

 Weill Cornell Medicine	WCM Clinical and Academic Policy	
	Policy Title	Teaching-Learning Environment and Student Mistreatment
	Policy Number	OME-900.16
	Department/Office	Office of Medical Education
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	Approved By	Executive Medical Education Committee (EMEC)
	Approval Date	
	Endorsement	Endorsed by [WCM-Executive Policy Review Group] on [MM/DD/YYYY]

Purpose

The purpose of this policy is to ensure that Weill Cornell Medicine (WCM) medical and physician assistant students have an educational environment conducive for learning, to define Student Mistreatment, and to describe the process of reporting, monitoring, and responding in the event Student Mistreatment or Compromises to the Learning Environment occur. The standards of conduct set forth below are intended to prohibit teaching behaviors and other practices that are discriminatory or that may undermine professionalism.

Scope

This policy applies to all Workforce Members at Weill Cornell Medicine (WCM) and affiliated institutions as defined in this policy. The purview of the Teacher-Learner Committee (TLC) is limited to concerns raised about the learning environment or mistreatment related to WCM medical or physician assistant students.

Policy

WCM is committed to providing a learning environment that fosters mutual respect and the values of professionalism, ethics, and humanism in the practice of medicine and biomedical research. Workforce Members are expected to 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.

WCM has a policy of zero tolerance for mistreatment of its students. It takes all allegations of Compromises to the Learning Environment and Student Mistreatment seriously and encourages students and other Workforce Members to report any such instances or perceived instances that involve medical students or physician assistant students to the WCM TLC. Likewise, WCM has zero tolerance for retaliation by any person against individuals who have reported Mistreatment or Compromises to the Learning Environment. See WCM Policy OOC-400.06 – *Non-Intimidation and Non-Retaliation*.

The Senior Associate Dean for Education of WCM, as the designee of the Dean of the WCM & Provost of Medical Affairs, Cornell University, working with the Office of Civil Rights and Investigations (OCRI), the Office of Professionalism (OOP), Department and Program Chairs, other appropriate College officials, and the Human Resources Department of WCM, the New York-Presbyterian Hospital (NYPH) and its affiliates and that of non-network affiliates, has the ultimate responsibility for ensuring a safe and respectful learning environment.

By the implementation of this policy, students and other persons reporting Student Mistreatment or Compromises to the Learning Environment to the TLC are entitled to understand:

- 1) The ways to report learning environment compromises or mistreatment;
- 2) The jurisdictional authority of the TLC;
- 3) The Reporter's and the Respondent's role in the investigation and resolution process;
- 4) The extent to which their anonymity may or may not be assured;
- 5) The timing of the investigative and adjudicative processes; and
- 6) Information about how the incident was resolved, to the extent permitted by WCM's by laws and by local, state, and federal laws.

Definitions

Compromise to the Learning Environment – Unprofessional behaviors and/or attitudes that convey disrespect for an individual or groups of individuals. These include but are not limited to disrespectful interactions with persons in the learning environment (students, house staff (i.e., a resident or fellow), faculty members, physicians and other members of the health care team, College and hospital employees and patients/visitors), use of unprofessional or derogatory language, violation of confidentiality of patients or others, and/or display of an attitude that disparages non-specific persons or groups based on characteristics that include but are not limited to their medical specialty, health care profession, patient status, age, gender, gender identity, sexual orientation, race-ethnic/cultural background, religion, political views, citizenship or military status, pregnancy or health care/disability condition.

Reporter (formerly known as “Complainant”) – The individual who files a formal report that the learning environment was compromised for a student(s) or that a student(s) had been mistreated. The Reporter may be a medical or physician assistant student (usual), faculty member, member of the house staff, or employee of WCM, NYPH and its affiliates, or any teaching affiliate of WCM.

Respondent – The individual who is alleged to have Compromised the Learning Environment and/or engaged in mistreatment of a medical student, visiting medical student or physician assistant student enrolled in the medical education programs for the MD degree or the Master of Science in health science for the physician assistants. The Respondent may be another student, faculty member, house staff member, or employee of WCM, NYPH and its affiliates, or any teaching affiliate of WCM.

Student Mistreatment – Use of language or actions directed at a *specific* individual student or group of students that include but are not limited to offensive names or disparaging remarks OR a denial of opportunities for training or awards OR the issuance of lower grades/evaluations based on a student's sex, sexual orientation, gender identity, race-ethnicity, economic, cultural or religious background, political views, military status, physical appearance, pregnancy or disability status rather than performance; public humiliation or public embarrassment; pressuring a student to perform medical procedures or clinical or research activities for which the student is insufficiently trained; violating a student's ownership of data or a project or reasonable entitlement to authorship; violation of a student's right to privacy under Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA), or other applicable government laws, regulations or WCM policies; 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 or splash with bodily fluids interfering with a student's ability to adhere to hospital policies such as the use of personal protective equipment or following universal precautions); a requirement to perform personal services; unwanted sexual advances or requests to exchange sexual favors for grades or other rewards; threats of physical harm or sexual assault; or physical harm or sexual assault.

WCM respects the academic freedom of its faculty to foster the presentation and respectful interchange of ideas, some of which may be controversial or uncomfortable. Matters pertaining to a faculty member's pedagogic approach or ideas that may create discomfort or controversy per se are not considered mistreatment unless they involve derogatory or discriminatory statements or actions and/or severely Compromise the Learning Environment.

Teacher-Learner Committee (TLC) – The committee comprised of faculty members and students appointed by and reporting to the WCM Dean charged with accepting, triaging, and (within its jurisdiction) investigating all reports of Compromises of the Learning Environment and/or perceived or actual mistreatment involving WCM and visiting medical students and WCM physician assistant students. The TLC's purview, charge, and membership are specified in the Medical Education Governance Document.

Workforce Members – Faculty; Staff; Students; Volunteers; Trainees; and other persons whose conduct, in the performance of work for WCM, is under the direction and control of WCM, whether or not they are paid by WCM.

Workforce Members at Affiliated Institutions – Any Workforce Member, including house staff (i.e., residents or fellows), and other persons whose conduct, in the performance of work for an institution affiliated with the WCM Medical Education (MD) and Physician Assistant Training Programs, is under the direction and control of the affiliated institution, whether or not they are paid by that institution.

Procedure

Ways of Reporting Compromises to the Learning Environment or Mistreatment of Students

Any Workforce Members who witness or are informed of possible Student Mistreatment or Compromises to the Learning Environment may seek the advice of the TLC and/or decide to file a report. Students and others are strongly encouraged to report incidents as soon as the incident occurs. Reporting to the TLC allows WCM to actively monitor the learning environment, to ensure that each incident is investigated fairly with due process for all involved, and to provide appropriate counseling to violators to prevent future instances of mistreatment or harm within the learning environment.

Students and others have multiple ways of reporting, including direct and anonymous reporting options. Reports that contain named individuals and descriptions of the incident will be reviewed by the TLC in a timely manner and will be investigated and adjudicated by the appropriate office depending on jurisdiction.

- Anonymous (option to self-identify) on the TLC Reporting Portal located on the TLC website: https://weillcornell.az1.qualtrics.com/jfe/form/SV_cOwBydS1IGjeEAu and on the required course websites.
- Anonymous on the Course Evaluation System (OASIS) (*for student reporting only*) at <https://cornell.oasisscheduling.com/>, which is reviewed by the TLC at the time the evaluation is completed.

Direct (non-anonymous) report to the TLC at TLC@med.cornell.edu or a TLC member by email or phone.

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 as outlined in WCM Policy OME-900.06 – *Appeals Process*. Challenges to overturn grades based solely on allegations of Mistreatment may be compromised if mistreatment is reported only **after** the final grade has been established and is known to the student.

Students may also report incidents of sexual harassment, inappropriate sexual conduct, and perceived discrimination (race, color, ethnicity, national origin, gender, gender identity, sexual orientation, height and weight, disability, religion) directly to the WCM OCRI (<https://equity.weill.cornell.edu/>) and/or to the Cornell University hotline (<http://hotline.cornell.edu>).

Students are strongly encouraged to report all concerns involving the learning environment and Student Mistreatment to the TLC but may seek the advice from the OOP. OOP forwards any formal reports involving students in the learning environment to the TLC as OOP is not an investigative body.

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 WCM's ombudsperson with the assurance of anonymity to the extent allowed by the Ombudsperson policy. As stipulated in that policy, the ombudsperson is not authorized to review, investigate or adjudicate instances of mistreatment (<https://studentservices.weill.cornell.edu/student-life/student-ombudsperson>). The ombudsperson will provide information to the student concerning additional ways the student can report on mistreatment, but does not conduct an investigation.

Any allegations of sexual conduct received by the TLC or OOP will be forwarded to the OCRI for further investigation.

Any concerns about FERPA or HIPAA violations can also be reported to the Office of Compliance (OOC).

Jurisdictional Authority of the TLC and Resolution of Cases

The nature of both the incident and employer of the Respondent will determine which entity will have jurisdictional authority to investigate and adjudicate the incident.

1. Upon receiving a report of either a possible Compromise of the Learning Environment or Student Mistreatment, the TLC shall send the report with redacted names to the OCRI which will decide if the report falls under its jurisdiction. The OCRI is responsible for cases that may involve violation of Cornell University Policy 6.4 – *Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct*, which pertains to Title VI, VII and IX federal laws. If the OCRI assumes jurisdiction, the TLC will reveal the names of the parties involved to the OCRI, which will investigate according to its own policies and procedures. If the Reporter's name is known and OCRI takes jurisdiction of the case, the TLC will notify the Reporter of this. At this point the case rests solely with OCRI for investigation. The OCRI will report the outcome of its findings to the TLC for purposes of tracking and aggregate summary reporting.
2. For cases for which the OCRI has declined jurisdiction, the TLC will investigate reports of a Compromised Learning Environment involving students or Student Mistreatment in which the Respondent is a WCM faculty member, house staff or another medical or physician assistant student. The Respondent may be based either at the NYP-Weill Cornell campus or at one of NYP network hospitals or WCM teaching affiliates. The TLC chair will also decide if an anonymous report contains sufficient information to pursue the matter further in which case an assigned TLC member shall gather information from available parties. The full TLC will hear the information and determine by vote if the incident is *substantiated*, *unsubstantiated*, or *indeterminate*. The Reporter, if known, and the Respondent will be informed of the decision to the extent allowed by WCM's by-laws, human resource policies or local, state or federal laws.

For cases for which the OCRI has declined jurisdiction, if the Respondent is anyone other than a WCM faculty member, house staff or another student, the TLC will refer the case to a relevant office, i.e., NYP Respect Office, or the Human Resource offices of the affiliated hospitals. If the Reporter's name is known and the case

is referred to another office, the TLC will notify the Reporter of this. At this point the case rests solely with that office for investigation and reporting back to the Reporter. The relevant office will report the outcome of its findings to the TLC for the purposes of tracking and aggregate summary reporting.

Confidentiality

During the TLC Investigation: In its initial triage of reports, the TLC does not disclose the names of the Reporter or the Respondent to the OCRI, unless the OCRI decides to assume jurisdiction for investigating the report. For reports that fall under its own jurisdiction, the TLC makes every effort to keep the name of the Reporter confidential and will not disclose the Reporter's name to the Respondent or others. Likewise, the TLC does not ordinarily disclose the name of the Respondent to other offices or persons in cases where it handles itself prior to reaching a decision.

However, the TLC Chair or chair designee may disclose the names of the parties involved to Senior Associate Dean, Education and the WCM Office of General Counsel in cases in which there is an imminent danger or harm involving a student, a patient or other Workforce Members.

After the TLC investigation: The TLC will disclose the name of WCM faculty or staff along with the outcome of its investigation to the OOP for recording in the HR Acuity system.

Resolution and Outcome

The Respondent will be informed of the results of the TLC investigation including if the report was determined by the TLC to be substantiated, unsubstantiated, or indeterminate. Faculty are entitled to file a grievance under the provisions of the WCM Academic Staff Handbook.

Reporters who self-identify will be informed of the results of determination of the TLC, specifically if their report was substantiated, unsubstantiated or indeterminate, to the extent permitted by the College's bylaws and policies and by local, state, and federal laws.

Compliance with this Policy

All WCM Workforce Members are responsible for adhering to this policy. Failure to comply will be evaluated on a case-by-case basis and could lead to corrective action, up to and including termination, consistent with other relevant WCM and University Policies. Instances of non-compliance that potentially involve a lapse of professionalism may lead to engagement of the Office of Professionalism for evaluation and intervention.

Workforce Members at affiliated institutions will be reported by the WCM Teacher-Learner Committee to relevant offices such as the OOP or the Human Resources office at the affiliated institution for evaluation and possible corrective action in accordance with the policies of that institution.

Contact Information

Teacher-Learner Committee: tlc@med.cornell.edu

TLC Reporting Portal: https://weillcornell.az1.qualtrics.com/jfe/form/SV_cOwBydS1IGjeEAu

WCM Office of Student Affairs: studentaffairs@med.cornell.edu

WCM Office of Civil Rights and Investigations: <https://equity.weill.cornell.edu/>

Cornell University Hotline: <http://hotline.cornell.edu>).

References

- [WCM Medical Education Governance Document](#)

- [WCM Teacher Learner Website and Report/Complaint Reporting Portal](#)
- *Office of Civil Rights and Investigations (OCRI) Website:* <https://equity.weill.cornell.edu/reporting>
- *Student Ombuds Policy:* <https://studentservices.weill.cornell.edu/student-life/student-ombudsperson>
- WCM Policy OOP-100.01 – Policy on Professionalism
- WCM Policy OOC-400.06 – Non-Intimidation and Non-Retaliation
- WCM Policy OME-900.06 – Appeals Process
- [Cornell University Policy 4.6 – Standards of Ethical Conduct](#)
- [Cornell University Policy 6.4 - Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct](#)
- [WCM Academic Staff Handbook Section IV- Policies and Procedures for Addressing Conduct](#)

Policy Approval

Version History

Date	Author	Revisions
5/11/2017	Office of Medical Education	Original date of issue.
	Office of Medical Education	Transferred to new policy template. Assigned policy number, “OME-900.16.” Updated for clarity and to align with LCME standards and institutional policies.

Appendix

N/A