STUDENT MISTREATMENT PROCEDURE

The Student Mistreatment Procedure is designed to maximize student protection in the complex medical learning environment. The medical learning environment is more complex than the undergraduate environment for several reasons. These include physical intimacy of medical examination and teaching, overnight call environment, prolonged hours in many medical arenas, patient care must supersede teaching and learning objectives, intimate partner relationships that may develop between members of the medical community, medical student vulnerability due to career aspirations, residency matching, and the subjective nature of medical education evaluation, and the teacher, student, and patient all have rights which must be respected within the teaching and patient care framework.

The Student Mistreatment Procedure provides an opportunity for local rapid solutions without necessarily resorting to legal remedies and creates a procedure for reporting and adjudication that does not conflict with other institutional procedures. The procedure seeks to limit any breach in the integrity and trust among students and professionals in the health care environment, by establishing a means of fairly dealing with problems of student mistreatment. This procedure has been developed for the Keck School of Medicine of USC with several goals in mind. Before stating those goals, however, it should be emphasized that this process is by definition subordinate to:

1. State and Federal Law
2. USC University Procedure
3. Affiliating Institutional Procedure (for problems in other medical education venues)

Goals of this procedure:
1. Explication of standards of conduct within the medical school and its clinical and research communities.
2. To provide an equitable method of locally investigating and resolving complaints, consistent with other university procedures to obtain mutually satisfactory remedies.
3. Delineation of a non-threatening and easily accessible mechanism for reporting alleged mistreatment and an equitable method of investigating and adjudicating student mistreatment complaints.
4. Provision of a means of monitoring complaint occurrences within the medical school so resources can be directed toward solutions.
5. To guarantee the rights of due process and to provide appropriate protection of the rights of both the complainant and the accused.

The Office of Equity and Diversity must be notified of complaints by faculty, staff, students or applicants who believe themselves to be harmed by sexual harassment or discrimination and harassment related to issues that have protected class status (which includes, but is not limited to, sex, race, gender, national origin, color, religion, marital status, and any other class protected by law). The exception is if the complaint is from one student about another student (see process below). The office represents the university to government agencies, including Los Angeles County, on those same matters. Should a complaint of sexual harassment or discrimination and harassment be brought forth, it is extremely important that the Office of Equity and Diversity is contacted immediately. Keck School of Medicine of USC may not proceed in any way to investigate allegations of this sort on its own.

A prompt report of harassment, mistreatment or retaliation is very important for several reasons. The Keck School of Medicine of USC is better able to investigate and remedy complaints if they are immediately brought to attention. The recollection of witnesses generally diminishes over time. Many perpetrators will discontinue inappropriate behavior once they understand that it is objectionable. The School’s ability to impose a meaningful remedy dissipates with the passage of time. For all these reasons, the Keck School of Medicine of USC urges that complaints be filed promptly.

In the absence of a complaint, the Keck School of Medicine of USC may initiate an investigation if it has reason to believe that harassment, mistreatment or retaliation has occurred.

Process to Report a Complaint

Informal Consultation
A student considering making a report may bring his or her concerns related to the incident(s) to the Senior Associate Dean for Student and Educational Affairs or the Assistant Dean for Student Affairs. Complaints should ideally be brought forward as soon as possible, but within 90 days of the incident(s). This 90-day limit does not apply to cases that fall under the purview of the Office of Equity and Diversity.

The reporting individual may consult informally for information and assistance. The consultation may include but is not limited to:
1. Counseling the student with respect to his/her rights.
2. Facilitating communication with the alleged offender, the alleged offender’s Program Director, Department Chair, or
other appropriate supervisors (at student request).
3. Serving as a sounding board, thus allowing the student to vent his/her feelings.
4. Assisting the student in filing a formal complaint.
5. Ensuring that the Office of Equity and Diversity is notified in a timely manner when appropriate.

Any such informal consultation will be confidential unless the student consents to mediation with the alleged offender, or if the alleged offense is reportable by law or otherwise required to be reported.

An informal consultation may result in:
1. No written record if so requested by the complainant
2. A confidential memorandum generated by the student affairs dean and retained in the Office of Student Affairs. If a pattern of mistreatment is suspected, the Senior Associate Dean for Student and Educational Affairs or the Assistant Dean for Student Affairs may initiate an inquiry on their own by convening the Professionalism Committee.

**Formal Reporting**
To make a formal complaint of an alleged violation of the Standards of Conduct, a written, signed description of the alleged violation should be submitted to the Senior Associate Dean for Student and Educational Affairs or the Assistant Dean for Student Affairs. The report should be filed within 90 days of the occurrence of the alleged act. Early filing is encouraged so that the investigation can be more complete and more detailed. The student has the option to suggest a possible remedy.

**Online Reporting**
In addition to the informal consultation and formal reporting processes outlined above, a student has the option of using the Keck School of Medicine of USC online reporting system to report any concerns related to unprofessional behavior or mistreatment by students, residents, faculty or staff. The report will be sent to the Senior Associate Dean for Student and Educational Affairs and the Assistant Dean for Student Affairs who will oversee the investigation of the incident. The report may be anonymous, however that may limit the ability to complete the investigation or to provide follow up information. The website for the on-line report is https://mymedweb.usc.edu/source/mistreatment.asp.

**Reporting Process**
Additionally, students are encouraged to discuss any concerns with ICM, ICM-P, or clerkship faculty, clerkship directors, Medical Student Educators or Issues in Clinical Practice Faculty if they have observed or experienced mistreatment or unprofessional behavior. These faculty can assist students in accessing the appropriate route for reporting. Students can reach a student affairs dean 24/7 by calling the Office of Student Affairs and stating that they have an urgent issue. The answering service will call the dean-on-call who will return the student’s call in a timely manner.

All official reports made by a student who identifies himself or herself begins with a meeting with the student to gather additional information and to develop a plan for addressing the concern that adheres to the policies of KSOM and removes the student’s fear of identification or retaliation.

The Senior Associate Dean for Student and Educational Affairs or the Assistant Dean for Student Affairs shall then forward the complaint to the appropriate supervisor or the Professionalism Committee for review. If reviewed by the Professionalism Committee relevant information will be collected. Thereafter, the Professionalism Committee shall issue a written report to the appropriate supervisor(s) who will decide on final disciplinary action. Discipline will be consistent with University and School of Medicine policies on disciplinary actions as set forth in the USC Faculty Handbook, the USC Staff Employee Handbook, and the Keck School of Medicine of USC Student Handbook, as applicable.

Concerns regarding the professional behavior of students can be brought to the attention of the appropriate student performance committee and are investigated and appropriate action, in accordance with Keck School of Medicine policies, is taken. The Vice Dean for Medical Education is informed of all performance committee decisions. Student’s violations of the Code of Professional Behavior can alternatively be reported to the Student Ethics Committee.

If a resident is accused of unprofessional behavior or mistreats a medical student, the program director is notified. The program director will investigate the incident and counsel or impose sanctions as deemed appropriate. The Designated Institutional Official is also notified.

Unprofessional behavior on the part of a faculty member is taken very seriously. If a report is made, the Senior Associate Dean for Student and Educational Affairs informs the Vice Dean for Medical Education and the Department Chair who, in consultation with the Vice Dean for Faculty Affairs, counsels the faculty member or, if appropriate, imposes sanctions. The job description for each clinical chair includes accountability for the professional conduct of his/her faculty and residents.

For University employees (non-faculty), Los Angeles County employees or others the appropriate supervisor and/or Human Resources department is contacted.
Protection of Complainant and Accused

Students, hospital employees, patients, residents, fellows and faculty have individual rights, which should be recognized in the application of these procedures. With regard to allegations of student mistreatment, the student and teacher should remain vigilant to each other’s rights and responsibilities. Since disputes of this nature can be career threatening, all must understand that false accusations must be prohibited. Protection of the faculty and residents from false accusation is essential for both the students and the faculty/residents. Finally, neither the faculty’s, resident’s nor the student’s rights supersede the patient’s right for care. Both the teacher and the student must be aware of this priority at all times.

Retaliation for reports of mistreatment is unacceptable. The law, University policy and the Student Conduct Code all prohibit threatened, attempted, or actual retaliation against anyone who, in good faith, brings a complaint of mistreatment, discrimination or harassment as they are defined in the Discrimination, Harassment, Sexual Harassment, and Sexual Assault policy or other relevant policies; participates in a discrimination or harassment investigation; or protests the alleged discrimination, harassment or retaliation.

Any incident of retaliation must be reported immediately to the Office of Equity and Diversity or any Designated Recipient (see the OED website for details on Designated Recipients). Complaints of retaliation will be investigated. Retaliation may include, but is not limited to, the following acts, when such action is taken because the individual brought forward a complaint, participated in an investigation, or protested the alleged discrimination, harassment or retaliation: adverse employment or academic action, lowering a grade, giving a poor academic recommendation, exclusion from employment or educational opportunities, limited scholarly activities, and/or spreading negative information about individual involved in complaint.