

# Student Mistreatment Policy

## Preamble

NSU MD is committed to providing and maintaining a positive environment for study and training, in which individuals are judged solely on relevant factors such as ability and performance and can pursue their educational and professional activities in an atmosphere that is humane, respectful, and safe.

Our students are exceptionally talented individuals, dedicated to becoming outstanding physicians, who have selected this medical college for their training. Effective learning is possible only in an environment where students can trust their teachers to treat them fairly and with respect. The teacher may be a faculty member, resident, student, or other member of the health care team. The teacher or learner relationship is unique because students are vulnerable, depending on many of their teachers for evaluations and recommendations. In addition, medical education includes mastering not just pathophysiology, but also the essentials of professional behavior. Students learn professional behavior primarily by observing the actions of their teacher role models. Unprofessional, disrespectful, or abusive behavior by teachers is antithetical to standards of professional conduct that medical students are expected to master. These behaviors by teachers may also be self-perpetuating, as students come to believe that such behavior is appropriate when they assume the role of teacher.

## Responsibilities of Teachers and Learners

The college has adopted the AAMC Compact between Teachers and Learners of Medicine. This compact serves 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.

## Unprofessional and Abusive Behaviors

The responsibilities of teachers and students listed in the compact constitute examples of respectful and professional behaviors. These are our standards. Mistreatment of students can occur in a variety of forms and may seriously impair learning. Types of abuse include verbal, power, ethnic, physical, and sexual harassment. Examples of mistreatment of students include, but are not limited to, repeated instances or single egregious instances of:

- yelling or shouting at a student in public or private
- criticism or other actions that reasonably can be interpreted as demeaning, insulting, or humiliating
- assigning duties as punishment rather than education
- unwarranted exclusion from reasonable learning opportunities or 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
- threats to fail, give lower grades, or give a poor evaluation for inappropriate reasons
- disregard for student safety
- denigrating comments about a student's preferred choice of specialty
- asking students to carry out personal chores
- unwelcome repeated sexual comments, jokes, innuendos, or taunting remarks about one's body, attire, age, gender, ethnicity, sexual orientation, or marital status
- comments about stereotypical behavior or ethnic jokes
- intentional physical contact such as pushing, shoving, slapping, hitting, tripping, throwing objects at, or aggressive violation of personal space

Certain mistreatment behaviors such as sexual harassment; discrimination based on race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity; and veteran status are also covered under NSU policies. Such complaints will be handled in accordance with NSU's policy and procedures, available at [nova.edu/title-ix](http://nova.edu/title-ix) or, in situations involving disability discrimination, at

[nova.edu/studentaffairs/forms/studenthbkg\\_aug2017.pdf](http://nova.edu/studentaffairs/forms/studenthbkg_aug2017.pdf), page 43. If NSU MD personnel receive a complaint that appears to be covered under these NSU policies, they will forward the student's complaint to the appropriate NSU office for further institutional action by NSU.

When a medical student is alleged to have engaged in medical student mistreatment, the assistant dean for Admissions and Student Affairs will determine whether such cases shall be handled under this policy (including referral to responsible NSU offices) or by the Student Progress and Advising Committee (SPAC). Disputes over grades are handled by the college grade appeal policies.

### **Policy's Objectives**

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

- educating all members of the college about student mistreatment
- prohibiting medical student mistreatment by anyone associated with the college
- encouraging the early identification of medical student mistreatment as a preventive 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

### **Actions if Any Students Believe They Have Been Abused or Mistreated**

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. Did the event come under the behaviors listed in Section 3 above? If so, there are three 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) or the person against whom the allegation was made 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.

**Informal Resolution**—Students may do this by directly approaching the person whom they feel mistreated them and expressing their concern.

**Consultation**—Meet with the student's block/course/clerkship director and describe what happened. If the block/course/clerkship director takes action to settle the complaint, he or she will submit a written report of these actions to the assistant dean for Admissions and Student Affairs (ADASA). If the student is not satisfied with his or her interaction with the block/course/clerkship director, or does not feel comfortable approaching him or her, or the abuser is the block/course/clerkship director, the student may meet with the executive associate dean for Academic and Student Affairs to discuss possible avenues for resolution.

**Formal Complaint**—Students can make a formal complaint in writing to the executive associate dean for Academic and Student Affairs. They can also make a formal complaint in writing to a Learning Community Mentor or any other staff or faculty member at NSU MD. However, it is important that the executive associate dean for Academic and Student Affairs be made aware so that the complaint can be properly addressed and remediated according to the procedures below.

Anonymous Reporting—Students may make a complaint confidentially (and anonymously, if desired) through the NSU MD electronic Professional Accolade and Incident Reporting System (PAIRS), available on-line at <https://www.nova.edu/webforms/md/professionalism-incident/>

### **Procedure for Handling Complaints of Student Abuse**

The ADASA will be responsible for hearing complaints of student abuse or mistreatment which are not settled through the informal resolution or consultation process. He or she will be responsible for reviewing the complaint and obtaining additional information. If the initial review discloses that the complaint warrants further review, he or she will convene an ad hoc committee to hold a hearing. The person against whom the complaint is made will be notified in writing of the complaint and the policy for handling such complaints, and both parties will be invited to attend and participate in the hearing. A copy of the notification will be sent to such person's department chair, or, if the accused is the chair, to the responsible dean (for faculty), supervisor (for employees), training program director (for residents) or learning community mentor (for students).

If, however, the initial review discloses that the complaint has no merit, the ADASA will dismiss it. The student will be notified and may appeal to the executive associate dean for Academic and Student Affairs (EADASA). The EADASA may uphold the decision of the ADASA, or he or she may determine that the complaint warrants further review and convene an ad hoc committee as described above.

The ad hoc committee will meet to review the facts of the complaint and may receive written or oral testimony from both complainant and accused. All materials will be held confidential by the committee. The person against whom the complaint is made may attend the hearing and will be provided the opportunity to rebut the complaint. The chair of the ad hoc committee will submit a written report of the committee's findings to the EADASA. The EADASA will notify in writing the person against whom the complaint is made and the student of the findings. The department chair, supervisor, program director or learning community mentor and SPAC will also be notified (see above) and will be responsible for determining disciplinary or corrective actions. The EADASA will be notified in writing of any disciplinary or corrective action taken. Record of the proceedings will be kept by the EADASA. All complaints of student abuse or mistreatment brought to the EADASA will be cross-checked to determine if the person against whom the complaint is made has been cited previously.

If an allegation of abuse or mistreatment is made against an individual at an affiliated clinical site, the EADASA will meet directly with the student and applicable officials at such site to address and remediate the situation. In the interim, provisions will be made to reassign or remove the student from interaction with the person against whom the complaint is made.

### **Appeals Process**

If either the student or the person against whom the complaint is made wants to appeal the decision of the ad hoc committee, the executive associate dean for Academic and Student Affairs, or the ADASA, a written appeal must be submitted to the dean of the college within five days of notification of the decision. The dean or her/his designee will conduct an appeal review by examining the facts gathered during the process as well as any new facts offered by either party for consideration. The dean or designee will notify the parties in writing of his or her final decision.

### **Confidentiality**

Unless legally required (e.g., there appears to be imminent risk of serious harm, a criminal investigation, mandatory Title IX reporting, mandatory disability discrimination reporting, court order, or as otherwise required by law), 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 ADASA will report general, de-identified trends of issues to provide feedback to the Dean and designees and to advocate systems change when appropriate. The ADASA 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 corrective or disciplinary action.

**Retaliation**

The college strictly prohibits retaliation against anyone reporting, complaining of, or providing information in a mistreatment investigation or proceeding. 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 corrective or 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 or academic corrective action and, in the case of students, may involve a referral to SPAC.