

## **Policy Title: Student Mistreatment and Abuse**

**Policy Number** (relate to LCME Element as applicable): UCF COM Policy 3.6.1

**Applies to:** This applies to all students, staff, and faculty at the University of Central Florida College of Medicine.

**Date:** 1/18/2017

### **1.0 Purpose:**

This policy relates to LCME Element 3.6, which states: “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.”

### **2.0 Policy Statement:**

The UCF College of Medicine has the core belief that all medical students, residents, faculty and staff have the right to learn and work in an environment of respect. This policy was developed to educate the UCF College of Medicine community about student mistreatment and outline the procedures for addressing medical student mistreatment if it does occur. It is the policy of the UCF College of Medicine that mistreatment of medical students will not be tolerated.

This policy and related procedures aim to protect medical students from mistreatment by any faculty (pre-clinical and clinical) or staff member associated with UCF College of Medicine, including clerkship directors, attending physicians, residents, and other medical students by:

- Educating all members of UCF College of Medicine about student mistreatment
- Prohibiting medical student mistreatment by anyone associated with UCF College of Medicine
- Encouraging the early identification of medical student mistreatment as a preventative measure
- Identifying individuals to whom medical students can report mistreatment
- Requiring those who receive complaints regarding student mistreatment to report the complaint to the appropriate administrator
- Providing a confidential system for reporting mistreatment
- Prohibiting retaliation against those who report mistreatment
- Assuring confidentiality to the fullest extent possible
- Assuring that all reports of mistreatment will be thoroughly and promptly addressed
- Providing an avenue for corrective action

Reports of mistreatment will preferably be addressed within an informal framework when appropriate, but formal procedures are available for use when necessary.

Other mistreatment behaviors such as sexual harassment, discrimination based on race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, gender expression, and veteran status are covered under this and other College and University policies. When a medical student is alleged to have engaged in medical student mistreatment, the case may be referred to the Honor Council (aka Student Professional Conduct Council) if it represents a violation of professionalism standards. Disputes over grades are handled by M.D. Program academic polices.

## **Prevention and Education**

The UCF College of Medicine is committed to preventing mistreatment of medical students through education of the UCF College of Medicine community. This policy and related procedures will be disseminated among UCF College of Medicine faculty on an annual basis. In addition, UCF College of Medicine will periodically utilize varying methods (e.g., email, workshops, orientations) to inform medical students, residents, faculty, administrators, and other staff about medical student mistreatment and the UCF College of Medicine policy on addressing mistreatment.

### **3.0 Definitions:**

UCF College of Medicine has defined mistreatment as any behavior that is harmful or offensive and unreasonably interferes with a student's learning. Such behavior may be verbal (swearing, humiliation, insults), emotional (neglect, a hostile environment), and physical (threats, physical harm). Students should be aware that medical student training is a rigorous process and feedback may occasionally be uncomfortable. For example, the Socratic method is frequently utilized in medical education, to not only assess knowledge, but also to promote synthesis and application of that knowledge. In and of itself, the Socratic method does not constitute mistreatment. (However, once it is clear that a student has reached the limit of his/her knowledge, it is not appropriate to continue berating students with questions or with denigrating comments about his/her knowledge base.) Students should take this into account when assessing potential cases of mistreatment.

#### **Examples of mistreatment include but are not limited to:**

- verbal attacks or speaking insultingly to or about a person
- public belittling or humiliation (e.g., beyond the appropriate use of the Socratic method)
- threat of harm or being physically attacked (e.g., hitting, slapping, or kicking a person, or throwing instruments at a person)
- requiring performance of personal services (e.g., shopping, babysitting)
- intentional neglect or lack of communication (e.g., neglect, in a clerkship, of students with interests in a different field of medicine) or other instances that cause unwarranted exclusion from reasonable learning or professional opportunities
- disregard for student safety
- denigrating comments about a student's field of choice
- threat of grading and other forms of assessment as a reward or punishment other than course/clinical performance
- assigning duties as punishment rather than education
- other behaviors which are contrary to the spirit of learning and/or violate trust between the teacher and learner

### **4.0 Responsibilities:**

The associate dean for students and associate dean for faculty and academic affairs are responsible for adherence to this policy.

### **5.0 Monitoring/Procedures:**

#### **Communicating the Policy**

Methods of communicating to specific groups include but are not limited to the following:

#### **To medical students:**

- a section on medical student mistreatment in the M.D. Program Student Handbook and clerkship handbooks
- a topic during annual orientations
- education of the medical student body through class meetings
- web page dedicated to mistreatment information and resource guide

**To members of the UCF College of Medicine community:**

- annual transmittal, by the associate dean for students, of a copy of the policy and procedures to department chairs, module directors, clerkship and site directors at College of Medicine and at affiliated institutions, with instructions to distribute and explain the policy and procedures to faculty and staff participating in the teaching and training of medical students
- at least, annual discussions at clinical and medical education faculty meetings
- dissemination of AAMC GQ report to module and clerkship directors, clerkship site directors and academic assistant deans for dissemination to clerkship individuals (physicians, nurses, staff, etc.), curriculum committee and its subcommittees, executive faculty and the College of Medicine Enterprise (COME).

**Process**

When mistreatment is believed to have occurred, the following procedure must be followed.

**Reporting**

The initial step is to report the concern or incident. A medical student who believes they have been mistreated, or an individual who becomes aware of mistreatment, may make an initial report to the module director, clerkship director, site director (if within a hospital system), program director (if within a residency program), or the associate dean for students. The initial reporting triggers the resolution process described below.

All students, faculty, staff, and residents affiliated with the UCF College of Medicine shall report incidents of mistreatment. Reports may be anonymous and confidential. Confidential, non-anonymous reports with sufficient detail are most useful in support of follow up, however all reports (using de-identified, aggregated information) may be used to assess and improve the educational setting. Students should be aware that anonymous reports may not be able to be fully investigated due to lack of information and lack of the ability to confirm the report. When required by law, the incident may be reported to the proper authorities.

**Resolution**

After reporting, there are three procedural avenues of redress available to medical students:

- consultation,
- informal resolution, and
- formal grievance.

Often, concerns can be resolved through consultation or informal resolution. However, the student who made the report (the “Grievant”) can initiate a grievance if the matter is not satisfactorily resolved through the consultation or informal resolution procedure. In addition, another person or the person about whom the report was made (the “Respondent”) can initiate a formal grievance.

**Consultation Procedure**

The consultation procedure consists of one or more confidential meetings between the medical student and the associate dean for students, module director, clerkship director, site director, or program director. The person requesting consultation will be provided with the mistreatment policy and will be

given guidance in developing strategies to address the situation. The final outcome may be that no further action is necessary, or may be to initiate the informal resolution procedure. Confidentiality will be maintained (unless conditions exist as stated under "Confidentiality"). In all cases, the findings and recommendations shall be reported to the associate dean for students, who will report the findings and recommendations to the associate dean for faculty and academic affairs and appropriate hospital administrator (if relevant) for ongoing monitoring of the learning environment.

#### Informal Resolution Procedure

Following the consultation, an individual may initiate an informal resolution procedure which entails a non-anonymous report of alleged mistreatment and subsequent investigation of the charges by the associate dean for students (if at College of Medicine) or the relevant clerkship/site/program director (if at an affiliated partner).

The student who makes the allegation of mistreatment (the "Grievant") who requests consultation may pursue an informal resolution. The student will be asked to provide a factual account of the alleged mistreatment and to sign or otherwise certify accuracy and authorship of a statement to such effect. The associate dean for students may assist the student in preparing a statement. This account must be forwarded to the associate dean for students who will in turn forward it to relevant parties (i.e., clerkship director, designated institution official, etc.).

The associate dean for students or module/clerkship/site/program director (as appropriate based on the nature of the reported mistreatment) will inform the person accused of mistreatment ("the Respondent") of the allegation in sufficient detail to enable the Respondent to make an informed response. The associate dean for students or module/clerkship/site/program director will (i) investigate the alleged mistreatment as promptly as circumstances permit, (ii) afford the Respondent a reasonable opportunity to respond to the allegation, (iii) advise the parties and persons interviewed or notified about the alleged mistreatment of the need for discretion and confidentiality. Upon initiating an investigation, the associate dean for students or designee may inform the dean, University, or Hospital officials who would be charged with recommending corrective and disciplinary action ("Responsible Officials") of the fact that an informal resolution procedure is under way.

If the associate dean for students or module/clerkship/site/program director is unable to resolve the matter informally, they shall determine, based on the report, whether or not to suggest or impose corrective or disciplinary action. Any action imposed by the Responsible Official shall be in his or her discretion, consistent with his or her authority.

The associate dean for students or module/clerkship/site/program director will notify the grievant, respondent and responsible officials of the disposition of the informal resolution procedure to the extent consistent with UCF College of Medicine and University policies, appropriate considerations of privacy and confidentiality, fairness, and applicable law. If dissatisfied with the disposition of the informal resolution procedure, the student who alleged the mistreatment, the Respondent, or the associate dean for students or designee may initiate the formal grievance or complaint procedure. In all cases, the findings and recommendations shall be reported to the associate dean for students, who will report the findings and recommendations to the associate dean for faculty and academic affairs and appropriate hospital administrator (if relevant) for ongoing monitoring of the learning environment.

#### Formal Grievance Procedure

The formal grievance procedure is available when the informal resolution procedure fails to resolve satisfactorily the allegation of mistreatment. The student who made the allegation of mistreatment (the

"Grievant"), the person against whom the allegation was made (the "Respondent") or a responsible UCF College of Medicine official may initiate a formal grievance.

A formal grievance is initiated by submitting to the associate dean for students a signed, written request to proceed with a formal grievance. The request is due within 10 business days after the student receives from the responsible UCF College of Medicine official a written statement of the disposition of the informal resolution procedure. The associate dean for students will inform the requesting party of the process that will be followed and provide a copy of the applicable procedure.

The associate dean for students will forward all relevant information to the associate dean for faculty and academic affairs. The associate dean for faculty and academic affairs will evaluate the matter in conjunction with the assistant dean for medical education (for pre-clinical matters) or, as appropriate, the assistant dean for medical education or designated institution official (for clerkship matters) and issue his or her decision in writing to the grievant and respondent and take steps to initiate corrective action (if any).

### **Appeal**

If the grievant is not satisfied with the outcome of the formal grievance procedure, they may file an appeal in writing to the dean of the College of Medicine within 10 business days of receiving the decision. The dean shall make a final decision on the matter within 30 business days of receipt of the Grievant's written request for review. The dean may act on the appeal directly or choose to have the appeal heard by a special ad hoc committee appointed by the dean. The decision of the dean is final and not subject to appeal.

### **Outcomes**

If the informal resolution procedure or formal grievance procedure results in a determination that mistreatment occurred, the findings and recommendations shall be referred to the appropriate UCF College of Medicine, University, Hospital or faculty official for imposition of corrective action, including sanctions that the official is authorized to impose. A range of relevant considerations may be taken into account in determining the extent of sanctions, such as the severity of the offense, the effect of the offense on the victim and on the University community, and the offender's record of service and past offenses. Sanctions may include, but are not limited to, oral or written warning, termination of privileges to train/interact with/evaluate medical students, probation, suspension, expulsion, or termination of employment; provided that a respondent may not be dismissed except in accordance with the procedural safeguards for faculty, residents, staff, and students set forth in the relevant documents. The appropriate University, Hospital or faculty official may impose interim corrective action at any time, if doing so reasonably appears required to protect a medical student. In all cases, the findings and recommendations shall be reported to the associate dean for students, who will report the findings and recommendations to the associate dean for faculty and academic affairs and appropriate hospital administrator (if relevant) for ongoing monitoring of the learning environment.

### **Redress of Disciplinary Action**

Nothing in this policy or these procedures shall be deemed to revoke any right that any member of the University community may have to seek redress of a disciplinary action.

### **Confidentiality**

All officials involved in the investigation of mistreatment will hold all communications with those seeking assistance in confidence, and not disclose confidential communications unless given permission to do so. Substance of matters discussed in the office will remain confidential, but the associate dean for students will report general, de-identified trends of issues to provide feedback to the dean and designees and to advocate systems change when appropriate. The only exceptions to this privilege of

confidentiality are where there appears to be imminent risk of serious harm or a criminal investigation, compliance with Title IX mandated reporting, or court order.

The associate dean for students and other investigators and decision-makers will strive to maintain confidentiality to the full extent appropriate, consistent with the need to resolve the matter effectively and fairly. The parties, persons interviewed in the investigation, persons notified of the investigation, and persons involved in the proceedings will be advised of the need for discretion and confidentiality. Inappropriate breaches of confidentiality may result in disciplinary action.

### **Retaliation**

Retaliation against a person who reports, complains of, or provides information in a mistreatment investigation or proceeding is prohibited. Examples of retaliation include, but are not limited to, assigning a lower grade, describing the reporting individual as a “snitch,” or making comments that the reporting individual is not to be trusted. Alleged retaliation will be subject to investigation and may result in disciplinary action up to and including termination or expulsion.

### **False Claims**

A person who knowingly makes false allegations of mistreatment, or who knowingly provides false information in a mistreatment investigation or proceeding, will be subject to disciplinary action (and, in the case of students, may involve a referral to the Honor Council (aka Student Professional Conduct Council (SPCC)).

### **Time Limits**

UCF College of Medicine aims to administer this policy and these procedures in an equitable and timely manner. Persons making allegations of mistreatment are encouraged to come forward without undue delay.

### **6.0 Related Policies:**

None

### **7.0 Key Search Words:**

Mistreatment	Abuse	

### **8.0 Revision History:**

Version	Date Approved	Modifications
V1	4/17/2015	Original
V2	1/20/2017	Additional information on monitoring and responsibilities.

### **9.0 References:**

N/A

**Responsible Office:** Office of Student Affairs

**Policy Contact:** Associate Dean for Students; Associate Dean for Faculty and Academic Affairs

**Supersedes:** Student Mistreatment and Abuse Policy V1