitta Family College of Medicine.

### **Procedures**

#### **I. BACKGROUND**

The TJFFCOM is committed to maintaining an environment where there is mutual respect between students and teachers, and between peers. Behavior that is abusive or mistreats students or others in the learning environment is prohibited. Specific examples of inappropriate behaviors include but are not limited to:

- A. Physical punishment or physical threats;
- B. Disregard for student's safety;
- C. Repeated episodes of psychological punishment of a student by a superior (e.g., public humiliation, threats and intimidation, removal of privileges);
- D. Grading used to punish a student rather than evaluate objective performance;
- E. Assigning tasks for punishment rather than to evaluate objective performance;
- F. Requiring the performance of personal services;
- G. Taking credit for another's work; and
- H. Intentional neglect or intentional lack of communication.

Other mistreatment behaviors that are based upon protected classes of individuals under the law, or are sexual in nature, will be handled in accordance with UH anti-discrimination and sexual misconduct policies and procedures. This includes discrimination such as sexual harassment, discrimination based on race, color, national origin, religion, age, sex or gender, sexual orientation, gender identity and expression, disability, genetic information, or veteran's status and sexual misconduct. For more information see [Equal Opportunity Services](#).

Any report which is a potential or probable violation of appropriate accreditation or legal statutes or poses an acute or urgent threat to the wellbeing or safety of

patients, students, faculty and/or staff will be dealt with immediately and may not provide those involved the levels of protection outlined in this policy.

## II. POLICY

### 1. **AAMC Compact between Teachers and Learners of Medicine**

A. Preparation for a career in medicine demands the acquisition of a large fund of knowledge and a host of special skills. It also demands the strengthening of those virtues that undergird the doctor/patient relationship and that sustain the profession of medicine as a moral enterprise. The American Association of Medical Colleges (AAMC) Compact serves as a framework for this policy. The Compact, serves both as a pledge and as a reminder to teachers and learners that their conduct in fulfilling their mutual obligations is the medium through which the profession inculcates its ethical values.

#### B. **Guiding Principles:**

- **DUTY:** Medical educators have a duty, not only to convey the knowledge and skills required for delivering the profession's contemporary standard of care, but also to inculcate the values and attitudes required for preserving the medical profession's social contract across generations
- **INTEGRITY:** The learning environments conducive to conveying professional values must be suffused with integrity. Students learn enduring lessons of professionalism by observing and emulating role models who epitomize authentic professional values and attitudes.
- **RESPECT:** Fundamental to the ethic of medicine is respect for every individual. Mutual respect between learners, as novice members of the medical profession, and their teachers, as experienced and esteemed professionals, is essential for nurturing that ethic. Given the inherently hierarchical nature of the teacher/learner relationship, teachers have a special obligation to ensure that students and residents are always treated respectfully.

### 2. **Commitments of Faculty and Staff**

- A. We pledge our utmost effort to ensure that all components of the educational program for students and residents are of high quality.
- B. As mentors for our student and resident colleagues, we maintain high professional standards in all of our interactions with patients, colleagues, and staff.
- C. We respect all students and residents as individuals, without regard to gender, age, race, national origin, religion, economic status, disability, or sexual orientation, while acknowledging the importance of diversity and inclusion; we will not tolerate anyone who manifests disrespect or who expresses biased attitudes towards any student or resident.
- D. We pledge that students and residents will have sufficient time to fulfill personal and family obligations, to enjoy recreational activities, and to obtain adequate rest; we monitor and, when necessary, reduce the time required to fulfill educational objectives, including time required for "call" on clinical rotations, to ensure students' and residents' well-being.
- E. In nurturing both the intellectual and the personal development of students and residents, we celebrate expressions of professional attitudes and behaviors, as well as achievement of academic excellence.

- F. We do not tolerate any abuse or exploitation of students or residents.
- G. We encourage any student or resident who experiences mistreatment or who witnesses unprofessional behavior to report the facts immediately to appropriate faculty or staff; we treat all such reports as confidential and do not tolerate reprisals or retaliations of any kind.

3. **Commitments of Students and Residents/ Fellows**

- A. We pledge our utmost effort to acquire the knowledge, skills, attitudes, and behaviors required to fulfill all educational objectives established by the faculty.
- B. We cherish the professional virtues of honesty, compassion, integrity, fidelity, and dependability.
- C. We pledge to respect all faculty members and all students and residents as individuals, without regard to gender, age, race, national origin, religion, economic status, disability, or sexual orientation while acknowledging the importance of diversity and inclusion.
- D. As physicians in training, we embrace the highest standards of the medical profession and pledge to conduct ourselves accordingly in all of our interactions with patients, colleagues, and staff.
- E. In fulfilling our own obligations as professionals, we pledge to assist our fellow students and residents in meeting their professional obligations, as well

4. **Breach of Standards of Behavior in the Learning Environment**

The occurrence, either intentional or unintentional, of any incident that violates the compact results in a disruption of the spirit of learning and a breach in the integrity and trust between teacher and learner. Further, the TJFFCOM has a policy of zero tolerance for any type of discrimination or harassment or sexual misconduct. A student who feels that he/she has been the object of inappropriate behavior on the part of a faculty member, resident/ fellow, staff member, or peer, shall report such behavior in a timely fashion via the online TJFFCOM [Student Mistreatment Report Form](#) or may seek informal resolution or consultation.(See procedures in Section IV below)

III. PROCEDURE for reporting violations of the learning environment or student mistreatment

A student who feels they have been mistreated may choose to address the behavior directly, especially in less severe instances. The student should, first, carefully examine the circumstances of the incident or incidents which occurred. The student may discuss the event with someone else who witnessed it, or with another student or individual whose judgment the student trusts. If the behavior is deemed inappropriate there are three (3) processes available for addressing the incident—informal resolution, consultation, and formal complaint. Often, concerns can be resolved informally or through consultation. If the matter is not satisfactorily resolved through the informal resolution or consultation process, then the person who made the allegation of mistreatment (whether a medical student or otherwise) may initiate a formal complaint. The goal of these processes is to foster the student's educational experience by minimizing behaviors which detract from it while affording students the opportunity to learn and practice positive and productive conflict resolution.

### 1. The Complaint:

- A. INFORMAL RESOLUTION—Students may do this by directly approaching the person whom they feel mistreated them and expressing their concern.
- B. CONSULTATION—Meet with the student’s course/clerkship director and describe what happened. For level 1 events, the course/clerkship director may act to settle the complaint and he/she will submit a written report of these actions to the Assistant Dean of Student Affairs. If the student is not satisfied with his/her interaction with the course/clerkship director, or does not feel comfortable approaching him/her, or the person they feel mistreated them is the course/clerkship director, the student may meet with the Assistant Dean of Student Affairs to discuss possible avenues for resolution or file a formal complaint. Any allegations of Sexual Harassment or other sexual misconduct is required to be reported to the UH Title IX Coordinator, in compliance with federal regulations and University of Houston System policies.
- C. FORMAL COMPLAINT—Students can make a formal complaint by submitting the online TJFFCOM [Student Mistreatment Report Form](#) or via a course/ clerkship evaluation form. The complainant may identify him/ herself or may submit anonymously. If a student directly reports possible mistreatment to a course/ clerkship director, Learning Community Mentor, Assistant/Associate Dean or other leader, they will report the complaint through the online reporting form. The Assistant Dean of Student Affairs will receive the online Student Mistreatment reporting forms and be made aware or reports on the course/ clerkship evaluation forms so that the complaint can be properly addressed and remediated according to the procedures below.

### 2. Initial Triage:

The Assistant Dean of Student Affairs will be responsible for coordinating the response to alleged reports of student abuse or mistreatment which are not settled through the informal resolution or consultation process. He/she will be responsible for reviewing the complaint and obtaining additional information, as appropriate. The Office of Medical Education will alert the Assistant Dean of Student Affairs when a student makes a report via the course/ clerkship evaluation form.

### 3. Pathways:

#### *No violation:*

If the initial investigation indicates that the complaint has no merit, the Assistant Dean of Student Affairs may dismiss it. The student will be notified and may appeal to the Associate Dean for Medical Education. The Associate Dean for Medical Education may uphold the decision of the Associate Dean, or he/she may determine that the complaint warrants further review and convene the Learning Environment Committee (LEC) for the process as described below.

#### *Possible Violation:*

If the initial investigation indicated that the complaint has possible merit and needs further investigation, the ADSA will convene a Learning Environment and Mistreatment response team consisting of the ADSA, Associate Dean for Faculty Affairs and GME, the department chair with administrative responsibility over the subject of the complaint, and the course director with administrative responsibility over the subject of the complaint. Should the complaint pertain to any of the individuals who would serve on the response team, the Associate Dean for Medical Education, Senior Associate Dean for Education, or the Assistant Dean for Assessment and Quality Improvement may serve on the team. If warranted, the complaint will be referred to the response team within 10 business days.

The response team may collect evidence related to the response including, but is not limited to, interviewing all involved parties and any relevant materials as deemed necessary by the team.

If the initial review by the response team discloses that the complaint has merit and a Breach of Standards of Behavior in the Learning Environment has occurred, a Graduated Response to mistreatment will begin. A systematic approach using four levels of disciplinary action as shown below will be used to intervene in incidents of mistreatment in order to maintain a learning environment consistent with TJFFCOM mission and values. The breach of standards and levels of response are as follows:

Level 1 – The complaint is a single concern (first report) not indicative of a pattern of behavior,

Level 2- The complaint is a first report consisting of more than one related concern.

Level 3 – The complaint demonstrates persistent behavior after identification, counseling, and monitoring of a previously identified Level 2 breach of standards.

Level 4 – The complaint demonstrates no change in behavior after a Level 3 breach of standards.

Egregious action or behavior – The complaint involves an act of egregious behavior including, but not limited to intimidation, retribution or retaliation, threats of bodily harm, bodily harm, or violations of institutional policies.

The main emphasis is to assist educators with improving their teaching skills and ability to foster such an environment. It is anticipated that few cases will require Level 4 disciplinary action, and such action will normally be taken only after multiple opportunities for improvement are provided, except in rare cases of egregious incidents.

#### *Responses to a Breach of Standards of Behavior in the Learning Environment*

**Level 1 or 2 :** The Assistant Dean of Student Affairs or their designee, upon the advice of the response team, may meet directly with the parties involved to attempt to resolve the issue if this was a single incident of non-egregious behavior for the respondent or may choose to convene the Learning Environment Committee (LEC). If the respondent has been found to have previous violations, the complaint may be moved to Level 2 -4.

#### **Level 3 – 4 or any egregious event/behavior:**

The Assistant Dean of Student Affairs, upon the advice of the response team, will convene the Learning Environment Committee (LEC) which is composed of the Assistant Dean of Student Affairs, Associate Dean for Medical Education, Associate Dean for Faculty Affairs and Graduate Medical Education, several faculty, course directors, leaders from affiliates, and coordinators. The learner (if not anonymous) and the respondent will be notified in writing of the complaint and the policy for handling such complaints, and both parties may be invited to assist with information gathering. A copy of the notification will be sent to the person's department chair, or, if the

respondent is the Chair, to the responsible Dean (for faculty), supervisor (for employees), or training program director (for residents). Both parties may be asked whether there were any witnesses to the incident and may also provide follow up information in writing.

The LEC will meet to review the facts of the complaint and may receive written or oral testimony from both complainant and respondent and any witnesses identified by them. All materials will be held confidential by the committee. The respondent may attend the hearing and will be provided the opportunity to rebut the complaint. The Chair of the LEC will submit a written report of the committee's findings to the complainant and respondent. The department chair, supervisor, or program director will also be notified and will be responsible for determining disciplinary actions. The Associate Dean for Medical Education and the Assistant Dean of Student Affairs will be notified in writing of disciplinary action taken. Record of the proceedings will be kept by the Assistant Dean of Student Affairs and ADME.

If either the complainant or the respondent wishes to appeal the decision of the LEC, a written appeal must be submitted to the Dean of the College within five (5) days of notification of the decision. The Dean or his/her designee will conduct an appeal review by examining the record on prior proceedings as well as any new facts offered by either party for consideration. The Dean or designee will notify the parties in writing of his/her final decision.

#### *Statement of Non-Retribution and Non-Retaliation*

The College strictly prohibits retaliation against anyone who in good faith reports, complains of, or provides information in a mistreatment investigation. Alleged retaliation will be subject to investigation and may result in disciplinary action up to and including dismissal. A person who knowingly makes false allegations of mistreatment or knowingly provides false information will be subject to disciplinary action.

## **SECTION 8. Responsible Official & Additional Contacts**

Responsible college of medicine officer: Assistant Dean for Student Affairs  
Approval Body: Curriculum Committee

## **SECTION 9. Policy History**

**Original Approval Date: August 2019**

**Revision 2:** 02/13/2024 – update to process for formal complaints

**Revision 1:** 05/09/2023 – structural modifications only

## **SECTION 10. Related Policies/Guidance Documents**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

