

Section: 2 and 3  
Policy number: 2.5 and 3.12  
Responsible Office: Office of Student Affairs and Admissions  
Issued: 05.04.15  
Latest Review: 03.08.2021

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## POLICY STATEMENT

The School of Medicine & Health Sciences (SMHS) recognizes its obligation to maintain a safe and healthy learning environment. Maintaining a safe and healthy learning environment requires that the faculty, administration, residents, fellows, healthcare professionals, staff and students treat each other with the respect due colleagues. 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 strong focus on education, high quality patient care, and ethical conduct.

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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 practitioner. Both parties can expect the other to prepare appropriately for the educational interaction and to discharge their responsibilities.

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

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## SCOPE of POLICY

This policy applies to:

√Deans, Directors, and Department Heads

√Managers and supervisors

√Students

Others:

√Faculty

√Staff

## WEB SITE 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/policies/residents-as-teachers.html">https://med.und.edu/policies/residents-as-teachers.html</a>

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## DEFINITIONS

Complaint recipient (CR)	<p>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 Complaint Recipient for the SMHS programs or program sections are listed below.</p> <table border="1" data-bbox="613 436 1435 1073"> <thead> <tr> <th data-bbox="613 436 1019 478">Program or Program section</th> <th data-bbox="1027 436 1435 478">Complaint recipient</th> </tr> </thead> <tbody> <tr> <td data-bbox="613 478 1019 569">Phase one of the medical program</td> <td data-bbox="1027 478 1435 569">Associate Dean for Education and Faculty Affairs at SMHS</td> </tr> <tr> <td data-bbox="613 569 1019 659">Phase two and three of the medical program</td> <td data-bbox="1027 569 1435 659">Senior Associate Dean for Medicine and Research at SMHS</td> </tr> <tr> <td data-bbox="613 659 1019 749">Health science programs and health science residencies</td> <td data-bbox="1027 659 1435 749">Associate Dean for Health Sciences at SMHS</td> </tr> <tr> <td data-bbox="613 749 1019 806">GME Residents and Fellows</td> <td data-bbox="1027 749 1435 806">Designated Institutional Official</td> </tr> <tr> <td data-bbox="613 806 1019 940">Graduate Assistants</td> <td data-bbox="1027 806 1435 940">Associate Dean for Education and Faculty Affairs at SMHS</td> </tr> <tr> <td data-bbox="613 940 1019 1073">Undergraduates taking courses at the SMHS</td> <td data-bbox="1027 940 1435 1073">Associate Dean for Student Affairs and Admissions at the SMHS</td> </tr> </tbody> </table>	Program or Program section	Complaint recipient	Phase one of the medical program	Associate Dean for Education and Faculty Affairs at SMHS	Phase two and three of the medical program	Senior Associate Dean for Medicine and Research 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	Associate Dean for Education and Faculty Affairs at SMHS	Undergraduates taking courses at the SMHS	Associate Dean for Student Affairs and Admissions at the SMHS
Program or Program section	Complaint recipient														
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Undergraduates taking courses at the SMHS	Associate Dean for Student Affairs and Admissions at the SMHS														
SMHS	School of Medicine and Health Sciences														
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 learner that reports mistreatment by using the <a href="#">online reporting form</a> OR the form attached to this policy.														
GME Residents and Fellows	Those 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	Those 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 School of Medicine and Health Sciences employed individuals as well as UND clinic staff.														
Hospital/Clinical Site Staff	Those non-UND employed individuals at the clinical site who are subject to the institutional affiliation agreement.														
Professional Behavior	The 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	The term course shall refer to a unit of education which may include acting internship, rotation, or an elective, classroom, clinical or field work experiences.
Mistreatment	Mistreatment arises when behavior 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 teacher is a person who is responsible for providing educational content to learners. The role of 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=nEb9f5IPhIT42yu4MKV8w&amp;next=/policy/5305340/latest/">https://und.policystat.com/?lt=nEb9f5IPhIT42yu4MKV8w&amp;next=/policy/5305340/latest/</a>
Title IX and Sexual Violence Policy	<a href="https://und.policystat.com/?lt=nEb9f5IPhIT42yu4MKV8w&amp;next=/policy/5147073/latest/">https://und.policystat.com/?lt=nEb9f5IPhIT42yu4MKV8w&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/student-rights-responsibilities/index.html">https://und.edu/student-life/student-rights-responsibilities/index.html</a>
Report an Incident to OSRR	<a href="https://und.edu/student-life/student-rights-responsibilities/share-a-concern.html">https://und.edu/student-life/student-rights-responsibilities/share-a-concern.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">mailto:saa@und.edu</a>
Policy format	Dean's Office	777.2514/777.3527	<a href="mailto:judy.solberg@und.edu">judy.solberg@und.edu</a>

## PROCEDURES

- I. Mistreatment arises when behavior shows disrespect for the dignity of others and unreasonably interferes with the learning process. Mistreatment behavior is consensually disapproved by society and by the academic community as either exploitive or punishing. Some forms of mistreatment include physical punishment/violence, harassment, psychological cruelty, verbal attacks, demeaning or derogatory remarks, belittling comments, requiring performance of personal services outside of the educational environment (e.g. pick up dry cleaning, babysitting), pattern of intentional neglect, and discrimination based on race, religion, ethnicity, sex, age or sexual orientation. Some mistreatment behaviors overlap with behaviors that may have their own associated University policy, state, or federal statute.

In a curriculum that references cases and clinical experiences that come from a community/state with a small population, we acknowledge that there will likely be case presentations of individuals known to class members or care of close friends/family members in the clinical context. Faculty will take reasonable steps to protect the identity of individuals in cases, minimize the potential for learners to be exposed to cases involving family or friends, and provide opportunities for alternative learning experiences when requested.

- II. 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.
- III. Education on policy: Education about learner mistreatment is the cornerstone of prevention. A thorough and ongoing effort will be made to inform all involved individuals about appropriate teacher-learner relationships and how to deal with 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 department chairs, however, it is the responsibility of the chairperson to ensure that residents & fellows, faculty, staff, and students are made aware of the policy.
  - A. Students informed of policy. The Learner Mistreatment Policy is included on the SMHS Policies and Procedures web page. A discussion of mistreatment in general, as well as of the policy in particular, will take place during the initial orientation. Additionally, each student must attest to having read and having understood the SMHS policies. Each course director and faculty member is encouraged to include this policy in course-related materials.

- B. Residents and Fellows informed of policy. Clinical Science Chairs and residency directors shall assure that all residents and fellows in their departments are aware of this SMHS Learner Mistreatment policy. A discussion of mistreatment in general, as well as of the policy in particular, takes place each year during orientation. It should be noted that depending upon the specific situation residents and fellows may be considered teachers and/or learners.
  - C. SMHS Staff informed of policy. The Department Chairs 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. Hospital and Clinic Staff informed of policy. They are appraised of the policy by the employing institution as stated in the Institutional Affiliation Agreements.
  - E. Faculty and Graduate Assistants informed of policy. Department Chairs shall convey the information to all faculty and graduate assistants so that they are aware of the SMHS philosophy on the appropriate treatment of students and of this policy.
- IV. Reporting Procedure: Any learner who feels that they may have been subjected to non-protected class mistreatment of any kind by residents, fellows, faculty, graduate assistants, or staff may select several options for addressing the mistreatment depending on the situation. The involved learner has both informal and formal options available. The learner should contact the complaint recipient who oversees the department where the incident occurred. If the complaint recipient is the focus of the incident complaint, the learner should contact the next highest level of supervision. Whenever possible the learner is encouraged, but not required, to seek remedy at the most informal level which will adequately and appropriately address the learner's concerns.
- A. 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. 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 field work coordinator who will then address the situation with the department chair and/or teacher.
  - B. Department Level: The learner may submit the [online reporting form](#) OR the form attached to this policy to provide the information needed for evaluation of the allegation by the department chair. The form should be completed with as much detail as possible. Resolution shall be dealt with at the department level and the Complaint Recipient will be notified. If the department chair believes the allegation to be so egregious or the offender so uncooperative, the Complaint Recipient (CR) will form an ad hoc committee.
  - C. SMHS level: The learner may submit the [online reporting form](#) OR the form attached to this policy to provide the information needed for evaluation by the appropriate Complaint Recipient. The form should be completed with as much detail as possible. Reports of 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 complaint recipient (CR) to discuss a complaint and potentially develop a plan for resolution of the problem. The CR may assist in any intervention deemed necessary for resolution of the problem, including discussion with the appropriate chair. With this action, 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).

IV. Resolution Process. Whenever an incident of mistreatment is reported, the 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. Confidentiality is critical, and no information may be provided to individuals not directly involved in the process. However, failure to disclose information does not ensure anonymity because of the small class sizes.

- 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 Complaint Recipient 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 complaint recipient for the purpose of annual anonymous reporting of incidents to the Faculty Council and to audit for possible recurrence of mistreatment issues. It is unlikely that anonymity of the learner will be maintained in informal resolution however the learner name will not be shared without a need to know and/or learner approval.
  - A. 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](#) OR the Teacher-Learner Report form attached to this policy.
  - B. 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 complaint recipient and department/program chair. The complaint recipient or department chair addresses the situation with the teacher. This option is available to all learners.
  - C. Clinical Courses/Fieldwork/Experiences Level. This is a process reserved for phase II and III 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 Complaint Recipient.
- B. Formal resolution. The informal approach may fall short at times 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 mistreatment issues. It is unlikely that anonymity of the learner will be maintained in formal resolution however, the learner name will not be shared without a need to know and/or learner approval.
  - A. Department level. In this case the written record shall be retained in formal resolution and shall become a part of the alleged offender’s file if the department chair deems



appropriate. The learner shall report the incident using the [online reporting form](#) OR the Teacher-Learner Report form attached to this policy 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 Complaint Recipient will occur. If the chair believes the allegation to be so egregious or the offender so uncooperative, the Complaint Recipient (CR) will initiate the formation of an ad hoc committee.

- B. SMHS level. Reports of 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 complaint recipient (CR) to discuss a complaint and potentially develop a plan for resolution of the problem. The CR may assist in any intervention deemed necessary for resolution of the problem, including discussion with the appropriate department chair. With this action, 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 name will not be shared without their consent, it may still be difficult to maintain anonymity.

A. Teachers within the School of Medicine and Health Sciences.

i. The learner shall report the incident using the [online reporting form](#) OR the Teacher-Learner Report form attached to this policy 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.

ii. The CR shall perform an initial investigation. If appropriate, the CR will appoint an Ad Hoc Committee.

a. 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 mistreatment complaint, the Complaint Recipient will appoint a replacement.

iii. Investigation, Report, and Intervention

a. Investigation. Within ten (10) business days of the receipt of the learner mistreatment report by the Complaint Recipient, 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 allegations.

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 outside of the School of Medicine and Health Sciences: 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 outside the SMHS (employed by another institution), the issue must be brought to the complaint recipient. The complaint recipient will communicate the problem through the appropriate channels of the accused and they will work together to determine the appropriate grievance procedure.
- C. Monitoring of the process. The complaint recipient (CR) will monitor the number and resolution of 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.

#### V. Storage of complaint documentation.

- A. A central file of all complaints will be maintained in the office of the Complaint Recipient.
- B. A copy of the report of findings and the action by the Complaint Recipient may be filed in the offender's personnel file.
- C. 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.

#### VI. Appeal

- A. The complainant/learner may appeal a decision by the Complaint Recipient through a written appeal submitted to the Dean of the SMHS within 10 calendar days of receiving the CR intervention report.
- B. If the accused is faculty, adjunct faculty, staff, or a graduate assistant and wants to appeal the findings of the committee or the disciplinary action, a written appeal may be submitted to the Dean of the SMHS within 10 calendar days of receiving the decision.
- C. If the accused is a resident or fellow physician, a written appeal may be submitted to the Designated Institutional Official for Graduate Medical Education. The grievance will follow the Resident Fair Process and Grievance Procedure.
- D. The accused and complainant will be notified of any appeal decision in writing within 15 business days of receipt of the written appeal.
- E. There will be no further appeal.

VII. Protection from Retaliation. Every effort will be made to protect alleged victims of 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 mistreatment. Accusations that retaliation has occurred are handled in the same manner as accusations concerning other forms of mistreatment.

VIII. 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 learner and the appropriate action taken according to the disciplinary procedures.

## 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/ Director of Clinical Education	Act as a resource for learners, provide information about the process, next steps etc.
Complaint Recipient	Accept 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	Receive and rule upon appeals.

## FORMS

Teacher-Learner Report Form	Attached
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## REVISION RECORD

05.03.21—FC Approved  
 05.03.21—Dean Approved  
 08.06.19—Editorial Edits



## Learner Mistreatment Report Form

Learner name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact number: \_\_\_\_\_

Email: \_\_\_\_\_

EMPLID: \_\_\_\_\_ Program: \_\_\_\_\_

Date of the incident: \_\_\_\_\_

Person who the student is grieving against: \_\_\_\_\_

Please describe in detail the nature of the occurrence: \_\_\_\_\_

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Requested resolution: \_\_\_\_\_

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Detail informal measure taken to address this situation: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RETURN FORM TO: Complaint recipient (CR) or faculty member as identified in the policy and procedures