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**POLICY NAME:** Mistreatment and Reporting Allegations of Mistreatment of Learners, Faculty and Staff

**Responsible Party:** Office of Student Affairs

**Applies To CMED:**  Faculty  Students  Residents  Staff  Administration

**Approval Date:** 7/21/2017 Faculty Council

Policy  Procedure

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**POLICY:**

The College of Medicine has adopted a definition of learner mistreatment consistent with that of the Association of American Medical Colleges. College of Medicine has effective mechanisms for the reporting of and prompt response to any complaints concerning behaviors of faculty, staff and students that constitute learner mistreatment.

**DEFINITIONS:**

Learner mistreatment arises when behavior shows disrespect for the dignity of others and unreasonably interferes with the learning process.

General types of learner mistreatment include:

- Public belittlement or humiliation
- Threats of physical harm or actual physical punishment
- Requirements to perform personal services, such as shopping
- Consistent with CMU's nondiscrimination policies, unlawful acts of discrimination or harassment by members of the campus community are prohibited. In addition, even if not illegal, acts are prohibited if they discriminate against any university community member(s) through inappropriate limitation of access to, or participation in, educational, employment, athletic, social, cultural, or other university activities on the basis of age, color, disability, ethnicity, gender, gender expression, gender identity, genetic information, height, marital status, national origin, political persuasion, pregnancy, childbirth or related medical conditions, race, religion, sex, sex-based stereotypes, sexual orientation, transgender status, veteran status, or weight. Furthermore, even if not illegal, acts are prohibited if they discriminate against any university community member(s) through inappropriate limitation of access to, or participation in, educational,

employment, athletic, social, cultural, or other university activities because they inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant.

- Consistent with CMU's sexual misconduct policy, dating violence, domestic violence/intimate partner violence, sexual assault, sexual exploitation, sexual harassment, and stalking will not be tolerated.
- Disregard for learner safety
- Disparaging remarks directed at a learner's preference of specialty or residency

## **PROCEDURES:**

### REPORTING MISTREATMENT OF LEARNERS

1. Students are provided education specific to learner mistreatment during medical school orientation, and through distribution of the Student Handbook. Faculty and staff are also provided education during their respective orientation sessions and for faculty, via the Faculty Handbook.
2. Residents and fellows are provided education specific to learner mistreatment during residency orientation.
3. Any faculty, staff, or student who feels he/she has witnessed or has been subject to learner mistreatment, including discrimination, harassment, or abuse, must submit their concern. Note that all CMU employees are responsible employees and are required to report any potential violations of this policy that may involve sexual misconduct under the CMU Sexual Misconduct policy to the CMU Title IX Coordinator for investigation. Anonymous reports of sexual misconduct are not permitted.
4. For faculty, staff and students on the Mount Pleasant or Saginaw campuses:  
To submit a concern anonymously, complete a [Praise or Concern Form](#).  
Please note that if the complaint or concern is of a discrimination in violation of CMU policy, then the CMU Office of Civil Rights and Institutional Equity is the appropriate office to contact.
5. For faculty, staff and students at all other clinical affiliate sites:  
To submit a concern anonymously, complete a [Praise or Concern Form](#).  
Please note that if the complaint or concern is of a discrimination in violation of CMU policy, then the CMU Office of Civil Rights and Institutional Equity is the appropriate office to contact.

6. For all faculty, staff and students, despite their geographical location, to discuss a violation of this policy in person, by telephone, by email, or using IT, contact one of the following individuals:
  - a. Associate Dean of Student Affairs
  - b. Senior Associate Dean, Academic Affairs
  - c. Director of Student Affairs
  - d. Chairs, Foundational Sciences, Medicine or Surgery
  - e. Dean of College of Medicine
  - f. Associate Dean, Clinical Education
  - g. Comprehensive Community Clerkship Director
  - h. Course Director
  - i. Clerkship Director
  - j. Clinical Preceptors
  - k. College of Medicine Human Resources Director
  - l. The CMU Office of Civil Rights and Institutional Equity.
  - m. The CMU Title IX Coordinator.
7. The individual contacted must notify the CMU Office of Civil Rights and Institutional Equity if the concern involves discrimination or harassment under CMU's Equal Opportunity and Affirmative Action Protocol and the individual must notify the CMU Title IX Coordinator if the concern involves sexual misconduct under the CMU Sexual Misconduct policy, in addition to notifying the Associate Dean of Student Affairs that a concern has been reported, and provide the appropriate office with as much factual information as possible related to the nature of the concern. Note that the Associate Dean of Student Affairs, like all CMU employees, is a responsible employee and is required to report any relevant concerns to the Title IX Coordinator.
8. If the concern is raised against a CMU employed or CMU Health employed faculty or staff member, the Associate Dean of Student Affairs notifies their supervisor and the appropriate Associate Dean, and if the matter involves a concern related to discrimination or harassment, also notifies the CMU Office of Civil Rights and Institutional Equity, and if the matter involves a concern related to sexual misconduct, also notifies the CMU Title IX Coordinator. The supervisor is expected to meet with the individual immediately, and report back to the Associate Dean of Student Affairs. If the concern is raised against a student for alleged mistreatment of another student, other than discrimination or harassment under the CMU Equal Opportunity and Affirmative Action Protocol which would be immediately referred to the CMU Office of Civil Rights and Institutional Equity or sexual misconduct under the CMU Sexual Misconduct policy which would immediately be referred to the CMU Title IX Coordinator, the Associate Dean of Student Affairs is considered the supervisor, and will follow the process outlined in the Policy on Student Professionalism Lapses.

9. In any event, if the report or alleged violation is of a criminal nature the CMU Police or other appropriate law enforcement officials must be contacted immediately: <https://www.cmich.edu/fas/police/Pages/default.aspx>
10. If the supervisor identifies the possibility of CMU employed or CMU Health employed faculty or staff misconduct that may represent a violation of this policy, a formal review will be immediately initiated following the procedures outlined in the College of Medicine Bylaws and College of Medicine Faculty Handbook. In the case of a concern raised against a student, if the supervisor identified the possibility of misconduct on the part of the student, the Associate Dean, OSA, will initiate a formal review.
11. If a concern is raised by a College of Medicine faculty, staff, or student against a non-CMU employed faculty, staff member or health care worker involved in the education of the College of Medicine students, including residents and fellows, the concern shall immediately be sent to the chair, Mistreatment Committee, and if the matter involves a concern related to discrimination or harassment, to the CMU Office of Civil Rights and Institutional Equity, and if the matter involves sexual misconduct, to the CMU Title IX Coordinator. The Chair shall immediately review the concern, meet with the complainant, and, in consultation with the CMU Office of Civil Rights and Institutional Equity and/or the Title IX Coordinator, determine if any interim remedial measures are appropriate when a matter is under review.
  - a. Please note that CMU has a legal obligation to ensure its students have an educational environment free from discrimination. Thus, for example, if a non-CMU employee or student is sexually harassing a CMU medical student at a clinical setting, the CMU medical student must be informed by CMU of the resources they have available through CMU and the clinical setting to report such harassment. Upon being informed of the harassment, CMU has a responsibility to take all necessary steps to provide interim remedial measures while the matter is under review. And, if the clinical setting is unwilling to provide the appropriate remedial measures (i.e., if a clinical setting is indifferent to the complaint, etc.), then CMU must do everything possible to provide the medical student with an alternative (and effectively equal) clinical placement.
12. All students and employees should report incidents of discrimination and harassment misconduct to the CMU Office of Civil Rights and Institutional Equity: [https://www.cmich.edu/office\\_president/OCRIE/Pages/default.aspx](https://www.cmich.edu/office_president/OCRIE/Pages/default.aspx)
13. All concerns of sexual misconduct by faculty, staff, and students should be reported to the CMU Title IX Coordinator, CMU Office of Civil Rights and Institutional Equity: [https://www.cmich.edu/office\\_president/OCRIE/Pages/default.aspx](https://www.cmich.edu/office_president/OCRIE/Pages/default.aspx)
  - a. Mandatory reporting. With some limited exceptions as detailed in CMU's sexual misconduct policy, any CMU employee, including faculty, staff, and student employees, are responsible employees and, therefore, are required to report any

potential violations of this policy that may involve sexual misconduct to the CMU Title IX Coordinator, Office of Civil Rights and Institutional Equity, Bovee University Center 306.

- b. The CMU Title IX Coordinator is the Executive Director of the CMU Office of Civil Rights and Institutional Equity.

*The College of Medicine and CMU Partners reserve the right to make exceptions, modify or eliminate this policy and or its content. This document supersedes all previous policies, procedures or guidelines relative to this subject.*

<b>Policy History</b>	
4/27/2016	Replaces: “Reporting Allegations of Mistreatment of Students, Faculty, and/or Staff” Initial approval by Curriculum Committee
8/16/2016	PROPOSED Revised, Curriculum Committee
7/21/2017	Approved by Faculty Council
8/9/2017	Revised and approved by CMU General Counsel and CMU Office of Civil Rights and Institutional Equity