

Institutional Standards of Behavior in a Learning Environment

Marshall University Joan C. Edwards School of Medicine

I. Introduction

In keeping with the policies of the Marshall University Board of Governors, the recommendations of the Association of American Medical Colleges (AAMC), and the Liaison Committee on Medical Education, the School of Medicine strives to foster and promote a learning environment based upon mutual respect that facilitates students' acquisition of the professional and collegial attitudes necessary for becoming knowledgeable, skilled, and compassionate physicians.

II. The Learning Environment and Student Mistreatment

As defined by the AAMC's Graduation Questionnaire, student mistreatment arises when behavior shows disrespect for the dignity of others and unreasonably interferes with the learning process.

The Faculty and Administration of the Marshall University Joan C. Edwards School of Medicine recognize that the learning environment goes beyond formal learning activities to include the attitudes, values, and informal lessons conveyed to students by the individuals from whom they learn. They also recognize the need for effective and constructive criticism as a part of the learning process, and that feedback must not be demeaning or dehumanizing: rather, it should be a straightforward assessment of the strengths and weaknesses of the student, along with a discussion about how the student can use the feedback to improve his or her performance.

The AAMC acknowledges that the social and behavioral diversity of students, residents, faculty, and staff, in combination with the intensity of the learning experience and the practice of medicine, may lead to alleged, perceived, or real incidents of inappropriate behavior or mistreatment of individuals.

Examples of inappropriate professional behaviors include, but are not limited to:

- Physical punishment or physical threats
- Sexual harassment
- Sexual relationships between faculty and students
- Discrimination based on race, religion, ethnicity, sex, age, sexual orientation, or physical disabilities
- Repeated or gross singular episodes of psychological punishment of a student by a particular superior or equal (e.g., public humiliation, dehumanization, belittlement or derogatory comments, threats, intimidation, rejection, alienation, or inappropriate removal of privileges)

- Repeated or gross singular episodes of annoying or humiliating conduct that offends a reasonable person to whom the conduct was obviously directed, including but not limited to the following: obviously condescending expressions, gestures, behavior, speech, physical contact or repeated inappropriate telephone or e-mail messages
- Favoritism in grading or attention
- Punishment by the assigning of tasks not for educational purposes
- Requiring the rendering of personal services
- Taking credit for another individual's work
- Intentional neglect or intentional lack of communication
- Retaliation as a result of a complaint of mistreatment

III. Discrimination and Sexual Harassment Policies

As employees of Marshall University, all faculty, residents, and staff are held to the standards, policies and procedures set forth in the Marshall University *Greenbook*. The online edition is the official version and may be found at <http://www.marshall.edu/academic-affairs>. For purposes of this SOM policy and in matters relevant to discrimination and sexual harassment, the following Marshall University Board of Governors' Policies in the *Greenbook* apply: Policy GA- 1 (Sexual Harassment) and Policy GA- 3 (Social Justice). Those policies are incorporated into this policy by reference. Faculty, residents, and staff are required to complete, on an annual basis, the online Sexual Harassment Training Module offered by Marshall University (<http://training.newmedialearning.com/psh/marshallu/choice.htm>).

IV: Reporting Mistreatment

Reports of Mistreatment Evident From Faculty or Resident Evaluations

The Evaluation Committee (EC) of the Curriculum Committee is charged with reviewing all course and clerkship student evaluations. This committee meets at least four times during the year in order to review curricular or faculty issues which require immediate attention (e.g., evidence of inappropriate behavior, student mistreatment). Issues that do not require immediate attention are handled through the "Course and Clerkship Peer Evaluation" process of the Curriculum Committee (CC) as well as through the routine review of evaluations by the Chair and Course/Clerkship Directors. If an incident of alleged mistreatment by a faculty member is noted on an evaluation, the chair of the relevant department and the course/clerkship directors will be sent a letter on behalf of the Evaluation Committee which details the allegation(s). The Chair will then have fifteen (15) business days to respond to the EC describing the investigation/action taken regarding the concern. The EC will then review the Chair's response and, if the response is deemed appropriate, will monitor the concern on subsequent evaluation reviews. If the EC believes that the response is inadequate or if a pattern of behavior is identified that does not change despite the efforts of the Chair of the department, the EC will then forward the concern to the Behavioral Integrity Committee.

If an incident of alleged mistreatment by a resident is noted on an evaluation, the resident's program director will be notified in writing. At that time, the Professionalism and Disruptive Behavior Policy established in the "Guidelines for Residencies and Residency Training Programs" will be followed (policy is included in the Resident Handbook).

If a student alleges mistreatment and/or inappropriate behavior of a nature that requires a more rapid protocol than is specified above, the EC will have wide latitude to take more direct action. In cases such as this, a designee of the EC will contact the appropriate course, clerkship, or residency director, who will be required to investigate the matter within 24 hours and provide the EC with documentation of the course of the investigation and the action(s) taken. If this resolution is not satisfactory to the EC, the matter will be referred to the Behavioral Integrity Committee.

Reports of Mistreatment Made Directly by Students

Any student who feels that he or she has been mistreated is encouraged to report the incident(s) to any of the following individuals: the Associate Dean of Student Affairs, the Assistant Dean of Academic Affairs, or the Associate Dean for External Affairs. The individual receiving the report of alleged mistreatment will meet with the student and conduct an informal investigation, to include all supporting documentation of the alleged event and documentation of the informal investigation.

If the mistreatment is alleged to have originated from a resident, the resident's program director will be notified in writing. At that time, the Professionalism and Disruptive Behavior Policy established in the "Guidelines for Residencies and Residency Training Programs" will be followed (policy is included in the Resident Handbook). The Program Director is required to provide written documentation of the investigation and actions taken.

If the mistreatment is alleged to have originated from a faculty member, the Associate Dean of Student Affairs, the Assistant Dean of Academic Affairs, and the Associate Dean for External Affairs will conduct an informal investigation and make a determination as to whether the matter should be referred to the Behavioral Integrity Committee.

If a student making a complaint wishes to remain anonymous, the student will be counseled as to how the anonymity of the complaint will inhibit or prohibit further investigation. There may be individual circumstances in which the administrator to whom the incident was reported can address an anonymous complaint by talking to the clerkship director or chair of the department involved. Those individuals are authorized to take appropriate action if that can be done without disclosing the identity of the person making the complaint.

V. Behavioral Integrity Committee

The Behavioral Integrity Committee membership will include two faculty members appointed by the Dean (one basic scientist and one clinician, one of whom will serve as chair), the Senior Associate Dean for Graduate Medical Education, the Senior Associate Dean of the Office of Medical Education, and General Counsel for Marshall University (and/or designees appointed by the Dean). When a complaint is referred to the Committee, the Committee will meet to review the complaint within 30 days of referral to the Committee. The Committee may elect to solicit the facts in a manner it deems appropriate, reach a conclusion, and recommend a sanction to the Dean of the School of Medicine. Recommendations must be made to the Dean of the SOM by 30 days from the date of referral to the committee. In all cases, the Behavioral Integrity Committee will have wide latitude to determine whether the recommendation will be informal (i.e., verification, guidance, and warning) or formal (possible administrative action). The degree of sanction will be proportional to the degree of the offense. If an alleged complaint is reported that involves a member of the Behavioral Integrity Committee, that individual will recuse him- or herself.

VI: Appeal Process

Either party may appeal the decision of the Behavioral Integrity Committee to the Dean of the School of Medicine. The decision of the Dean will be final.

VII: Statutory Grievance Procedures

As defined in the *Greenbook*, a grievance is a claim by an employee alleging a violation, misapplication, or misinterpretation of the statutes, policies, rules, or written agreements applicable to the employee.

If a faculty member, resident or staff member desires to file a grievance, the procedure set forth in West Virginia State Code Section 6C-2 is the only authorized grievance process. Complete details about this process also are included in the *Greenbook*.

VIII: Policy Dissemination

The Institutional Standards of Behavior in a Learning Environment policy will be disseminated to faculty:

- through annual review at a faculty meeting
- as part of the orientation of new faculty, and
- by posting on the Faculty Resources page of the SOM website

It will be disseminated to students:

- at orientation for entering students
- at annual rising class meetings subsequent to matriculation, and

- by posting on the Student Resources policy page of the SOM website

IX: Responsibility for Record Keeping

The Associate Dean for Student Affairs will be responsible for tracking and documenting:

- how this policy is disseminated to faculty, residents, and staff
- educational programs designed for the prevention of student mistreatment
- incidents reported by students and outcomes of investigations
- indicators from the Graduation Questionnaire that pertain to student mistreatment

X. Reprisals and Malicious Complaints

In keeping with the code of professional behavior, a concerted effort must be made to provide employees and students with an environment free of all forms of mistreatment and harassment. Any retaliatory action taken as a result of a report of mistreatment or harassment will be a violation of this policy.

Accusations of violations of this policy can have serious and far-reaching negative effects on the careers and lives of accused individuals. Allegations must be made in good faith and not out of malice. Any accusations found to be malicious in intent may be subject to disciplinary action by the Behavioral Integrity Committee.

Approved by the Dean's Advisory Committee: September 21, 2010