

# Mistreatment Policies

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The Mistreatment Policy are guidelines to help students navigate mistreatment.

## Learning Environment and Student Treatment

### Scope

Effective learning is best fostered in an environment of mutual trust, respect, confidence and acceptance between teachers and learners, regardless of role or level. Teachers and learners at The University of Texas at Austin Dell Medical School are expected to exhibit professional behaviors and attitudes, including respect for others and a commitment to excellence as part of the learning environment.

Medical educators have a duty to convey and model the knowledge, skills, values, and attitudes, required to deliver the expected standard of care and preserve the medical profession's social commitment to its patients and the community. Faculty are obligated to evaluate students' work fairly and honestly, without discrimination based on race, color, religion, national origin, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

Mistreatment will not be tolerated in the learning environment.

### Policy

Teachers must convey and model a standard of conduct conducive to a learning environment of mutual respect and trust. Teachers must not engage in any act of mistreatment in any form. Medical students shall have recourse to address any possible mistreatment and to have the matter investigated by appropriate persons and shall have access to grievance processes to provide remedy, sanction, or policy change when possible and indicated.

### Definitions

- a. Medical Student: For purposes of this policy, Medical Student shall include any person enrolled in a course of the Dell Medical School. This includes visiting students.
- b. Mistreatment: For purposes of this policy, 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, sexual harassment, psychological cruelty, and discrimination based on race, religion, ethnicity, sex, age or sexual orientation.  
Specific examples of mistreatment include (but are not limited to):
  - i. Discrimination or offensive actions or offensive names or comments on the basis of race, gender, age, ethnicity, national origin, religion, sexual orientation, veteran status or disability;
  - ii. Humiliation, harassment or threat;
  - iii. Requesting or requiring students to perform personal services;
  - iv. Requesting or requiring students to engage in illegal or inappropriate activities or unethical practices;
  - v. Use of grading or other forms of evaluation in a punitive or retaliatory manner.
- c. Teacher: For purposes of this policy, Teacher shall include individuals, such as residents physicians, fellows, full-time and volunteer faculty members, clinical preceptors, nurses, and ancillary support staff, who have a role that involves observation, supervision, evaluation, or teaching Medical Student(s).

## Procedures

A student who feels mistreated may choose to address the behavior directly. Less severe instances may be best resolved by addressing it immediately and non-confrontationally. Students are encouraged to discuss the situation with a faculty or administrative mentor before and/or after this "informal" resolution process. If the informal process does not satisfactorily resolve the situation or the student prefers the formal process, the following procedures should be followed:

- I. Reporting Incidents:
  - i. A report alleging mistreatment by a student should be submitted by means of the student professional conduct reporting mechanism.
  - ii. A report alleging mistreatment by a faculty, staff, administrator, resident, or any other teacher should be submitted by means of the student treatment reporting mechanism
  - iii. A student may also report allegations of mistreatment to any administrator of Dell Medical School, the University Student Ombuds office, or any other University reporting tools /contacts. (E.g., <https://compliance.utexas.edu/departments-investigation-and-adjudication> ; <https://titleix.utexas.edu/file-a-report>)
- II. Responding to reports:
  - i. Reports alleging mistreatment by students will be processed in accordance with the student professionalism policy.
  - ii. Reports alleging mistreatment by faculty, staff, administrator, resident, or any other teacher shall be submitted to the student treatment reporting mechanism
  - iii. An administrator who receives a complaint about the behavior of a faculty, staff, administrator, resident, or any other person with observation, supervision, evaluation, or teaching responsibility over a Medical Student, shall notify the Associate Dean for Student Affairs and/or the Associate Dean for Undergraduate Medical Education. If either of these Associate Deans is referenced in the complaint, a designee shall be appointed.
  - iv. The Associate Dean for Student Affairs and the Associate Dean for Undergraduate Medical Education shall assure that reports of mistreatment are processed promptly by appropriate University officials and appropriate officials of clinical sites or other entities affiliated with the Medical School, as necessary.
  - v. The Associate Dean for Student Affairs and the Associate Dean for Undergraduate Medical Education shall also require that the report be processed in accordance with all applicable laws and policies, including those set forth in the University's General Information Catalog and the Graduate Medical Education Resident/Fellow Handbook.
    1. For example, if the alleged mistreatment involves unlawful discrimination or sexual or other forms of unlawful harassment, the matter will be referred to the University's Department of Investigation and Adjudication (DIA) or Title IX Office (as appropriate) and be handled through University policies established for those offices.
    2. Additionally, in some cases, an investigation following the procedures of the General Information Catalog (for example) may require referral to another supervisory body (such as the human resource department of an affiliate) with greater authority to enforce sanction.
  - vi. The University and the Dell Medical School are committed to the fair treatment of all individuals involved in this process. Efforts will be made to maintain the confidentiality of any investigation related to or undertaken pursuant to this policy, to the extent possible and without comprising the ability to conduct a prompt and fair investigation and resolution of the complaint.

- vii. The University and the Dell Medical School will not tolerate any form of retaliation against an individual who has made a good faith complaint of mistreatment. Individuals who believe that they have been retaliated against for raising concerns of mistreatment pursuant to this policy should contact the Associate Dean for Undergraduate Medical Education or the Associate Dean for Student Affairs.

III. Sanctions:

- i. Any individual found to have engaged in mistreatment may be subject to sanction(s) including but not limited to: formal warning, restitution, remediation, reassignment, dismissal, or termination of employment.

IV. Due process:

- i. Any party retains the right of appeal pursuant to the jurisdictional authority enforcing any decision. Since this policy permits instances to be investigated by various internal departments or external entities (including, but not limited to: University Compliance Services, Title IX Office, Department of Investigation and Adjudication (DIA), the Graduate Medical Education Office, and Human Resources or other investigatory offices within an affiliated entity), due process rights and any rights to appeal are as set forth in the policies utilized by the governing department or entity.

II. Dissemination:

In order to ensure that faculty, residents, fellows, and students are aware of this policy:

**Clinical Faculty**

The Office of the Faculty Academic Affairs will post the policy on the Faculty Affairs webpage, send annual reminders to all established clinical faculty at the start of each academic year, and provide a copy to all new clinical faculty when hired/

**Residents & Fellows**

The Graduate Medical Education Office will post the policy on the New Innovations website, distribute the policy at new resident and fellow orientation, and be responsible for an annual reminder sent to all continuing residents and fellows.

**Medical Students**

The Office of Medical Education will require that the policy be included in the syllabus for each clerkship and DMS clinical elective. OME will also ensure the policy is posted on the Student Affairs website.

Prevention

The University of Texas at Austin requires that all employees (including faculty, staff, and student employees), volunteers, and certain affiliates complete two training programs relevant to the learning environment every two years: Workplace Discrimination and Harassment (EEO) and Title IX Basics. Completion is monitored at the University level with consequences for failure to comply. Dell Medical School supports an annual teaching award for all student and resident teachers who meet designated teaching evaluation criteria related to effectively creating a positive learning environment.