Statement of Teacher-Learner Relationship in Medical Education

Code of Behavior

The following statement is excerpted from a report by the AMA Section on Medical Schools in cooperation with the AMA Student and Resident Sections and reflects the policy of the University of North Dakota School of Medicine and Health Sciences (SMHS).

“The teacher-learner relationship should be based on mutual trust, respect and responsibility. This relationship should be carried out in a professional manner in a learning environment that places strong focus on education, high quality patient care and ethical conduct.”

In the teacher-learner relationship, each party has certain legitimate expectations of the other. For example, the learner can expect that the teacher will provide instruction, guidance, inspiration and leadership in learning. The teacher expects the learner to make an appropriate professional investment of energy and intellect to acquire the knowledge and skills necessary to become an effective physician. Both parties can expect the other to prepare appropriately for the educational interaction and to discharge their responsibilities in the educational relationship with unfailing honesty. Expectations of medical students are further defined in the school’s Policies and Procedures Governing the Standards for Student Performance, Section 3-103: The Behavioral Component of Performance (A-E).

Medical education includes developing an understanding and appreciation of professional behavior. Students learn professional behavior primarily by observing the actions of their teacher role models.

Certain behaviors are inherently destructive to the teacher-learner relationship. Behaviors such as violence, sexual harassment, inappropriate discrimination based on personal characteristics must never be tolerated. Other behaviors including making habitual demeaning or derogatory remarks, belittling comments or destructive criticism fall into this category and interfere with professional development. On the behavioral level, abuse may be operationally defined as behavior by medical school faculty, residents, or a student which is consensually disapproved by society and by the academic community as either exploitive or punishing. Examples of inappropriate behavior include, but are not limited to, the following:

• Harmful, injurious or offensive conduct
• Verbal attacks

• Insults or unjustifiably harsh language in speaking to or about a person

• Public belittling or humiliation

• Threats of physical harm

• Physical attacks (e.g., hitting, slapping or kicking a person)

• Requiring performance of personal services outside of the educational environment (e.g., shopping, babysitting)

• Threatening with a lower grade or poor evaluation for reasons other than course/clerkship performance

• A pattern of intentional neglect or lack of communication

• Disregard for student safety

• Unnecessary or avoidable acts or words of a negative nature inflicted by one person on another person intended to cause humiliation. (Pointing out during rounds, conferences, and the like, that a student is not adequately prepared for his/her assignments or did not learn the required materials is not mistreatment unless done in an inappropriate manner.)

While criticism is part of the learning process, in order to be effective and constructive, it should be handled in a way to promote learning. Negative feedback is generally more useful when delivered in a private setting that fosters discussion and behavior modification. Feedback should focus on behavior rather than personal characteristics and should avoid pejorative labeling.

Teachers or students who encounter incidents of noncompliance with this policy are encouraged to notify the Associate Dean for Student Affairs and Admissions, the appropriate Campus Dean or the Senior Associate Dean for Academic and Faculty Affairs. The reporting of incidents which violate appropriate teacher-student relationships will be held in the strictest confidence and will be dealt with quickly and appropriately.

**Education**

Education is the cornerstone in the prevention of student mistreatment. A thorough and ongoing effort should be made to inform all involved individuals about appropriate teacher-learner relationships and how to deal with alleged mistreatment. The following notification mechanisms will be used:

**Medical Students**

The Teacher-Learner Relationship Policy and the Complaint Resolution Procedure will be included in the SMHS Academic Catalog. A discussion of mistreatment in general, as
well as of the policy in particular, will take place each year during orientation. Each course and clerkship director will be encouraged to include this policy in course and clerkship-related materials.

**Faculty and Residents**

An informative written message will be sent each year from the Dean’s Office to all Department Chairs. The Dean will direct the Chairs to convey the information to all faculty. The Dean will direct the Clinical Chairs to assure that all clerkship and course directors of clinical courses as well as resident program directors, faculty and residents in their departments are aware of the SMHS philosophy on the appropriate treatment of medical students and of this policy.

It is hoped that this policy will promote a positive environment for learning in the SMHS and affirm the importance of collegiality and respect for others.

**Exclusions from this Policy:**

Specifically, this policy is not intended to include complaints of sexual harassment or complaints of discrimination on the basis of disability, race, color, sex, creed, sexual orientation, political beliefs, veteran’s status, age, marital or parental status, or national origin. The SMHS has specific policies to address these complaints. (Please see Student Code of Life, SMHS Academic Catalog and the Faculty Handbook.)

**Informal and Formal Complaint Resolution**

Any medical student (hereafter referred to as the “student”) who feels that he or she may have been subjected to abuse, discrimination or mistreatment of any kind by residents, faculty, graduate teaching assistants (GTA) or staff has the right to seek remedy through any one of multiple options. Whenever an incident of abuse is reported, the School of Medicine and Health Sciences (SMHS) shall attempt to resolve the issue in a rapid and efficient manner, thereby maintaining a healthy teaching and learning environment. The SMHS will ensure that this process shall be free of retaliation.

The involved student has both informal and formal options available. Whenever possible the student is encouraged, but not required, to seek remedy at the most informal level which will adequately and appropriately address the student’s concerns. The following options are available within the complaint resolution process:

**Informal Direct resolution at the lowest level**

When it is felt that an incident of mistreatment has occurred, a student may meet with the individual involved in the complaint and come to an informal and mutually agreed upon resolution of the problem. The student will bring a representative of the program to aid in dispute resolution. Representatives could include chief residents, program directors, administrators, advisors or other officials. There will not be a written record made concerning a matter that is resolved directly between the complainant and the alleged offender; however, the representative will monitor reoccurrences and will report to the
Associate Dean for Student Affairs if behaviors recur.

Acknowledging that this informal approach may fall short at times because of reluctance of the student with the complaint to directly interact with the accused, intransigence of the accused, or differing perceptions of the incident by the parties involved, one of the following formal actions may be taken:

**Formal**

A. Meeting with the Associate Dean or Campus Dean

Students may meet with the Associate Dean for Student Affairs, the Senior Associate Dean for Academic and Faculty Affairs or the appropriate campus dean to discuss a complaint and to develop a plan for resolution of the problem. The contacted Dean may assist in any intervention deemed necessary for resolution of the problem, including discussion with the appropriate chair.

With this action, anonymity of the student can no longer be maintained. Nevertheless, confidentiality is critical, and no information may be given to those not directly involved in the process.

B. The formal grievance procedure

If the accused is within the SMHS faculty, staff or GTA, the student will be advised of his/her right to file a formal grievance to the Associate Dean for Academic Affairs by completing the Teacher-Learner Incident Report Form. If the accused is outside the SMHS, the Associate Dean for Academic Affairs will communicate the problem to the supervisor of the accused and they will work together to determine the appropriate formal grievance procedure.

After filing a formal grievance the following procedure is followed:

The form will be forwarded to an Ad Hoc Committee appointed by the Senior Associate Dean for Academic and Faculty Affairs.

The committee will consist of two faculty members and a student from the campus where the grievance originated. Basic science faculty members should be appointed if the complaint is against a basic science department member and clinical science faculty members should be appointed if the complaint is against a clinical science department member. The Associate Dean shall appoint the chairperson of the committee who will ensure policy and procedure compliance.

Within ten (10) business days of the receipt of the grievance, the Ad Hoc Committee shall conduct an investigation, giving the reporting individual, the alleged offender and any other persons as the committee shall determine, a fair opportunity to express their views. Further, the committee shall make, in accordance with commonly held standards of conduct, as defined in the Code of Behavior, any necessary preliminary determination of what does or does not constitute reasonable or appropriate conduct and behavior.

Within ten (10) business days of the investigation meeting, the committee shall issue a
written statement of their findings to the individual making the report, the alleged
offender and the Associate Dean for Academic Affairs. The Associate Dean for
Academic Affairs renders a decision and takes appropriate action consistent with UND
policy on disciplinary actions as set forth in the UND Faculty Handbook
(www.und.nodak.edu/dept/registrar/senate/FacultyHandbook/) or staff information
(www.humanresources.und.edu), as applicable.

**Time Limit**

Complaints need to be filed with the Associate Dean for Academic Affairs within two
months of the alleged action. However, a student may ask for the forwarding of the
complaint to be deferred until after the student is evaluated by the involved faculty
member/resident.

**Chairs Involvement**

Reports forwarded to the Senior Associate Dean for Academic and Faculty Affairs will
also be provided to the respective department chair of the alleged individual.

A central file of all complaints will be maintained in the Academic Affairs office. The
Associate Dean, through the Teacher-Learner Incident Report Form, will monitor the
resolution of these incidents to assure that correct procedures are followed at all times
and where necessary refer them to the appropriate resources. A copy of the report of
findings and the action by the Associate Dean for Academic Affairs will be filed in the
offender’s personnel file.

**Appeal**

If the accused is a faculty, staff or GTA member and wants to appeal the findings of the
committee or the disciplinary action, a written appeal may be submitted to the Dean. If
the accused is a resident physician, a written appeal may be sub- mitted to the Associate
Dean responsible for Graduate Medical Education.

If the accused is a medical student, a written appeal may be submitted to the MSAPC
who will conduct an appeal review by examining the proceedings of the committee as
well as any new facts the accused student offers for consideration. The accused student
will be notified of the decision in writing. There will be no further appeal.

**Protection from Retaliation**

Every effort will be made to protect alleged victims of mistreatment from retaliation if
they seek redress. Retaliation from anyone in a supervisory position within the SMHS,
including a faculty member, chairperson, lab director, course director, residency training
director, division chief, department head, dean or director will not be tolerated. To help
prevent retaliation, those who are accused of mistreatment will be informed that
retaliation is regarded as a form of mistreatment. Accusations that retaliation has
occurred are handled in the same manner as accusations concerning other forms of
mistreatment.
Malicious Accusation

A complainant or witness found to have been dishonest or malicious in making the allegation of mistreatment may be subject to disciplinary action. A charge of unprofessional behavior will be filed against the student and the appropriate action taken according to the MSAPC procedures, Standards for Student Performance, Section 3-104.

Sexual Harassment and EEO Complaints

A student alleging sexual harassment or unlawful discrimination may make a complaint in accordance with the procedure outlined in the UND Code of Student Life or to the Office of Equal Opportunity/Affirmative Action.