

Virginia Tech Carilion School of Medicine (VTCSOM)

Statement: Learning Environment and Allegations of Student Mistreatment/Harassment

Subject: Medical Education, Student Affairs

Administrator: D. Harrington & A. Knight

Rev.: 2

Original date: 9/1/2010

Revision dates: 2/11/2017

1 Purpose

The purpose of this policy is to outline the procedure specifically for student allegations of student mistreatment or harassment by faculty, residents, staff, or other healthcare workers. VTCSOM is committed to providing a professional work and study environment where individuals are treated with respect and dignity. It is the VTCSOM policy to provide equal opportunities without discrimination or harassment based on race, color, religion, national origin, sex, age, disability, sexual orientation, or any other characteristic protected by law and VTCSOM will not tolerate any such discrimination or harassment. Students may bring forth allegations of sexual harassment as outlined in the Sexual Misconduct Policy.

Students may bring forth grievances about academic, educational, or other learning concerns utilizing the Academic Grievance procedure. Students may bring forth grievances of a non-academic nature utilizing the Non-academic Grievance procedure.

2 Policy

The faculty and staff of VTCSOM are committed to supporting a learning environment that promotes the professional development and well-being of students. This environment must be free from student mistreatment or harassment. This policy applies to all applicants, students, faculty, residents, staff, administrators, volunteers, and contract workers. VTCSOM prohibits mistreatment or harassment in any academic or clinical setting on the basis of any characteristic protected by law.

Faculty and student behavior within the academic community, which includes the teacher-learner relationship and the professional community of patient care, are guided by the Standards of Ethical and Professional Conduct Policy (SEPCP) and the Teacher-Learner Compact. The behavior of other healthcare workers and other staff is guided by professional ethics and local regulations.

There is a specific Faculty Handbook policy regarding allegations of faculty mistreatment and /or harassment by a student. Circumstances may arise when a student feels she/he is being mistreated by a faculty member. Such allegations would apply to conduct in a faculty member's role as teacher, mentor, preceptor, supervisor, facilitator, or other faculty role.

A student allegation of mistreatment by a faculty member may involve academic mistreatment (teaching, facilitation, assessment, grading, etc.), supervisory or mentor mistreatment, or harassment (sexual, verbal, physical, ethnic, etc.). The allegation should be

identifiable as a breach of the conduct expected of a faculty member under the Standards of Ethical and Professional Conduct Policy (SEPCP) and the Teacher-Learner Compact.

A student allegation of mistreatment and /or harassment by a faculty member may occur at any site where the student encounters the faculty in a VTCSOM official capacity.

Implementation of this policy does not preclude additional action by the site itself according to policy at that site. Specifically, it may be possible for an allegation of mistreatment and/or harassment to proceed through a VTCSOM process and a site-specific process. While any investigation may be coordinated, the process does not presuppose congruence of findings or of sanctions.

3 Procedures

The process for a student allegation of mistreatment and/or harassment by a faculty member would occur as follows:

- The student is encouraged to address the issue directly to the faculty member and seek resolution. If the resolution is satisfactory to both parties, no further action is needed and no notification is required.
- If direct action is not practical or the student wishes to avoid direct action, the student is urged to contact a block director, course director, clerkship director, a member of the VTCSOM Learning Environment Advocacy Committee (LEAC), or another person responsible for the setting in which the alleged mistreatment and/or harassment occurred. The director or a representative of the LEAC would seek additional information regarding the allegation from sources other than the involved student, including (but not limited to) individuals present when the incident occurred, others with direct information about the incident, and the faculty member her/himself.
- The fact-finding activity should occur in 10 working days or less.
- If the director or a LEAC representative finds that the allegation has no merit and no further action is warranted, the process concludes at this point. A brief report must be sent to the Associate Dean for Faculty Affairs and the Associate Dean for Student Affairs.
- If the allegation has merit yet the incident is deemed to be readily remediable, the director or LEAC representative would contact the faculty member to seek resolution. This intervention may include providing the faculty member feedback, counseling, instruction, or even reassignment from the VTCSOM-sanctioned activity. Since the process concludes at this point, a brief report should go to the Associate Dean for Faculty Affairs, the Associate Dean for Student Affairs, and the department chair of the faculty member.
- If the allegation has merit and the incident is deemed to be of major significance or egregious, the allegation is forwarded in writing to the Associate Dean for Faculty Affairs, the Associate Dean for Student Affairs, and the department chair of the faculty member.
 - VTCSOM has responsibility to assess the allegation of student mistreatment or harassment as the allegation relates to the academic activity of the faculty member. The department chair has responsibility to carry out any further assessment as necessary regarding the faculty member's role in the department.

- Under the direction of the Associate Dean for Faculty Affairs, a formal VTCSOM investigation should be initiated. This involves identifying individuals from the Faculty Governance Committee to assist in an investigation. The chair of the Faculty Governance Committee and at least two additional members of the Faculty Governance Committee should be identified as an investigatory subcommittee.
- The VTCSOM investigation and any decision should be completed within 20 working days from the time the allegation is delivered to the Associate Dean for Faculty Affairs.
- The VTCSOM investigation may be conducted informally or may involve a hearing. If there is a hearing, both the student and the faculty member would be expected to appear. However, if either the student or faculty member feels the allegation would expose her/him to undue embarrassment, stress, or other disadvantage, a written statement would be acceptable. Any written statement would have to stand alone without opportunity for further clarification, enhancement, or correction. If either or both the student and the faculty member choose to attend a hearing, either or both may be accompanied by one representative. The representative, who may be legal counsel, may sit through the proceedings but that representative could not directly address the hearing.
- Following the VTCSOM investigation process, the investigatory subcommittee conducting the investigation should arrive at a consensus regarding the merit of the allegation.

The findings of the VTCSOM investigation should be presented to the entire Faculty Governance Committee. The Committee either confirms the findings or sends the process back to the investigatory subcommittee for further clarification.

If the decision by the Faculty Governance Committee is that mistreatment and/or harassment of a student did occur, a sanction should be determined. Sanctions could involve: a formal apology, feedback or counseling of the faculty member, reassignment of either student or faculty member to avoid contact with the involved student, reassignment of the faculty member to eliminate teaching opportunities through VTCSOM-sanctioned activities; withdrawal of the VTCSOM faculty appointment, or other sanctions.

A final report including the allegation, the findings of the Faculty Governance Committee, and the proposed sanction should be forwarded to the Dean. The Dean would review and make the final decision. Copies of the Faculty Governance Committee report and the Dean's decision should be sent to the Associate Dean for Faculty Affairs, the Associate Dean for Student Affairs, the department chair of the faculty member and to the chair of the LEAC. The Associate Dean for Faculty Affairs carries out the sanction or delegates as appropriate. The Associate Dean for Student Affairs informs the student and follows up as necessary. The department chair oversees any other consequences not relevant to academic sanctions.

If the student is not satisfied with the outcome of this process, they may appeal in writing, within 5 business days, to the Dean. The final decision rests with the Dean. There is no further appeal.

No student will be subject to unfair action or treatment by the administration or faculty of VTCSOM as a result of the initiation of a complaint.

If the allegation by the student was found not to have merit, and there is a pattern of allegations without merit from that student, such actions would potentially be in violation of the SEPCP and would be referred to the Medical Student Performance and Promotion Committee for consideration. If there is a pattern of allegations directed towards a faculty member, even with exoneration, the faculty member would be referred to the Faculty Governance Committee.

Beyond circumstances involving a faculty member, circumstances may arise when a student feels they have been personally mistreated and/or harassed by a resident physician, staff, or other healthcare worker. When this occurs, the following procedure should be followed. The procedure identifies a hierarchy of individuals that students may approach for redress of grievances.

1. Students may address concerns or complaints directly with the individual, identifying the concern and requesting that this stop;
2. If that fails to correct the situation or if the student so chooses, the student may address her/his concern with the Domain or Clerkship/Elective Director;
3. Depending on the nature of the allegation, a Clerkship Director/Elective Director may decide to forward the allegation to one of the superiors of the accused rather than initiating an investigation on their own.
4. If that fails to correct the situation or if the student so chooses, the student may address her/his concern with the either the Assistant Dean for Clinical Science - Years 1 and 2, the Assistant Dean for Clinical Science - Years 3 and 4, the Assistant Dean for Research, or the Associate Dean for Community and Culture (depending on the nature of the allegation), for further investigation.
5. If that fails to correct the situation or if the student so chooses, the student may address their concern with the Associate Dean for Student Affairs, the Senior Dean for Academic Affairs (or designee) or a representative of the LEAC.
6. All concerns should be addressed in writing, specifying in appropriate detail the nature of the concern. The concern may be investigated by any of the parties who received the complaint to determine the nature of the student's concern. Should a complaint rise to this level, the resident, staff, or healthcare worker's supervisor would be notified that a formal complaint has been made against one of her/his employees and the nature of the complaint. The individual who has received the written concern will review the concern with the student within 5 business days of the submission of the grievance and identify possible resolution;

If Domain or Clerkship/Elective Directors or either the Associate Dean for Student Affairs, the Senior Dean for Academic Affairs (or designee), or the LEAC identifies, through an initial investigation, the possibility of misconduct, the following process will be initiated:

- For allegations of a student being mistreated by a resident physician, the behavior will be addressed with the appropriate Residency Program Director, the Designated Institutional Officer (DIO), and the Carilion Clinic Vice-President for Academic Affairs.

- For allegations of a student being mistreated by a staff or other employee of the school or affiliated institutions, Human Resources of the employing institution will be contacted.

If the student is not satisfied with the outcome of this process, she/he may appeal in writing, within 5 business days, to the Dean. The final decision rests with the Dean. There is no further appeal.

No student will be subject to unfair action or treatment by the administration or faculty of VTC SOM as a result of the initiation of a complaint.

If the allegation by the student was found not to have merit, and there is a pattern of allegations without merit from that student, the student would be referred to the Medical Student Performance and Promotion Committee for consideration.

Protecting Student Confidentiality:

Circumstances may arise when a student feels the need to bring forth a grievance or an allegation of mistreatment and/or harassment to the school administration but for whatever reason desires to remain anonymous. In such circumstances, the student is encouraged to contact the Ombudsperson or the LEAC to initiate the grievance. Such grievances would be researched by the Ombudsperson or the LEAC in such a manner as to protect the student's confidentiality. If the allegations are grounded in fact, the Ombudsperson or LEAC will recommend a course of action. In addition, students have the option of reporting mistreatment and/or harassment in an anonymous fashion through multiple portals including the LEAC anonymous portal, The Beacon; the student affairs Blackboard anonymous reporting portal; or the one45 evaluation system. Such reports of mistreatment and/or harassment are discussed at the level of the LEAC which will recommend a course of action.