

# COMPLAINT PROCEDURE

## *Appropriate Treatment of Students*

### **University of Massachusetts Medical School**

School of Medicine

Graduate School of Biomedical Sciences

Graduate School of Nursing

Graduate Medical Education

## *Procedure for Reporting Complaints of Inappropriate Treatment*

September, 2004

## **I. BACKGROUND**

The University of Massachusetts Medical School (UMMS), in accordance with its mission statement and operating principles, and as required for accreditation by the Liaison Committee for Medical Education (LCME), has developed this complaint procedure to help ensure the *appropriate treatment of students* (ATS). This procedure is specifically required for the accreditation of the School of Medicine, and has also been approved by the deans of the Graduate School of Biomedical Sciences, Graduate School of Nursing, and Graduate Medical Education.

In a separate pamphlet dealing with appropriate standards of conduct in the teaching relationship, the Chancellor/Dean has outlined the organization's policy and commitment to ensuring that all students are able to pursue their studies in a supportive learning environment.

To the extent possible, it is the policy of UMMS to provide a learning environment that fosters mutual trust and understanding between teachers and students. Policies and procedures are in place to deal with, for example, sexual harassment, discrimination, and issues of disability. While these policies and procedures aim to ensure the right of students to be treated equitably, with respect, dignity, and fairness, they do not specifically cover what may be defined as inappropriate treatment of (or behavior toward) students.

When all participants in the educational process at UMMS understand and uphold the standards of appropriate treatment of students, the environment enhances teaching, learning and professional development, to the benefit of all.

The purpose of this complaint procedure is to provide an avenue for prompt follow-up on allegations of inappropriate treatment, and to do so in a non-adversarial and respectful manner that satisfies all parties involved. Should investigation of a complaint be warranted, UMMS is committed to conducting it thoroughly, promptly, and impartially.

This procedure is designed for any student (including residents) who believes s/he has been subjected to inappropriate treatment under the standards defined for this campus. These standards, which adhere to AAMC guidelines and LCME accreditation requirements, apply to the School of Medicine, Graduate School of Biomedical Sciences, Graduate School of Nursing, Graduate Medical Education, and to any UMMS school hereinafter established.

### **A. Definitions of Inappropriate Treatment**

Inappropriate treatment occurs when behavior shows disrespect for the dignity of others and unreasonably interferes with the learning process. It can take the form of physical punishment or threat, sexual harassment, psychological cruelty, and discrimination based on race, color, creed, religion, gender, age, sexual orientation, national origin, veteran status, or disability.

Examples of unacceptable behavior toward students include, but are not limited to:

- disrespect for students' dignity;
- intentional neglect or lack of communication;
- verbal attack, abuse, or inappropriate anger;
- unjustifiably harsh language in speaking to or about a student;
- belittling or humiliating, either verbal or by requiring performance of tasks intended to belittle or humiliate;
- threats of physical harm or actual physical attacks (e.g., hitting, slapping, kicking, shoving);
- requiring personal services (e.g., shopping, babysitting);
- conduct intended to insult or stigmatize a student;
- disregard for student safety;
- sexual harassment\*;
- use of professional position to engage in romantic or sexual relationships\*; and/or
- discrimination on the basis of race, color, creed, religion, gender, age, sexual orientation, national origin, veteran status, or disability\*.

**\*Note:** Separate school-wide policies and/or guidelines are in place covering sexual harassment, consensual amorous relationships, and discrimination. Copies of these policies are available in the Equal Opportunity Office, H1-728, or in the deans' offices of the three schools and Graduate Medical Education.

## **B. Roles and Responsibilities**

All individuals who interact with students are expected to behave in accordance with the ATS policy, regardless of environmental, personal, or interpersonal stresses that may be encountered. Therefore, this procedure applies to faculty, administrators, nurses, house staff, postdoctoral students, other students, and other paid staff and volunteers.

**Students** who believe they have been subjected to inappropriate treatment, as defined by this procedure, are responsible for reporting their complaint as soon as possible following the incident(s). Although reporting within ten (10) days of the occurrence is strongly encouraged, it is understood that there may be extenuating circumstances that delay a complainant's report.

**Resource persons** who represent key areas of all the graduate schools and the clinical system, are responsible for completing an ATS reporting form for each complaint they receive.

**The UMMS Equal Opportunity Office (EEO)**, because of its semi-autonomous nature, is responsible for coordination and monitoring of all ATS complaints. EEO also is responsible for the training of faculty members to serve as resource persons for students with ATS-related inquiries and concerns, and for ongoing oversight and periodic review of the training process.

**Parties involved in the complaint**, as well as those privy to information concerning the complaint, are obligated to observe strict confidentiality.

## **II. PROCEDURE FOR STUDENTS WITH A COMPLAINT:**

Students may report inappropriate treatment anonymously in their course or rotation evaluation forms, which are reviewed according to procedures established by the respective graduate schools/programs. In addition, a student who feels mistreated has the following three avenues to report a concern.

### **A. Consultation:**

Students are encouraged to seek consultation with faculty or administration regarding concerns of student maltreatment. A consultation consists of a discussion with any faculty member (including, but not limited to, the dean or vice dean of the student's school, associate deans, assistant deans, advisors, and course and clerkship directors/coordinators, in addition to EOO), for advisory purposes. As part of the consultation, a faculty member him/herself may seek consultation with a resource person (RP) on the student's behalf. The member also may recommend that the student report his/her concern to a designated RP. With the exception of incidents considered to be of a criminal nature or otherwise placing the student at undue risk, there will be no formal documentation or reports submitted to EOO as part of the consultation process.

### **B. Formal complaint:**

1. Formal complaints of inappropriate treatment may be made to:
  - a. EOO, the office responsible for managing this campus-wide procedure; and/or
  - b. An RP trained to receive ATS complaints. Names of current RPs are available on the UMMS web site and in the offices of the provost, the deans of the three schools, and the EOO.
2. In the initial meeting with the student, the EOO/RP uses a confidential reporting form (duplicated on the last page of this document) as a guide for gathering information about the complaint. The EOO/RP may choose to gather additional information from other sources including, but not limited to, the alleged offender.
3. The information thus gathered determines whether the complaint falls under ATS, rather than under separate discrimination complaint procedures, e.g., sexual harassment or discrimination. An RP can deal with an ATS issue him/herself or immediately refer it to EOO.
4. If a student's complaint clearly depicts or is perceived to be of a criminal nature, e.g., sexual or physical assault, the matter is immediately referred to EOO, which will contact the UMMS Public Safety Department, if necessary.

5. In cases in which the student declines to provide the offender's name, and/or does not want his/her own name attached to the allegation, the RP seeks consultation from the appropriate dean and/or EOO on how to respond.
6. As soon as possible, but within ten (10) working days of receiving a complaint, the RP completes a reporting form, noting his/her recommendation - "No further action" or "Further action recommended" - and submits a copy of the report to EOO.
7. EOO, which is responsible for monitoring all reports received, promptly follows up on all "Further action recommended" reports and keeps the student informed about the progress of follow-up.
8. EOO also informs the appropriate dean of any complaint for which follow-up is necessary, as well as the proposed follow-up strategy.
9. In cases in which EOO has received multiple complaints about an individual, including documentation of a clear pattern of mistreatment and of multiple previous attempts to resolve the behavior, any subsequent complaint becomes a serious allegation. Such an allegation may have a negative impact on a person's continued role in teaching or, for individuals in non-teaching situations, may result in cessation of interaction with students. In such circumstances of serious allegation, the student will be asked to document his/her complaint in written form.
10. If the student elects not to put the serious allegation in writing, the RP or EOO takes responsibility for writing it.
11. EOO will process each "Further action recommended" report thoroughly and promptly, informing others only on an as-needed basis. To the extent possible, all steps taken to resolve the complaint will involve both the complainant and alleged offender. However, a joint meeting will not necessarily take place unless requested and/or agreed to by both parties. With respect for the privacy of those involved, EOO will make every effort to maintain complete confidentiality in the process, to the extent permitted by law.
12. UMMS reserves the right to review allegations of inappropriate conduct that are reported beyond the suggested ten (10) day period.
13. While parties to a complaint may, at their own expense, consult with and/or seek legal representation from private counsel, **lawyers are not permitted** at any time to be directly involved in the complaint procedure. However, during meetings where the complaint is discussed, a student or respondent may elect to be accompanied by a peer (student, resident, or UMMS faculty or staff) of their choosing.

### C. Appeal Process for Formal Complaint

1. If the person against whom the complaint was filed elects to appeal the EOO findings, the case will be referred to an appeals committee of selected RPs, appointed by the Chancellor/Dean.
2. The committee hearing the appeal will submit a report to the Chancellor/Dean.

3. The Chancellor/Dean's ruling on the matter ends the internal process.

### **III. PROHIBITION AGAINST RETALIATION**

As with previously established policies and procedures, UMMS does not tolerate retaliation against complainants and those required to cooperate with an investigation. UMMS is committed to ensuring due process for complainants and alleged offenders involved in this complaint procedure.

Approved:

\_\_\_\_\_ Date \_\_\_\_\_  
Cheryl Scheid, PhD  
Interim Provost/Vice Chancellor for Faculty Administration

\_\_\_\_\_ Date \_\_\_\_\_  
Michele P. Pugnaire, MD  
Vice Dean for Undergraduate Medical Education

\_\_\_\_\_ Date \_\_\_\_\_  
Anthony Carruthers, PhD  
Dean, Graduate School of Biomedical Sciences

\_\_\_\_\_ Date \_\_\_\_\_  
Doreen Harper, PhD, CS, ANP, FAAN  
Dean, Graduate School of Nursing

\_\_\_\_\_ Date \_\_\_\_\_  
Deborah DeMarco, MD  
Associate Dean, Graduate Medical Education

\_\_\_\_\_ Date \_\_\_\_\_  
Marian V. Wilson, PhD  
Associate Vice Chancellor for Equal Opportunity

\_\_\_\_\_ Date \_\_\_\_\_  
Aaron Lazare, MD, Chancellor  
Dean, School of Medicine

## Resource Persons Approved to Receive ATS Complaints

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