



SCHOOL OF MEDICINE POLICY ON STUDENT MISTREATMENT

Issue Date: December 12, 2023

Supersedes: NYMC-SOM Policy on Student Mistreatment, Harassment, and Professional Misconduct, June 23, 2015

Last Review: December 11, 2023

I. PURPOSE

The purpose of this policy is to ensure that the learning environment at the New York Medical College School of Medicine (NYMC SOM), as well as at all its affiliated learning and clinical sites, is maintained such that there is mutual respect among students, teachers, staff, and peers.

II. POLICY

NYMC is committed to maintaining an environment in which there is mutual respect among students, teachers, staff, and peers. Guidelines for appropriate professional behavior are set forth in the Compact Between the Teacher and the Learner for NYMC SOM, Student Code of Academic and Integrity and Professionalism, Professionalism Graduation Competency, and the Policy on Professionalism Expectations and Assessment for Medical Student Professional Behavior.

Behavior that is abusive, discriminatory, unprofessional, or otherwise results in misconduct toward, or the mistreatment of, students or others in the learning environment is strictly prohibited.

Examples of mistreatment, include but are not limited to the following:

- Public Humiliation, e.g., verbal abuse, such as yelling, cursing and/or threats.
- Physical punishment or physical threats;
- Sexual harassment, non-consensual touching, unwanted sexual advances, asked to exchange sexual favors for grades or other rewards;
- Any and all forms of discrimination based on a person's race, religion, sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity; gender identity; transgender status; and sex stereotyping), sexual identity, sexual orientation, national origin, age, physical or mental disability, physical appearance, veteran status, genetic information, or any other class or status protected by applicable federal, state, or local laws;
- Grading used to punish a student rather than evaluate objective performance;
- Requiring or requesting the performance of personal services, e.g., shopping, babysitting; or
- Any other conduct, communications, actions, or inactions that NYMC determines to result in mistreatment, unprofessional conduct, discrimination, or harassment of a student or group of students;

Examples of behavior that might be unpleasant for a learner, but not considered mistreatment include but are not limited to the following:

- Embarrassment, e.g., pointing out that a student's summary of a patient is incomplete in front of a group of her or his peers;
- Pointing out that a student's research seminar is difficult to follow in front of a group of her or his peers; or
- Asking a student to stand for 45 minutes observing a surgical or laboratory procedure without assisting (in the context of having other learning opportunities)

III. SCOPE

This policy applies to all members of the NYMC SOM community.

IV. DEFINITIONS

V. PROCEDURES

A. Pre-Complaint Resolution Strategies

1. Students may elect, but are not required, to bring their concerns directly to the person allegedly responsible for the action or behavior. In some matters, self-corrective measures may be taken when those persons who are alleged to have engaged in the behavior or action become aware of how their actions or behaviors are being received. The matter may be concluded by mutual consent at this point.
2. In addition, students may bring their concerns, problems, questions, and complaints, without fear of retaliation, to anyone in a supervisory position within NYMC, including a faculty member, lab course or clerkship director, residency-training director, School administrator (e.g., the Dean, Associate Deans, Assistant Deans, and Department Chairs), division chief, or department chair/head. The assistance provided may include, but is not limited to, counseling, coaching, or direction to other resources at NYMC.

B. Formal Reporting Mechanisms for Concerns of Mistreatment

1. There is no required duration of time within which a complaint must be brought forth. NYMC recognizes that informal strategies may be inappropriate or ill-advised in some circumstances, however, the decision to formally report shall be at the student's sole discretion.
2. At all times, students and individuals have the option to file a complaint alleging mistreatment, including discrimination and harassment, with the Dean of Students or by sending an email to msadeans@nymc.edu.
3. Allegations of mistreatment may also be made anonymously at filing a Professionalism Accolade or Incident Report ([PAIR](#)).
4. The [PAIR \(Professionalism Accolade and Incident Report\) System](#) is an online system that allows NYMC SOM students to submit either accolades recognizing individuals who demonstrate outstanding professionalism or service on behalf of others or the school, or report incidents of lapses in professionalism or mistreatment. Students may report either confidentially or anonymously.
5. When a PAIR report is received, it is triaged according to an algorithm. The algorithm includes the individual who is responsible for exploring the matter, and who is responsible for closing it. When reports are received confidentially, the student who submitted the report may be contacted, if needed, to gather additional information about the incident. The identity of the student, however, will not be shared, except in those instances when the incident involves Title IX (sexual

harassment), discrimination concerns, or safety concerns. Those reports will be forwarded directly by the Dean of Students to the Touro Title IX office.

6. When reports are submitted anonymously, the student's identity cannot be determined, and no contact with the student can occur. The report, however, will be triaged as per the algorithm.
7. The outcomes of individual PAIR reports are typically not shared with the student reporter. Aggregate reports, however, are shared at Town Hall, Class meetings and electronic communications. Semi-annual reports are shared by the Dean of Students at Dean's Executive Committee meetings.
8. An individual does not have to be the victim, recipient, or affected individual of the alleged mistreatment, misconduct, unprofessional behavior, or discrimination to report a violation under this policy. Individuals who directly observe mistreatment of others are encouraged to report the matter. Prompt reporting of a concern facilitates a timely review and resolution of the matter to ensure a safe, professional, and positive learning environment for members of the NYMC SOM community.
9. Complaints alleging violations of the NYMC Title IX Policy or complaints involving alleged sexual discrimination or harassment should be filed with Title IX Coordinator at Touro University and New York Medical College (646-565-6000 X 55667).
10. Students may use whichever method they are most comfortable with to report concerns. These include:
 - a. Direct reporting to the Dean of Students;
 - b. Report to any course/clerkship director, department chair, supervising faculty member, or staff member;
 - c. Member of academic support or Student Mental Health and Wellness
 - d. Report using the PAIR system;
 - e. Report in the course, clerkship, or faculty evaluations;
 - f. Report in related items on the annual program improvement survey
 - g. Ombudsperson (ombudsman@touro.edu)
11. Any individual holding a faculty appointment from the school who receives or becomes aware of a complaint must immediately report it to the Dean of Students. Upon receiving a complaint or report, the Dean of Students shall immediately determine whether the complaint or report involves a potential Title IX violation and shall immediately refer any such reports or complaints to the Title IX Coordinator for further investigation.
12. Faculty and staff should also report concerns involving other faculty members to the Department of Human Resources.

C. Complaints Regarding Student Affairs

1. To the extent a potential violation of this policy implicates a member of the Office of Student Affairs, then the complaint shall be referred to the Dean of the SOM who shall appoint a disinterested senior administrator to conduct an independent investigation in accordance with this policy.
2. Upon completion of an investigation, all findings and recommendations shall be communicated to the Dean of the SOM who shall make a final decision on the matter.

D. Confidentiality

1. NYMC SOM will maintain the confidentiality of all victims, witnesses, and persons

who make a complaint regarding mistreatment. In particular, the identity of victims, witnesses, and reporters will only be shared with those administrators and supervisors essential to investigating and resolving a matter on a need-to-know basis once a formal report has been filed.

2. Any report submitted via PAIR anonymously cannot be tracked to an individual unless such individual provides their name in the report itself. There may be limitations to the NYMC SOM's ability to investigate and take action in the case of anonymous reporting.
3. With respect to confidential reports made in person to a faculty member or administrator, if the report involves assault, sexual assault, bodily harm, or may give rise to a situation in which serious bodily harm is likely to occur to one or more members of the NYMC SOM community if the situation is not immediately addressed, faculty and administrators have an obligation to share such reports when they are received with the Dean of Students in order to protect the health and wellbeing of NYMC SOM's students. Depending on the circumstances, the identity of the victim and/or person making the report may be shared with the Dean of Students even if the complaint was made to a faculty member or administrator anonymously. In such situations, any identities shared with the Dean of Students shall be kept confidential whenever possible.
4. NYMC SOM considers an intentional breach of this confidentiality provision to be a significant violation of this policy subject to disciplinary action up to, and including termination, suspension, expulsion, or revocation of faculty appointment status. If a student suspects that the confidentiality of their identity as a victim and/or reporter under this policy has been breached, they should immediately report it via PAIR or directly to the Dean of Students.
5. Notwithstanding the foregoing, all members of the NYMC SOM community should understand that sometimes the circumstances of alleged mistreatment may be such that it is possible for one or more persons, including any person(s) who allegedly engaged in mistreatment violated this policy, to infer or logically deduce the identity of the victim or person who made the report (i.e., the alleged violation involved conduct that occurred privately such that only one person could have known the details that were the subject of a report.). In such situations where such possible inferred identification presents a concern, such concerns may be expressed in the PAIR or with the Dean of Students.
6. NYMC SOM takes retaliation seriously and shall work with any victim or reporter to mitigate the risk of retaliation whenever possible. Furthermore, in accordance with Section G of this policy, any retaliation shall be considered a serious form of mistreatment subject to disciplinary action as further described by this policy.
7. Questions or concerns regarding confidentiality may be submitted via PAIR or discussed with the Dean of Students. A person need not be a potential victim, potential reporter, or potential witness to seek such information and no inference shall be made regarding a request for such information. It is the goal of NYMC SOM to fully inform all members of the NYMC SOM community of their rights and obligations, including providing information regarding this policy, to effectively maintain a safe and positive learning environment for all.

E. Report Review and Resolution Process.

1. The Office of Student Affairs is responsible for investigating potential violations of this policy. Determinations of violations are made by the Dean of Students.
2. Investigations are confidential. Information collected during an investigation will only be shared with individuals on a need-to-know basis to facilitate a decision,

- implement interim measures, and for resolution of the matter.
3. All employees, faculty, staff, and students are expected to cooperate and be truthful in the review of allegations of mistreatment.
 4. The Dean of Students shall communicate their findings regularly to the Dean of the SOM and the applicable department chair for resolution, including any recommended remediation or disciplinary action.
 5. The timeline within which the Office of Student Affairs must conclude its review of complaints shall be no longer than the allowable timeline specified in Title IX of the Education Amendments Act of 1972, as revised August 2021.
 6. The outcomes of an investigation may be appealed to the Dean of the SOM in writing by the affected individual. The Dean of the SOM shall review any such appeals from an affected faculty member. Upon receiving and reviewing an appeal, the Dean shall, in his/her/their sole discretion, uphold, modify, or overturn any decision of the Dean of Students. The determination of the Dean of the SOM shall be final.
 7. Students shall not be entitled to receive any information relating to evidence collected, investigatory findings made, or the specifics of any resolution plan disciplinary actions taken. However, once a decision has been made and communicated to the Dean, faculty member, and department chair, an affected student(s) shall be informed by the Dean of Students that an investigation was completed whenever possible.

F. Interim Measures

1. In the event the alleged conduct presents a potential safety risk or a risk of continued mistreatment, misconduct, or unprofessional behavior toward students, the Dean of Students may request that the Dean authorize interim measures pending the outcome of the investigation.
2. Interim measures may include reallocating one or more students to supervision by other faculty members while the investigation is pending.
3. In the event that a temporary suspension or revocation of a faculty member's faculty appointment status is deemed necessary, this action shall be authorized by the Dean of the SOM.

G. Retaliation

NYMC SOM takes all reports of mistreatment and unprofessional conduct seriously. Any and all forms of retaliation against any victim or individuals associated with, or involved in the report of mistreatment or unprofessional conduct under this policy is strictly prohibited. NYMC SOM will take all action necessary to ensure that no person is retaliated against by any other person with respect to their role or status in making a complaint under this policy. Any report of retaliation shall be considered a violation of this policy subject to investigation. Any findings of retaliation shall be subject to disciplinary action, including but not limited to termination of employment, suspension, revocation of faculty status, or separation from NYMC SOM.

H. Report Management and Tracking:

1. Anonymous statistical reports of mistreatment, interventions, and outcome results will be discussed quarterly at Education and Quality Improvement Program meetings.
2. These statistical reports shall not include any information relating to the identity of any individuals involved or specifics of the allegations or findings. Reports shall

only capture information relating to the number of reports received, the general category of violation to which the report pertains (e.g., discrimination, sexual harassment, unprofessional conduct, mistreatment, etc.), Outcome categories (dismissal of complaint, intervention, suspension/termination, etc.), and the general source to which the complaint emanated from (e.g., unit, location, department, clinical affiliate, etc.).

VI. EFFECTIVE DATE

This policy is effective immediately.

VII. POLICY MANAGEMENT

Executive Stakeholder: Dean, SOM
Oversight Office: Office of Student Affairs

VII. REFERENCES

LCME Standard 3.5 A medical school ensures that the learning environment of its medical education program is conducive to the ongoing development of explicit and appropriate professional behaviors in its medical students, faculty, and staff at all locations. The medical school and its clinical affiliates share the responsibility for periodic evaluation of the learning environment in order to identify positive and negative influences on the maintenance of professional standards, develop and conduct appropriate strategies to enhance positive and mitigate negative influences, and identify and promptly correct violations of professional standards.

LCME Standard 3.6 Student Mistreatment A medical school develops effective written policies that define mistreatment, has effective mechanisms in place for a prompt response to any complaints, and supports educational activities aimed at preventing mistreatment. Mechanisms for reporting mistreatment are understood by medical students, including visiting medical students, and ensure that any violations can be registered and investigated without fear of retaliation.