

# STUDENT MISTREATMENT AND GRIEVANCE POLICY

**Purpose:** To outline the policy and procedures for filing a grievance related to reporting of potential mistreatment towards a medical student and carried out by a faculty member, resident or fellow physician, staff member, other medical student, or member of the broader UNMC community, including clinical training sites.

**Scope:** The scope of this policy relates to allegations and perceptions of mistreatment and grievances outside of academic performance (i.e., formal coursework resulting in a credit hours or grade placed onto a transcript) whose processes are outlined in the Student Evaluation Committee guidelines (<https://catalog.unmc.edu/medicine/student-policies/student-evaluation-committee/>) and COM grading policies (<https://catalog.unmc.edu/medicine/student-policies/grading/#text>). Reports related to sexual misconduct will be referred to the UNMC Title IX Coordinator (<https://www.unmc.edu/titleix/>) as per UNMC and federal policy. Reports related to research integrity will be handled by the UNMC Research Integrity Officer. (<https://www.unmc.edu/academicaffairs/compliance/research-integrity.html>) Reports related to violations of law or campus security, or complaints about individuals outside of the UNMC community, will be referred to appropriate law enforcement personnel and/or the UNMC Office of Compliance (<https://www.unmc.edu/academicaffairs/compliance/>) as appropriate. Mistreatment of, or grievances filed by, residents, fellows, faculty, or staff towards anyone other than a medical student are not within the scope of this policy and should be addressed to the appropriate campus office or personnel.

**Background:** The College of Medicine fosters a community where students can work and learn with respect, dignity, and freedom from mistreatment whether it be explicit or implicit, intentional, or unintentional, or leads to physical, emotional, or psychological harm. At all times, individuals in our community deserve to be free from the threat or actuality of violence, abuse, harassment, bias, or aggression from another. Accordingly, mistreatment, in any of its forms, against or by a member of the COM community will not be tolerated.

Examples of mistreatment, as reflected in the AAMC Graduation Questionnaire, include but are not limited to:

- Being publicly embarrassed or humiliated.
- Being threatened with, or having been subjected to, physical harm.
- Being subjected to offensive remarks/names related to gender, race/ethnicity, sexual orientation, or another personal characteristic.
- Being subjected to degrading humor, slurs, or belittling whether they be verbal, written, or in other forms of media.
- Receiving lower evaluations or grades solely because of gender, race/ethnicity, sexual orientation, or another personal characteristic rather than performance.
- Being denied opportunities for training because of gender, race/ethnicity, sexual orientation, or another personal characteristic.
- Receiving disproportionate consequences or feedback for mistakes or errors that occur in the process of learning.
- Being required to perform personal services.
- Being subjected to unwanted sexual advances or being asked to exchange sexual favors for grades or other rewards.

- Promoting or escalating violent situations that may lead to mistreatment of others.

While these examples are generally overt or explicit in nature, mistreatment can also be more subtle, in the form of a verbal, behavioral, or environmental slights that can be conscious or unconscious and communicate hostile, derogatory, or negative attitudes. Often, but not always, such actions are directed at stigmatized or culturally marginalized persons. The failure to recognize or act upon such actions by others can also be perceived as a mistreatment.

Examples of such actions include, but are not limited to:

- Behavioral or verbal remarks that convey rudeness, insensitivity, or demean a person.
- Stigmatizing the cultural values or communication styles of another as being abnormal.
- Assuming a person to be a criminal, dangerous, or deviant based upon their characteristics.
- Behaviors or verbal remarks that exclude, negate, or nullify the psychological thoughts, feelings, or experiences of another person.
- Assaults, insults, and invalidations manifested on the systemic or environmental levels.

Any form of subtle or overt bias, harassment, or discrimination is considered mistreatment and students have the right to file a grievance in response to these instances as outlined in this policy.

**Expectations:** All members of the College of Medicine community are expected to conduct themselves in a professional manner and treat each other with respect and integrity as outlined in the UNMC Code of Conduct ([https://wiki.unmc.edu/index.php/Code\\_of\\_Conduct/#:~:text=Basis%20for%20Policy-The%20mission%20of&text=UNMC%20has%20a%20reputation%20of,the%20performance%20of%20their%20duties](https://wiki.unmc.edu/index.php/Code_of_Conduct/#:~:text=Basis%20for%20Policy-The%20mission%20of&text=UNMC%20has%20a%20reputation%20of,the%20performance%20of%20their%20duties)) which applies to all UNMC faculty, staff, and students.

**Limitations:** As noted above, the College of Medicine is committed to fostering a community where students can work and learn with respect, dignity, and freedom from mistreatment. It must be noted, however, that not all uncomfortable instances or interactions are considered mistreatment. For example, a faculty member who points out that a student has not adequately prepared for an assignment or clinical encounter, does not constitute mistreatment unless that feedback is done in an abusive manner, or if such correction is disproportionately directed at a specific individual based upon their gender, race/ethnicity, sexual orientation, or other personal characteristic. In addition, addressing reports of mistreatment are best understood and investigated when the report is filed in a timely manner and includes specifics and details of the situation that led to the report. Delays in reporting may limit the impact of an investigation or action plan. Accordingly, reports of mistreatment are best filed as close to the occurrence as feasible. Anonymous reports also have inherent limitations in the ability to fully investigate a report.

**Contacts:** Students may contact any senior faculty administrator (e.g., Associate Dean) within the College of Medicine to understand the scope of this and related policies as well as to help navigate effective mechanisms for the reporting of mistreatment or other grievances. Other contacts include the UNMC Division of Student Success (<https://www.unmc.edu/student-success/>) or the UNMC Ombuds Program (<https://www.unmc.edu/academicaffairs/institutional/ombuds.html>).

**Procedures for Reporting Mistreatment:** Ideally, situations related to perceived mistreatment can be managed through professional conversation and the sharing of thoughts, ideas, and opinions. As is generally the case, professional dialogue, learning, and the building of trust is the best course of action. When conversation is not able to achieve resolution, or the perceived mistreatment is egregious or leads to harm, students are encouraged to submit a Student Mistreatment Report.

This is the case whether the perceived mistreatment was personally experienced or witnessed.

A Student Mistreatment Report ([https://unmccom.qualtrics.com/jfe/form/SV\\_5mAfd42CC6u8WNM/](https://unmccom.qualtrics.com/jfe/form/SV_5mAfd42CC6u8WNM/)), which can be completed anonymously, is the primary data collection and tracking system used by the College of Medicine. All forms of mistreatment should ultimately be reported through this reporting mechanism.

Other reporting options include:

- Students may contact any member of the College of Medicine administrative leadership (e.g., Dean, Associate Dean, Phase Director, Department Chair, Student Wellness Advocate) or any other faculty member who can facilitate the completion of a report.
- Contacting the UNMC Division of Student Success system for Non-discrimination and Bias Reporting (<https://www.unmc.edu/student-success/support-services/safety/non-discrimination-bias.html>).
- Contacting the UNMC Ombuds Program (<https://www.unmc.edu/academicaffairs/institutional/ombuds.html>).
- Contacting the UNMC Title IX Coordinator (<https://www.unmc.edu/titleix/>) which is required for all issues related to sexual misconduct.

Students may also contact UNMC Counseling and Psychological Services (<https://www.unmc.edu/student-success/student-health/counseling/>) for confidential counseling by licensed mental health providers to assist with processing a real or perceived mistreatment and determining how to proceed.

**Process for Investigation, Actions, and Follow-up:** All reports of alleged mistreatment will be taken seriously and should be entered using the electronic reporting mechanism previously outlined. Once a report is filed, members of a triage team will be immediately notified and will review available information to determine if a potential mistreatment violation occurred and if this is the correct process in which to file a grievance.

More subtle forms of mistreatment will likely only be able to be fully investigated, and actions taken, when submitted in close time proximity to the alleged incident. For example, such an event identified on an end-of-clerkship evaluation that occurred many weeks prior to providing the feedback, may be very difficult to investigate. Reports of this nature, however, will still be added and tracked in the mistreatment reporting system in a longitudinal fashion and feedback/awareness will be provided to the alleged as possible.

If real or potential mistreatment has occurred, the full Mistreatment Team is notified and a facilitator is identified to lead the investigation and, if necessary, develop an action plan. The Mistreatment Team will be provided contextual information, if appropriate, to help inform the investigation. Members of the Mistreatment Team include the senior administration of the College of Medicine (i.e., Senior Associate Dean's and Associate Deans). Other members of the UNMC community may be invited to participate as appropriate to the circumstances of the report.

Mistreatment reports will be expedited as best as possible while taking into consideration the safety, wellbeing, and stated desires of the person(s) filing the report along with other learners who may encounter similar situations. Members of the Mistreatment Team charged with investigating a report must perform this role from a neutral position and recuse themselves from the investigation when there are conflicts of interest.

Example actions resulting from an investigation of a report include, but are not limited to, feedback to the alleged and their supervisor(s), transition of a student (s) to a new learning environment, removal of faculty or others from teaching responsibilities, remediation appropriate to an identified transgression, or matters related to human resources or faculty appointment as identified in UNMC policy. Prior violations of this policy will be considered by the Mistreatment Team when determining an action plan. Outcomes of the actions taken will be provided to the person(s) filing the report as appropriate while following UNMC policy, regulation, and statute. Reports of mistreatment are not evidence that mistreatment has occurred, only that it has been reported and that an investigation will ensue.

**Confidentiality, Anonymity, Protection from Retaliation, and Unfounded Reports:** Reports of mistreatment will be promptly investigated with the goal of optimizing the environment of learning and ensure the safety and wellbeing of students, faculty, residents, and staff. All reports and investigations will be treated as confidential to the greatest extent possible. With all reports, including those that are submitted anonymously, the College of Medicine will take all reasonable steps to register the complaint for tracking purposes and may investigate in broad terms to ensure learner, staff, and faculty safety. When possible, a member of the Mistreatment Team, or their designee, will reply to the individual(s) filing the request through the Mistreatment Reporting System, with the goal of achieving resolution.

Retaliation in any form against any individual(s) who reports perceived mistreatment will not be tolerated and appropriate actions will be taken as allowed by UNMC policy. Specific actions taken against the person(s) alleged in a mistreatment report are confidential. Any individual or witness filing a complaint found to be dishonest or malicious in alleging mistreatment will be subject to disciplinary action and the matter brought before the Medical Student Evaluation Committee, if that individual is a student, or to the appropriate supervisory person if that individual is not a student.

**Appeals:** At the completion of the process, any person involved with a mistreatment report can appeal the decision in writing to the Dean of the College of Medicine within 14 days of being notified of the outcome.

Individuals who file reports anonymously waive their right to an appeal of the action plan. All appeals will be directed to the Dean, College of Medicine for review, further investigation, and decision unless otherwise directed by UNMC policy. The Dean should appoint another individual to serve in this appellate role when there is a conflict of interest. Decisions made by the Dean, or designee, are final.

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