Operating Procedures for Processing Allegations of Learner Mistreatment

This document describes the roles, responsibilities, and operating procedures for the assessment of alleged violations of the IUSM Teacher Learner Conduct Policy (TLCP).

1. The complaint

A complaint is an allegation of a violation of the IUSM TLCP, the IUSM policy prohibiting mistreatment of learners. A complaint may be made directly by a learner (medical student, graduate student, resident, fellow), or indirectly by a member of the IUSM community on behalf of a learner.

Complaints can be submitted through the online IUSM Mistreatment Incident Report Form or via course/clerkship evaluation forms, and the complainant may identify him/herself or may do so anonymously. When learners directly report concerns of a potential TLCP violation to a member of the Teacher Learner Advocacy Committee, a lead advisor, course or clerkship director, Ombuds Office, or other member of the IUSM community, the learner will be encouraged to formally report the complaint through the online form or via the course/clerkship evaluation form.

When a learner is reluctant to initiate a complaint directly, the person with whom the learner reported a potential TLCP violation is expected to submit the complaint on behalf of the learner through the online IUSM Mistreatment Incident Report form (with the exception of the IUSM Ombuds Office, which operates confidentially and informally per the IUSM Ombuds Office Guidelines). When submitting on behalf of a learner, the person submitting the incident report must include his/her contact information.

2. Roles and Responsibilities for initial triage

The Executive Associate Dean for Faculty Affairs and Professional Development (EAD for OFAPD; or designee) will have the responsibility for coordinating the response to alleged violations of the TLCP. Complaints are initially triaged by the EAD for OFAPD, EAD for Educational Affairs, the Senior Associate Dean for Medical Student Education, Senior Associate Dean for Graduate Medical Education, and/or University Counsel; this triage group receives an autogenerated alert when a complaint is received via the online IUSM Mistreatment Incident Report. When a learner makes a report via the course/clerkship evaluation form, this same group is alerted by a staff member of the Program Assessment and Evaluation (PAE) office.
3. Pathways

Complaints are initially categorized into one of three assessment pathways:

A. Requiring an informal investigation

When a complaint is made directly by a learner, and the learner identifies him/herself, a member of the initial triage group will contact the learner to obtain follow up information. The follow up may be delegated to another person in select situations, for example, a regional campus dean, clerkship director, or a lead advisor may be asked to assist with obtaining follow up information, depending on the nature of the complaint. Where appropriate, the learner may also be referred to the IUSM Ombuds Office. Learners may be asked whether there were any witnesses to the incident, and may also provide follow up information in writing.

When a specific person is identified as having allegedly violated the IUSM TLCP (the respondent), he/she will also be contacted for follow up information. He/she will be presented with a general summary of the relevant aspects of the complaint (without providing the identity of the complainant) and asked for his/her response to the assertions.

If a violation of the TLCP is deemed to have occurred, but it is not egregious, and it is a single or first report for the respondent, the response will consist of a Level 1 intervention on the IUSM Graduated Response to Mistreatment as outlined in the TLCP. When deemed appropriate, an education leader (e.g., vice chair for education, course/clerkship director, residency program director, regional campus dean) may meet with the faculty member for this purpose.

When a specific respondent is not identified in a complaint, the appropriate course/clerkship director or residency program director will be notified that a complaint has been received and of the nature of the complaint. He/she will take follow up action to improve the learning environment as deemed necessary or possible.

B. Requiring a formal investigation

When a complaint alleges an egregious incident and/or that a respondent may have violated additional university policies (such as the IU Sexual Misconduct Policy, the IU anti-discrimination policy, or other acts of serious misconduct), a formal investigation may be warranted. The initial triage group will make this determination, and if so, the EAD for OFAPD or University Counsel will initiate contact with the Office of Equal Opportunity or other appropriate university office. Follow up investigatory actions would subsequently be done in coordination with established protocol of those offices.

When a complaint alleges unprofessional behavior of a clinical faculty member involving patient care or other behavior that would also be pertinent to a hospital facility medical staff office, the initial triage group may decide to refer the issue to the relevant professional standards committee(s). The EAD for OFAPD will make the referral and coordinate with the professional standards committee(s) when permissible and possible.

C. No merit; not mistreatment

Occasionally, complaints are received that are not regarding violations of the TLCP, for example, a complaint about an interpersonal conflict between staff members that does not involve a policy
violation. Such complaints are reviewed by the initial triage group and, where indicated, referred to the appropriate office or personnel (e.g. IU Human Resources Administration). When possible, feedback will be provided to the person who submitted the report.

4. Repeated patterns of behavior and egregious incidents

When a complaint is received on a respondent who has been the source of previous complaints, the triage group, coordinated by the EAD for OFAPD, will decide which level of response is warranted. After obtaining follow up information from the complainant (when possible), the appropriate level of intervention will be triggered according to the IUSM Graduated Response to Mistreatment as outlined in the TLCP (and displayed below). At any time, when an egregious incident occurs, action can be taken for the well-being of the learner such as reassigning him/her to another instructor; disallowing a faculty member from issuing a grade; removing the faculty member from contact with learners; or other sanctions up to and including dismissal, pursuant to applicable university policy.

*Examples of egregious acts include but are not limited to physical harm; unwanted sexual advances and/or asked to exchange sexual favors for grades or other rewards; discrimination based on gender, race/ethnicity, sexual orientation, religion.

5. **Roles and Responsibilities of others involved in the system**

A. **Vice Chair for Education**: May be designee for level 1 intervention for faculty in their department (e.g. cup of coffee conversation).

B. **Department Chair or Regional Campus Dean**: Responsible for faculty annual reviews. May be involved in level 1; must be involved in levels 2 and higher.

C. **Course or Clerkship Director**: Responsible for improvements at the course/clerkship level if pattern emerges or incidents are reported that describe general non-identifiable concerns in learning environment. May be designee for level 1 feedback.

D. **GME Program Director**: Responsible for improvements at the residency or fellowship program level if pattern emerges or incidents are reported that describe general non-identifiable concerns in learning environment. Responsible for resident/fellowship performance reviews. May be designee for level 1 feedback.

E. **Teacher Learner Advocacy Committee**

The charge to TLAC has been revised to focus more sharply on monitoring, outreach, and prevention:

*The Teacher/Learner Advocacy Committee (TLAC) provides a critical advisory role for the School’s efforts to foster and ensure a professional learning environment through monitoring reports of mistreatment, providing support and strategic feedback to the School leadership and Ombuds Office, sponsoring initiatives, outreach, and educational programming, and working to assess the effectiveness of policies and efforts aimed at enhancing communication and professionalism in all learning environments.*

Incidents reported through the online IUSM Mistreatment Incident Report form and course and clerkship evaluations are recorded on a dashboard that enable ongoing monitoring of the learning environment in real time. Standardized reports will be available for review.

F. **Curriculum Council Steering Committee and subcommittees**

The CCSC and subcommittees will receive reports from TLAC at least annually. In addition, data on the number of incidents submitted via course and clerkship evaluations and/or the online incident report form are available to the committee chairs for monitoring via the dashboard.

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