

**TEACHER/LEARNER RELATIONSHIP**

# TEACHER/LEARNER RELATIONSHIPS

## PURPOSE

**The purpose of this policy is to** prohibit mistreatment of students in the teacher-learner relationship, and define procedures for handling complaints of violation of established policy.

## RESPONSIBILITY

The dean and Senior Vice president for Academic Affairs shall ensure compliance with this policy.

## APPLICABILITY

This policy shall apply to all faculty and students, including residents, and fellows.

## POLICY

- 1. It is the policy of MSM that individuals who serve in a teacher role or who participate, as a learner in any MSM program shall uphold the standards of behavior in the teacher-learner relationship as defined in this policy.**
2. Morehouse School of Medicine (MSM) is committed to maintaining a teaching and learning environment free of discrimination of any kind, and all forms of coercion or other mistreatment that interfere with academic freedom or diminish the dignity of any member of the MSM family of students, postgraduate trainees, faculty and staff. It is expected that all members of the MSM family will embrace this standard of behavior, in order to foster an effective and supportive learning environment of mutual respect and collegiality among teachers and learners.
3. 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, inspiration and leadership in learning. The teacher expects the learner to make an appropriate professional investment of energy and intellect to acquire the knowledge and skills necessary to become an effective healthcare professional. Both parties can expect the other to prepare appropriately for the Sabbatical interaction and to discharge their responsibilities in the Sabbatical relationship with unfailing honesty. While such expectations are extremely important to the Sabbatical mission of MSM, the diversity of members of the academic community combined with the intensity of interactions that occur in the health care setting, **as well as in the laboratory or classroom, could** lead to incidents of inappropriate behavior or mistreatment. The victims and perpetrators of such behavior might include students from the **MD, PhD and MPH programs, faculty,**

fellows, residents, and other staff. Examples of mistreatment or inappropriate behavior are:

- physical threats or physical attack (e.g., hit, slap, kick)
- sexual harassment
- discrimination based on race, religion, ethnicity, sex, age, sexual orientation and physical disabilities
- repeated episodes of psychological punishment of a student by a particular superior (e.g. public humiliation, threats and intimidation, removal of privileges)
- grading used to punish a student rather than for objective evaluation of performance
- assigning tasks for punishment rather than for objective evaluation of performance
- requiring the performance of personal services
- taking credit for another individual's work
- intentional neglect or intentional lack of communication

**Such actions are contrary to the spirit of learning, violate the trust between teacher and learner, and will not be tolerated by MSM.**

4. **Definition**—a complaint is a student's allegation that there has been an act or failure to act which violates the standards of behavior in the teacher-learner relationship as defined in this policy.
5. The dean shall appoint a neutral non-administrative faculty member to act as Mediator, and receive complaints of mistreatment.
6. **Claims of discrimination based on race, religion, ethnicity, sex, age, sexual orientation and physical disabilities will be handled in accordance with MSM Policy # 01-30-1-:10 prohibiting discrimination and discriminatory harassment.**
7. Disputes over grades not related to any claim of mistreatment will be handled in accordance with established academic policy guidelines.
8. Complaints that involve employees of an affiliate hospital or other facility will be handled through this process and in coordination with the respective facility.
9. Reporting of incidents involving mistreatment will be held in the strictest confidence, and will be dealt with quickly and appropriately in accordance with established guidelines defined in the procedures outlined in this policy.
10. The Mediator will be the keeper of all records regarding claims of student mistreatment.

11. The dean shall appoint **an adhoc** Conflict Resolution Council (Council), which will consists of **five** members. The Council composition will include **two (2) students, one of whom shall be selected from the program involved in the complaint, one (1) resident and two (2) faculty members. Students and residents who are selected must be in good standing with no deficiencies.**
12. The Council shall act as an appellant body to receive claims that cannot be resolved by the Mediator.
13. A section regarding student mistreatment and complaint procedures will be included in all student, resident and faculty handbooks and the topic of student mistreatment in the teacher-learner relationship will be discussed during all orientation sessions.

## **PROCEDURES**

### **Informal**

Concerns of mistreatment may arise from misunderstandings or minor problems that can be resolved promptly and satisfactorily between the accuser and accused before they become formal complaints. Prompt resolution is in the best interest of the teacher-learner relationship. To this end, informal discussions are encouraged between student and teacher. Should a complaint of mistreatment arise, necessitating discussion with a teacher, the teacher and the student should make a good faith effort to resolve the problem immediately. Students may solicit assistance or advice from other faculty, faculty advisors or other trusted individuals to assist in resolving the issue.

When the informal approach fails to result in a satisfactory resolution, the student may use the Formal process.

**Although use of the informal process is encouraged for resolving conflict, it is not a necessary prerequisite to using the formal process. An accuser may bypass the informal process, and file his/her claim of mistreatment in accordance with the formal process when he/she believes that circumstances might prevent a productive outcome from the informal process.**

### **Formal**

1. When an accuser believes that there are sufficient grounds to express a formal complaint of mistreatment, the accuser should within five working days of the incident, or unsatisfactory outcome of informal process, submit the complaint in writing to the Mediator.
2. Within 5 (five) working days, the Mediator will contact all parties to the complaint to begin the mediation process. If the complaint involves more than one accuser, the

complaint may be presented by a single spokesperson or representative selected by the group.

3. If the parties are able to resolve the complaint to the satisfaction of the accuser(s) the Mediator will provide documentation of the resolution to only the parties involved within 7 (seven) working days. The Mediator's files regarding all resolved claims shall remain with the Mediator.
4. When the Mediator is unsuccessful in resolving a claim, the accused and the accuser shall have the option of moving to Step II.

## **Step II**

1. If the Mediator is unable to resolve the complaint to the satisfaction of the accuser(s) or the accused in Step I, the accuser(s) or the accused shall be entitled to file a written appeal to the Conflict Resolution Council for a hearing. When the Council is unable to resolve a complaint, the Council will file a report of findings with the dean which may or may not include recommendations for disciplinary actions.
2. The dean may or may not **accept** the recommendation of the Council when determining the disposition of the complaint. **The decision of the dean will be final.**

## **ROLES AND RESPONSIBILITIES**

**MEDIATOR:** The position of Mediator is an annual appointment established to help resolve conflicts. The role of the mediator is to mediate between the conflicting parties and strive for reconciliation. Either the accuser or the accused may contact the mediator to seek assistance in resolving the conflict. The mediator will encourage the parties to work out the problem between them, but will also be available as a facilitator of the process. To achieve neutrality, the mediator will be chosen from the non-administrative faculty of MSM. The dean shall appoint the Mediator after consultation with the Student Government Association, the dean's Council and the GMEC. The mediator is accountable to the dean.

- The Mediator must be knowledgeable concerning the various MSM policies for handling complaints.
- The Mediator's role is to discern whether a given complaint should be handled by the mediator or through other channels. For example, if a student claims to have received an unfair grade, the mediator will advise the student to use the procedures currently in place for appealing grades. Disputes over grades will be handled according to such policies, rather than by the Mediator.

- In cases involving accusations of discrimination or sexual harassment, the Mediator will inform the accuser that she/he should submit a complaint to the institution's Discrimination Grievance Officer (DGO). The Mediator must inform the DGO the accusation has been made. The accuser must then meet with the DGO to decide whether further action should be taken.
- When faced with questions concerning the Institution's legal responsibilities, the Mediator must contact the Director of Risk Management to obtain advice from the Institution's legal counsel.
- **For complaints involving employees from other affiliate hospitals or facilities, the Mediator will attempt to coordinate efforts with the respective facility to resolve the complaint.**

**CONFLICT RESOLUTION COUNCIL:** The purposes of the Council include the following: to ascertain the facts, to the extent feasible; to mediate between the parties and to strive for reconciliation. The Council will assess the evidence as objectively as possible, be fair in its deliberations, and protect the rights of the accused and the accuser.

A quorum of the Council will consist of five members, with at least one member from each representative group. The Mediator is not a member of the Council. The Council membership shall include appropriate gender and minority representation. The Student Government Association (SGA) nominates student representatives, faculty representatives by the dean's Council, and the resident representative by the GMEC. Nominations for Council members are submitted to the dean, who appoints the Council. Appointments are staggered so that the Council always has experienced members. If in a given case the accused or accuser is not represented by groups on the Council, the council may recruit additional members from appropriate groups (e.g. residents, fellows, students, faculty, etc) to help deal with the specific situation. Such recruitment is at the discretion of the Council. There shall be two co-chairs of the Council. One co-chair is elected each year from the student members of the Council, and the other co-chair from the faculty members.

## **COUNCIL PROCEDURES**

1. The Council becomes involved in a given case, only after the Mediator has made reasonable efforts to resolve the complaint.
2. When the Council hears a case, the Mediator, accuser, and accused are present. The Council co-chairs are responsible for notifying the parties concerning the time and place of the Council meeting.
3. The proceedings begin with the Mediator presenting the case. The accuser and accused both have an opportunity to speak and to bring witness to speak.
4. The order of speakers is as follows: a) the accuser; b) witnesses for the accuser; c) the accused d) witnesses for the accused.

5. The accused has tile right to be present whenever the Mediator, tile accuser, or any witnesses are presenting statements. Similarly, the accuser has tile right to be present during statements by tile Mediator, the accused, or witnesses.
6. Witnesses will be present only when they are called to give information. After speaking, they will be asked to leave, in order to protect tile confidentiality of the parties involved. Both tile accused and the accuser can be harmed by a breach of confidentiality, and all that are involved in the process of responding to allegations must maintain confidentiality.
7. In some situations, the Mediator or Council might be justified in communicating ordinarily confidential information to other MSM officials, provided there is a legitimate "need to know".
8. The accuser and accused are not allowed to bring lawyers to Council meetings as advocates, advisors, or observers, nor may they bring any other persons, except witnesses.
9. This process is intramural and is anticipated to avoid complaints being filed outside the Institution.
10. When the Council finds that, in their view of the facts, serious mistreatment has occurred, a report of findings will be sent from the Council to the dean. The dean will then decide what action to take.
11. The dean or the dean's designee (perhaps the Mediator) will advise the accused and accuser concerning the final disposition of the matter.
12. Decisions about whether a report of findings should be sent to the dean should be made on a case-by-case basis. It is a matter of judgment by the Council, based on the degree of offensiveness of the behavior and the strength of evidence that the behavior occurred.
13. When the council is aware of a history of recurring mistreatment behavior by a given individual, a report of findings to the dean might be warranted, even if each occurrence of mistreatment behavior considered alone, would not be regarded as serious enough to justify a report to the dean.
14. In general, if the conflicting parties resolve the matter between themselves, the Council might decide that a report to the dean is not warranted. On the other hand, if the offense is serious or recurring, a report to the dean might be appropriate even if the conflicting parties have reached reconciliation. In exceptional circumstances it might be appropriate for the Mediator to inform the dean concerning a complaint before the Council meets.
15. If in the mediator's judgment the council should be brought into a case, the accused does not have the right to prevent the council from meeting. A function of the council is to decide whether the matter should be brought to the attention of the dean.

16. It is in the best interest of the accused to meet with the Council to attempt to prevent a report to the dean. If the accused refuses to attend the Council meeting, the council Will still meet to decide if a report should be sent to the dean.
17. If a student who believes he/she has been mistreated approaches a Council member, the council member will refer the student to the Mediator.