



**Weill Cornell
Medicine**
Medical College

Teaching-Learning Environment and Student Mistreatment Policy

Approved by the Medical Education Council in May 2017

Weill Cornell Medicine (WCM) and Weill Cornell Graduate School (WCGS) (referred to subsequently as “the College”) has a Teaching-Learning Environment and Student Mistreatment Policy, the purpose of which is to ensure an educational environment conducive for learning, define mistreatment of students, and describe the process of reporting, monitoring, and responding in the event mistreatment should occur. The Policy below can also be found in the Student Handbook in the section entitled *Teaching-Learning Environment and Mistreatment Policy*.

Teaching-Learning Environment

The College is committed to providing an environment that fosters mutual respect and the values of professionalism, ethics, and humanism in the practice of medicine and biomedical research. The College has a policy of zero tolerance for mistreatment of its students, faculty, staff, patients and guests. An environment conducive to learning requires that faculty, students and all administrative and support staff treat each other with civility, respecting each individual’s views and background. Faculty, residents, administrators and staff must treat students fairly and respectfully in all settings where students are educated and are expected to create and maintain an academic environment conducive to the pursuit of free inquiry, the respectful interchange of diverse ideas and differing viewpoints, academic integrity and the advancement of patient care. The standards of conduct set forth below are intended to prohibit teaching behaviors and other practices that are discriminatory or that may undermine professionalism.

The body charged with monitoring, reviewing, investigating and aiding in the resolution of mistreatment issues is the Teacher-Learner Committee (TLC), whose purview, composition and functions are described below.

The Senior Associate Dean (Education) of WCM and the Dean of the WCGS, as the designees of the Dean of the Weill Cornell Medicine & Provost of Medical Affairs, Cornell University, working with the Vice Dean, Department and Program Chairs and other appropriate College officials, have the ultimate responsibility for ensuring a safe and respectful learning environment.

By the implementation of this policy, students and other persons reporting mistreatment to the Teacher-Learner Committee are entitled to understand 1) their role in the investigation and resolution process, 2) the extent to which their anonymity may or may not be assured, 3) the timing of the investigative and adjudication processes and, 4) information about how the incident was resolved to the extent permitted by the College’s bylaws and by local, state, and federal laws.

Types of Mistreatment

The College takes all allegations of mistreatment seriously and encourages students to report any instances or perceived instances of mistreatment. The range of possible mistreatment is wide; persons reporting mistreatment should seek the advice of the TLC members about whether an incident may be considered an instance of mistreatment.

The incidents described below are examples of mistreatment, categorized by type. These examples are not exhaustive, but are intended to provide guidance regarding the types of unacceptable conduct. They are not intended to restrict the College's ability to respond to complaints of mistreatment.

Level 1

- Verbally abusing a student, including belittling and/or humiliating a student;
- Speaking, writing, engaging in conduct, or using curricular materials that disparage a student's economic or cultural background, gender, sexual orientation or preference, race or religion; (see Office of Institutional Equity [OIE] link forthcoming).
- Violation of a student's right to privacy under FERPA, HIPAA or other applicable laws, regulations or WCM policy.

Level 2

- Exploiting a student in any manner; for example, requesting that a student perform personal errands or directing a student to perform a large number of tasks, particularly where the requested activity interferes with a student's attendance at educational activities such as teaching rounds and classes;
- Denying opportunities for training or denying rewards based on factors other than a student's performance and/or professionalism;
- Violating a student's ownership of data or a project, and/or disputes related to publication authorship;
- Assigning a grade to a student based on factors other than a student's performance and/or professionalism (e.g., based on race, ethnic origin, religion, gender, gender orientation, political views, etc.)---(See special circumstances regarding reporting mistreatment concerns about grades below);
- Pressuring a student to perform medical procedures or research activities for which the student is insufficiently trained;
- Interfering with a student's need to properly protect against or attend to a potentially serious health problem, including not permitting a student to leave a hospital unit, operating room or research laboratory to seek attention for a needle stick injury or a splash with bodily fluids, interfering with student's ability to adhere to hospital policies such as the use of personal protective equipment, or following universal precautions, etc.

Level 3

- Making sexual advances, harassing a student (for conduct that is considered to interfere with the learning environment based on sex, such as sexual assault or harassment (OIE link forthcoming)).

- Committing or threatening an act of physical violence of any kind.

The TLC is charged with hearing reports of alleged mistreatment and making a determination if the incident can be classified as a case of mistreatment or perceived mistreatment, and if so, its level. The OIE will also review reports of alleged mistreatment to determine if they fall within their jurisdiction.

For purposes of investigation of cases and adjudication under its jurisdiction, the TLC will categorize the incident as Level 1, 2, or 3. Level 1 incidents are effectively considered Level 2 if the same individual is reported three times for the same types of behavior despite counseling for each of the two prior incidents. If the investigation determines there was no mistreatment, the incident will be classified as Level 0. If the outcome of the investigation is inconclusive, the incident will be classified as Level 1a which may rise to Level 1 if subsequent complaints involving the same respondent are received.

Reporting Mistreatment

Ways of Reporting Mistreatment

Students have multiple ways of reporting mistreatment, including anonymous reporting options. Students and others are strongly encouraged to report incidents of perceived or actual mistreatment to the Teacher-Learner Committee as soon as the incident occurs. Reporting to the TLC allows the College to actively monitor the learning environment and to ensure that each incident is investigated fairly with due process for all involved. The goal of the TLC is to work toward a suitable resolution, and if indicated, to recommend appropriate sanctions or required adjustments to the learning environment. The TLC records all reported incidents and the result of each review, allowing for the identification of persons who repeatedly violate the mistreatment policy. The overarching goal of this effort is to provide appropriate counseling and/or sanctions to violators in order to prevent future instances of mistreatment or harm within the learning environment.

Students may also report incidents of mistreatment through the Course Evaluation system in an anonymous manner. Reports that contain named individuals and descriptions of the incident will be reviewed by the TLC in a timely manner, and if warranted, will be investigated and adjudicated.

Students may report incidents of sexual harassment, inappropriate sexual conduct, and perceived discrimination (race, ethnic origin, gender, gender identity, sexual orientation, disability,

religion) directly to the Office of Institutional Equity (OIE) [link forthcoming] and/or to the Cornell University hotline (<http://hotline.cornell.edu>).

Students may choose to discuss an incident of actual or perceived mistreatment with course directors, faculty advisors, deans, other faculty, administrative staff, or others; however, such

individuals are NOT responsible for keeping records of student reports, reviewing or investigating alleged incidents, or working through resolution. Faculty and staff should make this clear to the student who discusses the incident with them and may suggest that the student report the incident to the TLC. Likewise, students may discuss their concerns about the learning environment or seek advice about mistreatment with the College's ombudsman with the assurance of anonymity to the extent allowed by the Ombudsman policy; as stipulated in that policy, the ombudsman is not authorized to review, investigate or adjudicate instances of mistreatment (<https://studentservices.weill.cornell.edu/student-life/student-ombudsperson>). The ombudsman will provide information to the student concerning additional ways the student can report on mistreatment.

Who May Report Mistreatment

The TLC is empowered to hear reports of student mistreatment from the individual student himself or herself, or from other students, faculty, post-doctoral fellows, residents, or staff. Students, faculty, staff or others who witness mistreatment of students may seek the advice of and/or file a report with the TLC.

How to Report to the Teacher-Learner Committee

Students or others who wish to discuss and/or report mistreatment to the TLC may contact the TLC at the designated email: TLC@med.cornell.edu to initiate a dialogue with the committee or to specify that they prefer to speak with a specific TLC member. Alternatively, students may contact a [member of the committee](#) directly by email or phone. Because mistreatment issues can be complex and the TLC seeks to provide the student with advice and information, in-person meetings or phone calls are preferred versus reporting incident details in the initial contact e-mail. All members of the TLC will work to contact the student swiftly in order to arrange a convenient time for a meeting or phone discussion.

Reporting Mistreatment Concerns Regarding Grading

Students who believe that a faculty member may evaluate or grade them unfairly in the course assessment process based on statements or behaviors made by the faculty member are strongly advised to report their concerns to the TLC *before* the course ends. The TLC may opt to discuss the matter with the course director immediately or to retain the report on file in the event the matter ultimately becomes part of a grade appeal process. Students are permitted to contest their grades through the appeal mechanism ([Grade Appeal from Student Handbook](#)). Challenges to overturn grades based solely on allegations of mistreatment may be compromised if mistreatment is reported *after* the final grade has been established and is known to the student.

Role of the Student or Other Persons Reporting Mistreatment and Anonymity

To the extent possible, the TLC will make every effort to preserve the anonymity of the student or person filing a report of mistreatment. In cases of Level 2 and in cases of Level 3 mistreatment that may involve violation of other college or hospital policies or local, state, or federal laws (e.g., harassment, physical or sexual assault etc.), the investigation will require involvement of other bodies in addition to the TLC and could require interviews of the student or person filing the report. Before taking further action to investigate an incident of alleged

mistreatment, the TLC shall inform the student or other complainant of his or her role in the process and the extent to which anonymity may be preserved or may need to be forfeited.

The Teacher-Learner Committee: Charge, Purview and Composition

Charge and Purview

The Teacher-Learner Committee is charged with fostering a learning environment of respect across the academic medical center and educating members of the WCM community about best practice behaviors and attributes that contribute to a healthy climate for learning and the free exchange of ideas. The TLC is also charged with accepting and monitoring reports of perceived or actual mistreatment from all sources including direct reports or through the Course Evaluation System. Upon receiving a report of alleged mistreatment the TLC will share the report with names redacted with the OIE. The OIE will review the report to determine if the nature of the incident falls under its jurisdiction(link to OIE forthcoming). If the OIE assumes jurisdiction for the case, it will conduct an investigation according to its own policies and procedures. It will report the outcome of its findings to the TLC for purposes of tracking and aggregate summary reporting. If the OIE declines jurisdiction for the case, the TLC will determine whether the complaint qualifies as an instance of mistreatment, and if so, will 1) provide advice and guidance to the student or person filing a report about possible courses of action; 2) inform the student of the nature of the investigation, the limitations of anonymity, and the student's role in the investigation, if any; and 3) describe the approximate timeline needed to achieve full resolution.

Upon deciding that a report under its jurisdiction qualifies as mistreatment, the TLC is charged with ensuring a timely investigation and resolution. Depending on the nature of the mistreatment and the persons involved, the TLC may conduct the investigative and resolution process itself or refer the matter to other administrators, departmental leaders, and/or committees for resolution.

In addition, the TLC shall document and archive each report of mistreatment that is filed with a description of: 1) the nature of the mistreatment and its level, 2) the investigative process and the persons involved, 3) adjudication results either by direct resolution or referral to other entities for adjudication and 4) follow-up with the student or person filing the report (and as permitted below, with the leadership of courses that involved adjudicated cases of mistreatment). The TLC also receives reports from the OIE about cases that involved student complainants as to whether the complaint was substantiated, not substantiated, or inconclusive. The documentation allows the TLC to track repeated instances of mistreatment by the same individual and to identify patterns or trends by individuals, groups of individuals or specific settings involved in recurrent episodes. The TLC archive will be securely managed. Aggregate data will be reviewed on a regular basis with the Dean of WCM and/or the Senior Associate Dean (Education). The TLC reports to the Dean of the WCM and shall render to the Dean reports about the teacher-learner environment on a regular basis or as requested by the Dean. In addition, the TLC shall render reports on mistreatment trends to the Continuous Quality Improvement Office, as requested.

The purview of the TLC pertains to the mistreatment of WCM medical students and visiting medical students enrolled in the College and extends to all locations of the learning environment

including the classroom, the hospital and its clinics, the clinical practices and or/offices of the faculty, research labs, the College's campus and housing, and includes all of the same venues at affiliate sites. Incidents involving alleged mistreatment of graduate and post-doctoral students should be referred to the Trainer-Learner Committee within the Weill Cornell Graduate School of Medical Sciences.

The TLC as a medical school committee will execute its functions directly as the charge pertains to WCM medical and visiting medical students as well as through close coordination with others across the academic medical center who are charged with creating a respectful workplace including the Office of Institutional Equity, Human Resources or other employee committees at the New York-Presbyterian Hospital and its affiliates.

Matters pertaining to a faculty member's pedagogic approach or teaching abilities are not considered mistreatment unless viewed as derogatory, discriminatory or if they severely compromise the educational environment. "Teaching style" issues are best handled by reporting them through the course evaluation system.

The TLC is also charged with coordinating all necessary training and education on the prevention and recognition of mistreatment. Efforts will be made to designate key educators across the academic medical community to help disseminate the training components.

Composition

The Teacher-Learner Committee is comprised of 12 members who are appointed by the Dean, with the advice of the Senior Associate Dean (Education): two faculty members from basic science departments; one faculty member from each department that sponsors a required clerkship (i.e. one each from anesthesiology, medicine, neurology, obstetrics & gynecology, pediatrics, psychiatry and surgery); one faculty member from a WCM hospital affiliate that hosts a required clerkship; and two fourth year medical students. The Dean shall appoint one of the TLC faculty members to be the TLC chair. In addition, the Dean may adjust the number or composition of the TLC, as needed. None of the members should have direct involvement in the assessment of the involved student(s) or within the administration of the medical education program. Members must recuse themselves from the review and investigative process for any conflict of interest or perceived conflict of interest because of their personal, professional, academic or administrative relationship with the student or any of the involved parties named in an incident. Faculty members serve for a two-year, renewable term; students serve for a one-year non-renewable term. Members of the TLC will undergo training about the mistreatment policy, the review process, all relevant policies regarding professional standards, relevant legal policies, methods of adjudication, techniques for counseling and other methods of resolution, and all requirements of reporting, documentation and recordkeeping.

The full TLC is convened by its chairperson on at least a quarterly schedule to review the learning environment and a summary of reported incidents. It can meet more frequently depending on the volume of incidents that require review. Whereas it is charged with conducting a prompt investigation and/or resolution process, the TLC, in consultation with the individual reporting the incident, may decide to wait until the student has completed the learning unit or course in which the mistreatment occurred. Additionally, other incidents, particularly those at

Level 2 or 3 that may require involvement of other committees or administrators, may take longer to act on and ultimately to resolve.

The Teacher-Learner Committee: Review, Investigation, Resolution and Follow-up

Review

For each report of alleged mistreatment received, the TLC will redact the names of all individuals mentioned and forward the report to the OIE for determination of jurisdiction. If the OIE accepts jurisdiction, the TLC will send the unredacted version of the complaint. If the OIE declines jurisdiction, a subcommittee of the TLC members will review in an on-going timely manner each reported incident to determine if the incident meets criteria for potential mistreatment, either actual or perceived. If the TLC determines the incident does not qualify as potential mistreatment, the individual reporting the incident will be educated about the definitions of mistreatment and encouraged to review this policy.

Investigation and Resolution

For cases under its jurisdiction, the OIE will follow its policies and procedures for investigation and resolution. If the complainant is identified, the complainant is interviewed and a written report will be generated and furnished to the accused individual (respondent). If the complainant is anonymous, the complaint itself will be furnished to the respondent. The next step in the process is that the respondent will be afforded an opportunity to be interviewed by TLC members and to respond in writing to the written complaint. After the accused has had the opportunity to respond, the TLC will decide whether the complaint has merit, or should be dismissed. Complaints with merit must next be designated as level 1, 2, or 3. All level 1 complaints will be investigated and adjudicated by the TLC, regardless of whether the respondent is a faculty member, a resident, or another student (complaints involving staff members will be investigated by Human Resources). In cases of Level 1 mistreatment, counseling, advice and warning by the TLC will primarily constitute a resolution. The TLC will also remind the accused individual with concerning behavior that repeated incidents of a similar nature, each after TLC counseling/warning, (i.e., 3 or more) will involve notification of the Vice Dean for faculty respondents, the Designated Institutional Official (DIO) for resident respondents and the designated Human Resources (HR) official for staff members and can lead to specific sanctions. When it is found that the respondent did not commit mistreatment, TLC may decide that the incident was ‘perceived mistreatment,’ and will educate the complainant about the definitions of mistreatment and encourage a review of this policy. The respondent will receive written notification of the TLC’s determination and warning.

In the case of Level 2 or Level 3 mistreatment, and when the respondent is a faculty member, the allegation of mistreatment shall be considered an allegation of faculty misconduct. In that case, the allegation shall be referred to the Vice Dean for disposition according to policy and procedures of the WMC Faculty Misconduct Policy (Section 12 of the Academic Handbook). In cases in which the Vice Dean believes that an investigation is warranted, TLC faculty members

may be called upon to constitute the investigating panel or to provide consultation to an investigative panel.

In the case of Level 2 or Level 3 mistreatment, and when the respondent is a resident physician of New York-Presbyterian Hospital or a WCM affiliate hospital, the allegation shall be considered an allegation of misconduct by a resident physician. In that case, the allegation shall be referred to the Designated Institutional Official (DIO). Likewise, when the respondent is a clinical fellow, investigation of the misconduct allegation shall be conducted by the fellow's Department Chair. The Vice Dean and the relevant DIO will be informed of the allegation. In cases in which the DIO or the Department Chair believes an investigation is warranted, TLC faculty members may be called upon to constitute the investigating panel or to provide consultation to an investigative panel. The DIO or the Department Chair must consult the Vice Dean prior to the final disposition.

In the case of Level 2 or Level 3 mistreatment, and when the respondent is a post-doctoral scholar of the College, the allegation shall be considered an allegation of misconduct to be handled by the Faculty Director of the Office of Postdoctoral Affairs. The Vice Dean will be informed of the allegation. In cases in which the Director believes an investigation is warranted, TLC faculty members may be called upon to constitute the investigating panel or to provide consultation to an investigative panel. The Director must consult the Vice Dean prior to the final disposition.

In the case of Level 2 or Level 3 mistreatment by a WCM or hospital employee, the TLC will refer the investigation to the designated Human Resources official of the respondent's institution. The official may choose to investigate the matter further, provide additional counseling and/or enact sanctions in accordance with the institution's HR policies for employee misconduct.

Some allegations of Level 2 mistreatment and all involving Level 3 must be investigated by the appropriate administrative entity as outlined by other policies of the Medical College, e.g., under the jurisdiction of the Office Institutional Equity, or its affiliated institutions. Sanctions may include, but are not limited to, verbal or written warnings by a department chair or supervisor, notations in an individual's official employment or faculty affairs file, suspension from contact with students or residents or other teaching roles, suspension from work, legal action, and/or dismissal. All sanctions must follow the College's or respondent's institution's policies for handling misconduct, infractions of professionalism maintenance of confidentiality of respondent and complainant, and due process and appeal as stipulated by those policies.

Follow-up: Cases Adjudicated by TLC

The Vice Dean, DIO and/or appropriate hospital or College administrator shall inform the TLC of the resolution of the allegation of all repetitive Level 1 (i.e., more than 2), or any Level 2 and 3 cases of mistreatment according to the extent allowed by the College's bylaws, human resource policies or local, state or federal laws.

The TLC shall inform the course director of the name of the respondent and the general nature of the incident of all cases in which repetitive Level 1 or any Level 2 or Level 3 mistreatment was adjudicated to have occurred.

The TLC shall inform the student or other complainant of the general nature of the resolution in a timely manner after the investigation has been completed to the extent allowed by the College's by-laws, human resource policies or local, state or federal laws. Every effort will be made to close each incident as soon as possible.

Follow-up: Cases Adjudicated by OIE

The OIE will follow-up with the complainant, if known, and the respondent according to their policies and procedures. The OIE shall also inform the TLC of its findings. The TLC will categorize the case by level and archive the report.

Dissemination and Education about the Teaching-Learning Environment

The mistreatment policy shall be posted on all websites of required courses and included in the student handbook. The policy should be widely circulated to other administrative offices or groups within the WCM learning community, as directed by the Dean or his/her designee.

The TLC, or other persons or groups it authorizes, shall provide training sessions on recognizing and avoiding mistreatment to all key contributors to the learning environment, including but not limited to all students, course and departmental faculty, residents, administrators of the Medical Education program, the Graduate Medical Education Office of the New York Presbyterian Hospital and its affiliate hospitals. The training will promote strategies and behaviors that positively enhance the teaching-learning environment as well as information about what behaviors constitute mistreatment, the methods for reporting mistreatment, the role of the TLC and the process for review, investigation, adjudication, resolution and follow-up on all reported incidents.

As part of its educational function, the TLC, shall from time to time, provide the student body, department chairs, other educational administrators and relevant committees the aggregate data about the number of reported incidents and their resolution.

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