



## **Policy on the Learning Environment: Unprofessional Behavior and Learner Mistreatment For all Faculty and SMHS Students**

Section: 2 and 3

Policy number: 2.5 and 3.12

Responsible Office: Office of Student Affairs and Admissions

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### **POLICY STATEMENT**

The University of North Dakota School of Medicine & Health Sciences (UND SMHS) recognizes its obligation to maintain a professional, safe, and healthy learning environment. Maintaining a professional, safe and healthy learning environment requires that the faculty, administration, residents, fellows, healthcare professionals, staff, and students treat each other with respect. The teacher-learner relationship is a key component of a healthy learning environment and 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 a strong focus on education, high-quality patient care, ethical conduct and mutual respect. The School and its clinical affiliates share the responsibility to identify and correct violations of professional standards.

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### **REASON for POLICY**

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, and leadership in learning. The teacher can expect the learner to make an appropriate investment of energy, time, and intellect to acquire the knowledge and skills necessary to become an effective professional. Both parties can expect the other to prepare appropriately for the educational interaction and to discharge their responsibilities effectively.

This policy informs members of the SMHS community of expectations regarding professional behavior, learner mistreatment, and how community members should respond. Specifically, it clarifies what constitutes unprofessional behavior and learner mistreatment, the educational process for the policy, reporting of unprofessional behavior and learner mistreatment, the resolution process, protection and prevention from retaliation, and an appeal process. The ultimate intent is to prevent incidents of SMHS unprofessional behavior and student mistreatment through education, the development of community, and clear expectations regarding codes of conduct and professionalism for all members of our community.

## SCOPE of POLICY

This policy applies to:

√Deans, Directors, and Department Heads

√Managers and supervisors

√Students

Others:

√Faculty

√Staff

## WEBSITE REFERENCES

Code of Student Life	<a href="https://und.edu/student-life/code-of-student-life.html">https://und.edu/student-life/code-of-student-life.html</a>
Faculty Handbook	<a href="http://und.edu/university-senate/faculty-handbook/">http://und.edu/university-senate/faculty-handbook/</a>
Equal Opportunity & Title IX Office	<a href="https://campus.und.edu/equal-opportunity/">https://campus.und.edu/equal-opportunity/</a>
Residents as Teachers	<a href="https://med.und.edu/about/policies/_files/docs/residents-as-teachers-policy-2022.pdf">https://med.und.edu/about/policies/_files/docs/residents-as-teachers-policy-2022.pdf</a>

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## DEFINITIONS

Complaint recipient (CR)	For the purposes of this document, <b>Complaint Recipient (CR)</b> will refer to the person responsible for overseeing learner mistreatment complaints for each program or program section. The CR for the SMHS programs or program sections are listed below.	
	<b>Program or Program section</b>	<b>Complaint Recipient</b>
	Phase 1 of the medical program	Associate Dean for Student Affairs and Admissions
	Phase 2 and 3 of the medical program	Associate Dean for Medical Curriculum at SMHS
	Health science programs and health science residencies	Associate Dean for Health Sciences at SMHS
	GME Residents and Fellows	Designated Institutional Official
	Graduate Assistants	Senior Associate Dean for Education, Accreditation, and Faculty Affairs at SMHS
	Undergraduates taking courses at the SMHS	Senior Associate Dean for Education, Accreditation, and Faculty Affairs
Learners	All students enrolled in courses and programs affiliated with SMHS, whether on or off campus, are considered learners. In some situations, Residents, Fellows, and Graduate Assistants may be considered learners.	
Complainant	A person that reports unprofessional behavior or mistreatment by using the <a href="#">online reporting form</a> .	
GME Residents and Fellows	Individuals in a post-graduate medical education residency and/or fellowship. Depending on the situation, they may be either teachers or learners.	
Health Sciences Residents	Individuals in a post-graduate education residency. Depending on the situation, they may be either teachers or learners.	
FC	Faculty Council	
Faculty	Anyone with a SMHS academic or clinical appointment.	
Graduate Assistants	Graduate students who have teaching (GTA), research (GRA), or service (GSA) related responsibilities, and in some situations, may be either teachers or learners.	
SMHS Staff	All UND SMHS employed individuals, other than faculty/teachers, as well as UND clinic staff.	
Hospital/Clinical Site Staff	Non-UND employed individuals at the hospital/clinical site who are subject to the institutional affiliation agreement.	
Professional Behavior	Definition of professional behavior is that which conforms to the technical and ethical standards of one's profession and may be slightly different for each of the SMHS programs.	

Course	Course refers to a unit of education which may include acting internship, rotation, classroom, or clinical/field work experience.
Mistreatment	Behavior which shows disrespect for the dignity of others and unreasonably interferes with the learning process. It can take the form of physical punishment, harassment, psychological cruelty, and discrimination based on race, religion, ethnicity, sex, age or sexual orientation. (AAMC Definition)
Teacher	A person who is responsible for providing educational content to learners. The role of a teacher is often formal and ongoing, carried out at the SMHS, a SMHS clinical campus, or an associated clinical affiliation site. Teachers may include faculty, residents, fellows, graduate assistants, peers, or individuals governed by institutional affiliation agreements.

## RELATED INFORMATION

Student Grievance Policy	<a href="https://med.und.edu/policies/students.html#d32e81-7">https://med.und.edu/policies/students.html#d32e81-7</a>
SMHS Policy Page	<a href="https://med.und.edu/policies/">https://med.und.edu/policies/</a>
Discrimination and Harassment Policy	<a href="https://und.policystat.com/?lt=nEb9f5IPhIT42yu4MIKV8w&amp;next=/policy/5305340/latest/">https://und.policystat.com/?lt=nEb9f5IPhIT42yu4MIKV8w&amp;next=/policy/5305340/latest/</a>
Title IX and Sexual Violence Policy	<a href="https://und.policystat.com/?lt=nEb9f5IPhIT42yu4MIKV8w&amp;next=/policy/5147073/latest/">https://und.policystat.com/?lt=nEb9f5IPhIT42yu4MIKV8w&amp;next=/policy/5147073/latest/</a>
Equal Opportunity & IX Office	<a href="https://campus.und.edu/equal-opportunity/">https://campus.und.edu/equal-opportunity/</a>
Report Discrimination or Harassment to EO & Title IX	<a href="https://campus.und.edu/equal-opportunity/incident-report.html">https://campus.und.edu/equal-opportunity/incident-report.html</a>
Office of Student Rights & Responsibilities (OSRR)	<a href="https://und.edu/student-life/community-standards/index.html">https://und.edu/student-life/community-standards/index.html</a>
Report an Incident to OSRR	<a href="https://und.edu/student-life/community-standards/index.html">https://und.edu/student-life/community-standards/index.html</a>

## CONTACTS

General questions about this policy can be answered by your department's administrative office. Specific questions should be directed to the following:

Subject	Contact	Telephone/FAX	Email contact
Policy clarification	Student Affairs	777.4221/777.4942	<a href="mailto:saa@und.edu">saa@und.edu</a>
Policy format	Dean's Office	777.2514	<a href="mailto:SMHSdean@und.edu">SMHSdean@und.edu</a>

## PROCEDURES

- I. The University and the school promulgate various policies outlining acceptable and expected student, staff, and faculty conduct. The University of North Dakota (UND) Community Values Statement specifies that:

- Everyone be allowed to work, learn, and live in a safe, caring environment
- Everyone learns about, understands, appreciates, and respects varied cultures
- Everyone matters
- All individuals be respected and treated with dignity and civility
- Everyone continues to share in the responsibility of making UND a better place

The UND Code of Student Life defines the rights and responsibilities students have as members of the academic community, communicates the standards of conduct appropriate for all individuals in a community of scholars, and outlines processes for the submission and handling of complaints. The UND Faculty Handbook outlines faculty responsibilities to students and colleagues, including professional behaviors that reflect the university's community values. The school is responsible for ensuring that the learning environment for its educational programs is conducive to the ongoing development of explicit and appropriate professional behaviors in its students, faculty, and staff. Professional behaviors include but are not limited to:

- Compassion, integrity, and respect for others
- Responsiveness to patient needs that supersedes self-interest
- Respect for patient privacy and autonomy
- Accountability to patients, society, and the profession
- Sensitivity and responsiveness to a diverse patient population
- Commitment to ethical principles pertaining to the provision or withholding of care, confidentiality, informed consent, and business practices, including compliance with relevant laws, policies, and regulations
- Carrying out responsibilities in a timely manner
- Maintaining appropriate professional boundaries and using appropriate and respectful language
- Identifying and proposing solutions for common and important moral, ethical, and legal problems of healthcare practice

- II. Unprofessional behavior and mistreatment show disrespect for the dignity of others and unreasonably interferes with the learning process. Unprofessional behaviors are those that violate the above-stated expectations for behavior in the learning environment. Mistreatment is consensually disapproved by society and by the academic community as either exploitative or punishing. Mistreatment can include but is not limited to:

- Public humiliation
- Threats of violence/physical harm or physical harm
- Requirements to perform personal services
- Offensive sexist, racial, ethnic, or sexual orientation remarks
- Denial of opportunities for training or rewards or lower grades or evaluations based solely on gender, race, ethnicity, or sexual orientation
- Unwanted sexual advances
- Requests to exchange sexual favors for grades or other rewards
- Abusive behavior from anyone (including patients and/or visitors)
- Any other behavior that feels disrespectful or is intended to embarrass, belittle, or humiliate

III. Reports of discrimination or harassment: Reports of discrimination or harassment on the basis of disability, race, color, sex, creed, sexual orientation, gender identity, political belief or affiliations, veteran status, age, marital status, pregnancy or parental status, national origin, or allegations of sexual violence are beyond the scope of this policy and are addressed through the Equal Opportunity & Title IX Office in accordance with University policy and state and federal law. Reports of discrimination or harassment can be made to the Equal Opportunity & Title IX Office using this [online](#) form.

IV. Education on policy: Education about professionalism and learner mistreatment is the cornerstone of prevention. A thorough and ongoing effort is made to inform all involved individuals about appropriate teacher-learner relationships and how to address unprofessional behavior and alleged learner mistreatment. Learners and teachers in the SMHS community are made aware of the policy on an annual basis. The Dean's Office will send an informative written message to all residents and fellows, faculty, staff, and students to ensure they are made aware of the policy.

- A. How students are informed of policy: *The Learning Environment: Professionalism and Learner Mistreatment Policy* is included on the SMHS Policies and Procedures website. A discussion of mistreatment in general, as well as of the policy in particular, will take place during the initial student orientation. Additionally, each student must attest to having read and understood the SMHS policy. Each course director and faculty member is encouraged to include this policy in course-related materials.
- B. How residents and fellows are informed of policy: Clinical Science Department Chairs and residency program directors shall assure that all residents and fellows in their departments are aware of the SMHS *Learning Environment: Professionalism and Learner Mistreatment Policy*. A discussion of mistreatment in general, as well as of this policy in particular, takes place each year during resident and fellow orientation. It should be noted that depending upon the specific situation, residents and fellows may be considered teachers and/or learners.
- C. How SMHS staff are informed of policy: The department chairs, directors, and unit heads convey the information to all SMHS Staff so that they are aware of the SMHS policy on the appropriate treatment of learners and of this policy.
- D. How affiliated clinical staff are informed of policy: Affiliated clinical faculty and staff are appraised of the policy by the employing institution as stated in the Institutional Affiliation Agreements.

- E. How faculty and graduate assistants are informed of policy: Department Chairs shall inform all faculty and graduate assistants of this policy so that they are aware of the appropriate treatment of students.

V. Reporting Procedure: Any learner who observes unprofessional behavior in the learning environment, feels that they have been treated unprofessionally or have been subjected to the mistreatment of any kind by faculty, teachers, or staff, may select several options for addressing the unprofessional behavior or mistreatment depending on the situation. Additionally, any resident, fellow or other member of the learning environment who witnesses unprofessional behavior toward, or mistreatment of, learners may report the behavior. A complainant has both informal and formal options available. The complainant should contact the CR who oversees the department or program where the incident occurred. If the CR is the focus of the incident complaint, the complainant should contact the next highest level of supervision per the department or program. Whenever possible, the complainant is encouraged, but not required, to seek remedy at the most informal level which may be able to adequately and appropriately address the complainant's concerns.

- A. A learner may meet with the teacher involved in the complaint and come to an informal and mutually agreed upon resolution of the problem. The learner may bring a representative of the program (or campus) to aid in dispute resolution. Representatives could include chief residents, program directors, administrators, advisors, faculty or other officials. This option is available to all learners. Learners may also choose to meet with the clinical course director or fieldwork coordinator who will then address the situation with the department chair and/or teacher.
- B. The learner may submit the [online reporting form](#) to provide the information needed for evaluation of the allegation by the department chair. The resolution shall be dealt with at the department level and the CR will be notified. If the department chair believes the allegation to be so egregious or the offender so uncooperative, the CR will form an ad hoc committee according to departmental or programmatic procedures to resolve complaints of unprofessional behavior or learner mistreatment. If the allegation involves the department chair, the complaint will be directed to the appropriate associate dean.
- C. The learner may submit the [online reporting form](#) to provide the information needed for evaluation by the appropriate CR. Reports of unprofessional behavior and/or mistreatment that are reported through the formal process shall be investigated. Confidentiality is critical, and information will only be provided to individuals directly involved in the process. Learners may meet with the CR to discuss a complaint and potentially develop a plan for the resolution of the problem. The CR may assist in any intervention deemed necessary for the resolution of the problem, including discussion with the appropriate department chair and/or program director. With this action, the anonymity of the learner may no longer be maintained. Information will be shared on a "need to know" basis with special attention to maintaining the confidentiality of the involved learner(s).
- D. Clinical Environment Interactions: If mistreatment includes hospital/clinic staff or other individuals in the clinical setting, the learner will follow the policies set forth by the individual hospital/clinic and submit the [online reporting form](#) to provide the information needed for evaluation of the allegation by the department chair or program director. If mistreatment includes SMHS staff, the learner may follow the reporting procedures as described under either the "Departmental Level" or "SMHS Level" below.

- VI. Resolution Process: Whenever an incident of unprofessional behavior and/or mistreatment is reported, the SMHS shall attempt to resolve the issue in a fair and expeditious manner, thereby maintaining a healthy teaching and learning environment. The SMHS will ensure that this process is free of retaliation. Confidentiality is critical, and no information may be provided to individuals not directly involved in the process. Complainant Recipients will inform Complainants that action has been taken to resolve the complaint.
- A. Informal resolution: There may be instances where the learner and teacher informally resolve the issue with no record or formal report. In these instances, no written record will be available. When an electronic or written report is received, the record shall be retained by the CR in accordance with the SMHS Records Retention Policy for University employees and non-University employees. An informal resolution will not become a part of the alleged offender's file. Records shall be maintained by the CR for the purpose of annual anonymous reporting of incidents to the Faculty Council and to audit for possible recurrence of unprofessional behavior/mistreatment issues. It is unlikely that the anonymity of the learner will be maintained in an informal resolution, however, the learner name will not be shared without a need to know and/or learner approval.
1. Department/Program Level: A learner may choose this option initially or if an informal resolution with the teacher is ineffective. The learner addresses the complaint to the CR and department chair or program director. The CR or department chair addresses the situation with the teacher. This option is available to all learners.
  2. SMHS Level:
    - a. Teachers on the SMHS main campus: Teacher-Learner Level. A learner may meet with the teacher involved in the complaint and come to an informal and mutually agreed upon resolution of the problem. This completes the process and no documentation is necessary. If the complaint cannot be resolved at the teacher-learner level, the learner may elevate the complaint to the department level using the [online reporting form](#).
    - b. Teachers off the SMHS main campus: Clinical Courses/Fieldwork/Experiences Level. This process is reserved for Phase 2 and 3 medical students who are on one of four clinical campuses or health science students completing fieldwork/clinical experiences. For medical students, the learner addresses the complaint to the campus dean who addresses the situation with the department chair and/or teacher. Health sciences students completing fieldwork or clinical experiences should address the complaint to the Fieldwork Coordinator/Director of Clinical Education or CR.
- B. Formal resolution: The informal approach may at times be unsuccessful and a more formal resolution may be warranted. The formal resolution process may occur through the department or SMHS options. Records from the formal process shall be utilized for the purpose of annual anonymous reporting of incidents to the Faculty Council and to audit for possible recurrence of unprofessional behavior and/or mistreatment issues. It is unlikely that the anonymity of the learner will be maintained in a formal resolution however, the learner's name will not be shared without a need to know and/or learner approval.
1. Department/Program level: In this case, the written record shall be retained in a formal resolution and shall become a part of the alleged offender's file if the department chair deems it appropriate. The learner shall report the incident using the [online reporting form](#)



to provide the information needed for evaluation of the allegation by the department chair. Resolution shall be addressed at the department level and notification to the CR will occur. If the chair believes the allegation to be so egregious or the offender so uncooperative, the CR will initiate the formation of a departmental ad hoc committee according to departmental procedures to resolve complaints of unprofessional behavior or learner mistreatment. If the allegation involves the department chair, the complaint will be directed to the appropriate associate dean.

SMHS level: Complaints of unprofessional behavior and/or mistreatment that are reported through the formal process shall be investigated. Confidentiality is critical, and information will only be provided to individuals directly involved in the process. Learners may meet with the CR to discuss the complaint and potentially develop a plan for the resolution of the problem. The CR may assist in any intervention deemed necessary for the resolution of the problem, including discussion with the appropriate department chair. If the allegation involves the department chair, the complaint will be directed to the appropriate associate dean. With this action, the anonymity of the learner may no longer be maintained. Information will be shared on a “need to know” basis with special attention to maintaining the confidentiality of the involved learner(s). Although the learner’s name will not be shared without their consent, it may still be difficult to maintain anonymity.

a. Teachers within the SMHS:

- (1) The learner shall report the incident using the [online reporting form](#) within 30 calendar days of the alleged action. However, a learner may request to defer action on the request until after the learner is evaluated by the involved teacher.
- (2) The CR shall perform an initial investigation. If appropriate, the CR will appoint an ad hoc Committee to assist with the investigation.

The ad hoc Committee shall include the immediate past chair of the Faculty Council, the chair of the Undergraduate Medical Education Committee, the chair of the Biomedical and Health Sciences Curriculum Committee, and one (1) student from Faculty Council in a different department/program than the complainant. If the Ad Hoc Committee includes a teacher or faculty member involved in the unprofessional behavior/mistreatment complaint, the CR will appoint a replacement.

- (a) Investigation: Within ten (10) business days of the receipt of the learner complaint by the CR, the investigation shall be completed and/or the Ad Hoc Committee will be convened.
- (b) Report: Within ten (10) business days of the conclusion of the investigation the CR shall document or receive documentation of the investigative results.
- (c) Intervention: Within ten (10) business days of finalizing the report the CR shall act on the report and report back to the complainant that the process has concluded. The action of the CR shall be consistent with UND policy on disciplinary actions as set forth in the UND Faculty Handbook or staff information as appropriate.

b. Teachers not employed by SMHS: As a community-based school, many of the teachers

are not directly employed by the UND SMHS and as such, are subject to other rules and policies addressed in the institutional affiliation agreement. If the accused is employed outside the SMHS, the issue must be brought to the CR. The CR will communicate the problem through the appropriate supervisory structure, and they will work together to determine the appropriate steps for resolution.

- C. Monitoring the process: The CR will monitor the number and resolution of complaints of unprofessional behavior and/or learner mistreatment occurrences to assure that correct procedures are followed at all times. The CR will refer the learners and/or teachers to the appropriate resources where necessary. The CR will report annually to the Faculty Council. The FC report will include number, source, and resolution of incidences in a de-identified manner.
- VII. Storage of complaint documentation: A central file of all complaints will be maintained in the office of the CR. A copy of the report of findings and the action by the CR may be filed in the offender's personnel file. Documents will be retained in accordance with the SMHS Records Retention Policy for active plus six years. The complaint becomes inactive once the complaint is resolved or dismissed.
- VIII. Appeal:
  - A. Students may appeal a decision by the CR in accordance with provisions outlined in the SMHS Student Academic Grievance and Appeal Policy.
  - B. Faculty and staff may appeal the findings of the CR, committee or any disciplinary action, in accordance with provisions outlined in the UND Faculty Handbook or the UND Staff Handbook.
  - C. Resident or fellow physicians may appeal the findings of the CR, committee or any disciplinary action to the designated Institutional Official for Graduate Medical Education. The appeal will follow provisions outlined in the Resident Fair Process and Grievance Procedure.
- IX. Protection from Retaliation: Every effort will be made to protect alleged victims of unprofessional behavior and/or mistreatment from retaliation if they seek redress. Retaliation from anyone directly or indirectly involved 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 unprofessional behavior and mistreatment. Accusations that retaliation has occurred will be handled in the same manner as accusations concerning other forms of mistreatment and may result in disciplinary action up to and including termination or expulsion.
- X. Malicious Accusation: A complainant or witness found to have been dishonest or malicious in making the allegation of unprofessional behavior and/or mistreatment may be subject to a charge of unprofessional behavior and/or disciplinary action.

## RESPONSIBILITIES

Students/Learners	Notify appropriate individuals when they experience mistreatment by a teacher. Report all discrimination and sexual violence to the Title IX office.
Teachers/Faculty/Staff/Residents/GTAs	Address reports of mistreatment using the procedure outlined above. Report all discrimination and sexual violence to the Title IX office.

Associate Dean for Student Affairs and Admissions/ Faculty/ Fieldwork Coordinator/ Course Director/Campus Dean/ Director of Clinical Education	Act as a resource for learners, provide information about the process.
CR	Receive the complaints, investigate, report, and intervene at a level appropriate for the situation. Report aggregate de-identified data annually to FC. Ensure that affiliated institutions address this or a similar institutional policy.
Department Chairs	Ensure department faculty and learners/students are reminded of the policy on an annual basis.
Graduate Medical Education Committee	Ensure residents are aware of this policy.
Dean	Annually inform all residents and fellows, faculty, staff, and students of the policy. Receive and rule upon appeals.