

<b>Reviewed by Phase 1:</b> 5.7.19	<b>Responsible University Officer:</b> Associate Dean for UME
<b>Reviewed by Phase 2:</b> 5.3.19	<b>Policy Owner:</b> Associate Dean for UME
<b>Reviewed by Curriculum Committee:</b> 5.20.19	<b>Policy Contact:</b> Director of Administration, Curriculum Office
<b>Dean's Final Approval:</b> 6.3.19	

## Policy and Procedures on Learning Environment & Mistreatment

<b>Review Date:</b>	<b>Change Description:</b>
4/16/19	Added Gold Star Website and Student Complaint Policy and Form. Updated wording to match AAMC wording
<b>Review History</b>	<b>Change Description:</b>
4/24/18	Reviewed and approved by Dean Licinio.
5/1/17	Revised and approve by Curriculum Committee: Added ways to identify positive learning environment influences and experiences. Revisions approved.
2/10/15	Revised to include students in the MPH program. Revision approved.
10/20/14	Revised by removing the AAMC definition of mistreatment as it may change and instead listing examples of mistreatment. Also revised to include an emphasis on a positive learning environment. Revisions approved.
5/13/13	New policy

### **POLICY STATEMENT**

This policy is inclusive of all students in the MD.

#### **Purpose**

The College of Medicine is committed to creating and maintaining a learning environment that supports and encourages a culture of respect between teacher and learner. The College ensures that the learning environment of its medical education program is conducive to the ongoing development of explicit and appropriate professional behaviors in its medical students, faculty, and staff at all locations and is one in which all individuals are treated with respect. This policy outlines expectations for behavior that leads to an appropriate learning environment and mitigates the risk of student mistreatment. This policy also defines unprofessional behavior and student mistreatment; and it outlines **reporting procedures** for incidents of student mistreatment.

#### **Policy**

An appropriate student learning environment should foster professional growth, support academic achievement, and encourage the attainment of educational goals. Upstate's learning environment should model professionalism and civility and be characterized by professional behaviors. All members of the Upstate community, including faculty, staff and learners attest to the *Upstate Code of Conduct* and should demonstrate the values prescribed therein. Breaches in professional behavior threaten the learning environment and will not be tolerated.

#### **Mistreatment in the Learning Environment**

The College of Medicine is committed to maintaining an environment where there is mutual respect between student, teacher and between peers. Examples of inappropriate behavior are:

1. Public humiliation
2. Threats of physical harm or actual physical punishment
3. Requirements to perform personal services, such as shopping
4. Being subjected to unwanted sexual advances
5. Being asked for sexual favors in exchange for grades
6. Being denied opportunities for training because of gender, race/ethnicity or sexual orientation
7. Being subjected to offensive remarks/names directed at you based on gender, race/ethnicity or sexual orientation
8. Receiving lower grades or evaluation based on gender, race/ethnicity or sexual orientation

## REASONS FOR POLICY

### LCME Element 3.5: Learning Environment/Professionalism

A medical school ensures that the learning environment of its medical education program is conducive to the ongoing development of explicit and appropriate professional behaviors in its medical students, faculty, and staff at all locations and is one in which all individuals are treated with respect. The medical school and its clinical affiliates share the responsibility for periodic evaluation of the learning environment in order to identify positive and negative influences on the maintenance of professional standards, develop and conduct appropriate strategies to enhance positive and mitigate negative influences, and identify and promptly correct violations of professional standards.

### LCME Element 3.6: Student Mistreatment

A medical education program defines and publicizes its code of professional conduct for the relationships between medical students, including visiting medical students, and those individuals with whom students interact during the medical education program. A medical school develops effective written policies that address violations of the code, has effective mechanisms in place for a prompt response to any complaints, and supports educational activities aimed at preventing inappropriate behavior. Mechanisms for reporting violations of the code of professional conduct are understood by medical students, including visiting medical students, and ensure that any violations can be registered and investigated without fear of retaliation.

## PROCEDURES

### Policy Distribution, Reporting, and Monitoring Procedures

1. *Distribution of Policy to learners, house staff, nurses, faculty, and administration.* This policy will be presented:
  - a. To all students at the beginning of each Phase of their education. Responsible: Associate Dean of Undergraduate Medical Education
  - b. To all students, faculty and residents in each course and clerkship syllabus. Responsible: Course and Clerkship Directors
  - c. Annually to all interns during their orientation. Responsible: Associate Dean of Graduate Medical Education.
  - d. Annually to all house-staff, nurses, faculty and administration in an annual email. Responsible: Dean.
  
2. *Reporting Mistreatment Concerns:* Students who experience possible mistreatment or observe other students experiencing possible mistreatment are encouraged to address the issue immediately. Students have the option of dealing with mistreatment informally or formally.
  - a. Informal Resolution – Whenever possible, it is preferred that students who believe they have been mistreated or those who have witnessed others being mistreated, discuss and attempt to resolve the matter with the alleged offender. It is well recognized that this may not always be a comfortable or viable approach.
  - b. Formal Resolution: Students formally can report inappropriate behavior in a number of ways and are encouraged to use the process that is most comfortable for their particular circumstance.
    - i. Raise concerns personally to one of the following individuals:
      - Dean, College of Medicine
      - Associate Dean, Undergraduate Medical Education
      - Dean, Student Affairs
      - Course/Clerkship Director
      - Department Chair
      - Faculty or Administrators
    - ii. Submit a named or anonymous\* report via the web-based Mistreatment Report. Once submitted, these reports are received by the Associate Dean of Undergraduate Medical Education. (<http://www.upstate.edu/currentstudents/support/rights/mistreatment.php>)
 

*\* Students requesting complete anonymity should be made aware that doing so may interfere with the College of Medicine's ability to investigate the concern and their ability to receive information about the follow-up investigation.*
    - iii. Students may also chose to file a complaint anonymously via the Student Complaint form located at: <http://www.upstate.edu/currentstudents/index.php>. Once submitted, these reports are received by the Dean of Student Affairs who will work with the Associate Dean of Undergraduate Medical Education to record and respond.

- iv. Students may also choose to pursue claims of unlawful discrimination or harassment in compliance with the University's Anti-Harassment/Discrimination Policy. More information can be found on the Office of Diversity and Inclusion website (<http://www.upstate.edu/diversityinclusion/complaint>)
3. *Responding to Learning Environment Concerns:*
    - a. Every effort is made to respond to concerns of mistreatment in a timely and professional manner to minimize the risk of harm including retaliation. The level of corrective response is in the hands of the student whose confidentiality at this first stage is nearly absolute until the student says otherwise; the listener's role is only to help the student think through his/her concerns. If given permission from the student, the complaint will be fully investigated and measures will be taken to reach an appropriate resolution. Except in cases of an anonymous complaint, students will be provided with clear and timely feedback concerning the status and resolution of their complaint.
    - b. The Associate Dean of Undergraduate Medical Education will provide a de-identified annual summary of reported mistreatment concerns to the Dean of the College of Medicine. The Dean will present this annual review for discussion and comment by the COM Department Chairs.
    - c. Aggregate and de-identified data on mistreatment reports will be presented to Curriculum Committee twice annually by the Associate Dean of Undergraduate Medical Education. If serious or repeated concerns are identified, the Associated Dean of Undergraduate Medical Education will bring reports to the Dean as needed.
  4. *No Retaliation Policy:* Upstate Medical University and College of Medicine policies strictly forbid discrimination or retaliation against any community member who reports, in good faith, any instances of conduct that do not comply or appear not to comply with Federal or State laws and regulations or local policies and procedures. Those reporting inappropriate behavior have the right to remain anonymous and to use confidential mechanisms to disclose non-compliant activity without fear of retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to contact the Associate Dean for Undergraduate Medical Education or the Dean of Student Affairs so that the situation can be addressed immediately.

*NOTE: Within the constraints of the Crime Awareness and Campus Security Act. This is a federal law that requires school officials who have a significant responsibility for student and campus activities (except mental health and religious counselors) to report certain (mostly assault) crimes. The law does not require naming anyone involved, but only supplying enough information to Security to allow verification of the crime and its location at the University.*

#### **Identifying Positive Influences in the Learning Environment**

Unit and Clerkship directors share the responsibility of periodically reviewing faculty, resident, and end-of-course evaluations to identify positive influences in the learning environment. Each of these evaluations forms include questions that ask for student comments related to positive learning environment influences or strengths of individual preceptors. In order to recognize and highlight these positive influences, the following procedures are in place:

1. *Gold Star Report:* Submit a report via the web-based Gold Star reporting system. Once submitted, these reports are received by the Associate Dean of Undergraduate Medical Education. The report will be distributed to the individual receiving the commendation as well as their Department Chair and/or supervisor.
2. *Pre-clerkship:* At the end of each Unit, directors will send aggregate student of faculty evaluations to individual faculty.
3. *Clerkships:* Semiannually, directors will send aggregate student of faculty evaluations to individually faculty and residents.
4. *Office of Accreditation and Compliance:* Mistreatment reports regarding individual faculty or resident submitted to a course director will be accompanied by an aggregate evaluations for the individual from the previous year.
5. *Newsletter:* Course and Clerkship directors and coordinators may submit examples of positive influences of their faculty and residents in the "Faculty Highlight" section of each seasonal Curriculum Newsletter.

#### **FORMS/INSTRUCTIONS**

None

#### **ADDITIONAL CONTACTS**

Director, Accreditation and Compliance

**DEFINITIONS**

None

**APPENDICES**

Process for Reporting and Addressing Student Mistreatment:

<http://www.upstate.edu/currentstudents/document/mistreatmentflowchart.pdf>

**FAQ**

None

**RELATED INFORMATION**

1. Upstate Code of Conduct: University Policy UW C-02: <https://upstate.ellucid.com/home>
2. Student Code of Conduct: <http://upstate.edu/student-handbook/conduct.php>
3. AAMC Statement on the Learning Environment: <https://www.aamc.org/initiatives/learningenvironment/>
4. Harassment and Discrimination Complaints: <http://www.upstate.edu/diversityinclusion/complaint/>
5. Learning Environment and Mistreatment Website:  
<http://www.upstate.edu/currentstudents/support/rights/mistreatment.php>
6. Student Complaints Policy:  
[http://www.upstate.edu/curriculum/pdf/policies\\_procedures/student\\_complaints.pdf](http://www.upstate.edu/curriculum/pdf/policies_procedures/student_complaints.pdf)
7. Student Complaint Form: [http://cfbanner.upstate.edu/forms/index.cfm?action=NEW&type\\_id=6](http://cfbanner.upstate.edu/forms/index.cfm?action=NEW&type_id=6)
8. Gold Star Website: <http://www.upstate.edu/currentstudents/support/rights/goldstar.php>

**SIGNATURE**



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Signature Dean of the College of Medicine

**6.3.19**

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Date