



Appropriate Treatment of Learners Policy

POLICY 02.01.01

Effective Date: November 1, 2023

The following are responsible for the accuracy of the information contained in this document:

**Responsible University Officer:
Director of Positive Learning Environments**

**Responsible Office:
Office of Student Life**

Contact: (508) 856-1829

Introduction

The University of Massachusetts Chan Medical School (“UMass Chan”) is committed to providing a supportive and respectful learning environment that fosters mutual trust and understanding between Learners (as that term is defined below) and members of its educational community. Accordingly, UMass Chan has developed this Appropriate Treatment of Learners (“ATL”) policy to provide a framework to address concerns and complaints that are raised regarding the treatment of Learners by any member of the UMass Chan educational community.

Rationale for the ATL Policy

The Learners, faculty, staff, and all other individuals at UMass Chan have chosen to work in an environment where education and a corresponding commitment to equity and opportunity are major parts of the job responsibilities. As a result, Learners and faculty are granted the privilege of being able to become, and train those who will become, the next generation of physicians, nurses, researchers, and other medical science professionals.

Teaching, learning, and working should take place in an environment of mutual respect based upon transparent deliverables, clear learning objectives and milestones, professionalism, and performance. All members of the UMass Chan community are expected to maintain a positive and respectful learning environment free of harassment, intimidation, belittlement, humiliation, or abuse. This includes a shared commitment among all members of the UMass Chan community to respect each person’s worth and dignity, and to contribute to a positive learning environment where all are enabled and encouraged to achieve their full potential.

This policy defines some, but not all, behaviors that may represent inappropriate treatment of Learners within the learning environment. It also describes the procedures for reporting complaints of inappropriate treatment and the handling of such allegations. UMass Chan is

committed to conducting investigations of complaints of inappropriate treatment within its learning environment thoroughly, promptly, and impartially.

Scope and Authority

This ATL policy applies to all UMass Chan faculty, staff, residents, fellows, clinical preceptors, standardized patients, administrators, and any other individual who interacts with Learners in a UMass Chan-offered educational, research, and clinical setting. The ATL policy applies to all land, buildings, facilities, and other property in the possession of, or owned, leased, or controlled by UMass Chan in which Learners are present. This Policy applies to each program and activity under UMass Chan's control, all of its branch campuses, related clinical sites, including but not limited to those under the control of UMass Memorial Health Care and UMass Memorial Medical Center (collectively "UMass Memorial"), and UMass Chan online forums. This ATL policy applies specifically to behaviors occurring within the UMass Chan learning environments. Any concerns occurring outside the UMass Chan learning environments might need to be addressed pursuant to some other UMass Chan, UMass Memorial, or some other clinical training site's policies and procedures.

Definitions

Complainant: Any individual who either alleges to be the victim of conduct which might reasonably constitute a violation of this ATL Policy, or who reasonably believes they have seen, observed, or learned of a Learner who has allegedly been subject to inappropriate treatment.

Learner: A UMass Chan matriculated student, a non-matriculated student taking a course at UMass Chan, or a visiting student from another institution for educational purposes. The term "Learner" also includes UMass Chan's Residents, Fellows, and Post-doctoral individuals.

Employed Faculty: Individuals appointed to the UMass Chan faculty who are either UMass Chan-employed faculty, UMass Memorial-employed faculty, or faculty employed by a UMass Chan-approved external foundation or agency.

Mandated Reporter: Individuals, who as a matter of law or as result of their position or duties, are required to report allegations of sexual harassment or sexual misconduct to UMass Chan's Title IX Coordinator, Office of Human Resources, or other appropriate UMass Chan school designee.

Positive Behaviors

It is expected that all Learners, Residents/Fellows, and UMass Chan staff who intersect with the UMass Chan educational environment shall engage in behaviors that positively impact the learning environment. Examples of positive behaviors might include, but are not limited to the following:

- Demonstrating an openness to adapting practices and language that create a welcoming environment to all Learners;

- Conducting interactions in a manner free of bias, racism, and any other forms of prejudice or discrimination;
- Providing a clear description of expectations at the beginning of all educational and training experiences;
- Demonstrating respectful behavior towards Learners, other UMass Chan colleagues, clinical patients, and other healthcare professionals;
- Demonstrating empathy and compassion toward others;
- Encouraging an atmosphere of openness in which all feel welcome to ask questions, ask for help, make suggestions, and respectfully disagree;
- Providing timely and specific feedback on observed behaviors in a constructive manner, appropriate to the individual's level of experience or training, and in an appropriate setting;
- Using appropriate terminology when discussing or describing matters related to race, gender, and other identifying characteristics;
- Respecting processes that seek to address any alleged mistreatment (individual and/or institutional);
- Reporting alleged mistreatment for appropriate follow up as discussed later in this Policy;
- Intervening in potential mistreatment of a Learner as a bystander through an appropriate method (i.e., directly, distracting, or delegating);
- Including Learners, as appropriate, in the dissemination of scholarly work or professional activities, such as conference presentations or academic publications; and
- Encouraging compliance with UMass Chan institutional policies and professional standards of ethical behavior.

Mistreatment

The mistreatment of Learners may occur when behavior by a member of the UMass Chan educational community shows disrespect for the dignity and/or educational opportunities of Learners. Examples of such inappropriate behaviors might include, but are not limited to the following:

- Humiliation of Learners;
- Verbal attacks towards Learners;
- Inappropriate anger or harsh language when addressing Learners;
- Lack of proper and timely communication with Learners;
- Requiring Learners to perform tasks clearly identified as belittling;
- Requesting or requiring Learners to perform personal services, e.g., babysitting, errands, or shopping;
- Subjecting Learners to differential treatment without justification (e.g., denial of training opportunities) or insulting comments or conduct to Learners based on a Learner's demographic or identity (including, but not limited to, gender, gender identity, gender expression, race, ethnicity, nationality, national origin, immigration status, language, religion, sexual orientation, or ability);
- Inappropriate comments to Learners who request job protected leave, including, but not limited to, family medical leave or parental leave;

- Disregard for Learners' personal safety;
- Coercing Learners to not comply with UMass Chan institutional policies or professional standards of ethical behavior.

Related Policies

Other UMass Chan and / or University of Massachusetts ("University") policies may govern the reporting and investigations of other types of complaints, conduct, and incidents beyond inappropriate treatment in an educational setting, and there may be incidents where such alleged mistreatment might trigger a review under such other UMass Chan, University and/or UMass Memorial Health policies or procedures. Below are some related policies that may provide additional guidance to this ATL Policy, supersede this Policy, or have other mandatory reporting requirements. All UMass Chan policies can be found at [this link](#).

- UMass Chan Sexual Misconduct Policy – last revised August 22, 2022
- UMass Chan Title IX Policy – last revised August 14, 2020 (see also the related Title IX Grievance Procedure)
- UMass Chan Discrimination Complaint Policy and Procedures – last updated February 1, 2010
- UMass Chan Civility Statement
- UMass Chan Violence and Hostility in the Workplace Policy
- UMass Chan School of Medicine Honor Code
- University Policy on Responsible Conduct of Research and Scholarly Activities (Document T08-010)
- University of Massachusetts Policy on Conflicts of Interest Relating to Intellectual Property and Commercial Ventures – Worcester (Document T96-039)
- University on Massachusetts Faculty Consulting and Outside Activities (Document T96-047)
- UMMH Standards of Respect
- UMMH Patient and Visitor Code of Conduct
- UMMH #4141 Physician Dispute Resolution Policy

Responsibilities

An environment conducive to learning is one in which Learners feel safe from mistreatment. It is also one where Learners can expect constructive feedback with the goal of advancing their professional knowledge and ability.

Learners have a responsibility to treat fellow Learners, faculty, teachers, residents, staff, clinical patients, and others in a respectful, collegial, professional, and civil manner and should be treated similarly by those in the UMass Chan learning environment. Learners may choose to address situations in which they feel they have been mistreated, harassed, and/or discriminated against.

Procedure

1. Filing a Complaint:

Any Learner who believes they have been subjected to inappropriate treatment by a member of the UMass Chan educational community is encouraged to file a complaint using the UMass Chan reporting system, Maxient. The online reporting form can be found at [this link](#). The written complaint must include the basis for the complaint or allegation, any information or evidence associated with the complaint, the date(s) the alleged incident occurred, and the name(s) of any individual(s) involved, including any witnesses. Individuals may file anonymous reports, however, doing so may limit the ability for UMass Chan to fully investigate, respond, or take appropriate action. In addition, any person with some status at UMass Chan, UMass Memorial, or other clinical training site who believes a Learner may have been so inappropriately treated may file their own complaint or allegation, providing the same information as listed above. All complaints, including anonymous complaints, are included in all ATL-related statistical and reporting information.

If an individual other than the allegedly impacted Learner reports there has been potential inappropriate treatment against that Learner via the online form, the reporter should respect the wishes of the Learner to remain anonymous when requested by the Learner. However, some involved employees, based on the nature of their role, might be considered Mandated Reporters, and if so, anonymity or confidentiality is not permitted.

2. After the Complaint is Received:

UMass Chan's Office of Student Life's ("OSL") designee, and UMass Chan's Diversity and Inclusion Office's ("DIO") designee will co-receive all alleged mistreatment reports under this Policy. Once a complaint of a potential violation(s) under this Policy is submitted, the OSL designee and DIO designee shall jointly review the complaint as an **initial inquiry** and make an initial determination whether the allegation might reasonably trigger the processes under either this ATL Policy or some other UMass Chan policy.

An initial inquiry may or may not involve conducting initial / minimal fact finding in order to be able to make the determination whether a formal investigation needs to be undertaken. If, as part of the initial inquiry, it reasonably appears that the allegations may fall under some other UMass Chan, University and/or UMass Memorial policy (listed above), it shall be promptly referred to the appropriate handling Department/Office and it shall be reviewed and processed pursuant to and consistent with that other policy.

All formal investigations of any incidents of potential violations of either this Appropriate Treatment of Learners policy, an alleged Title IX incident, or allegations of Sexual Misconduct, Discrimination and/or Harassment shall be undertaken and completed by the UMass Chan Office of Human Resources, if necessary, with consultation from the Office of Management.

A. Initial Meeting with Learner:

The OSL designee and DIO designee shall jointly and promptly meet with the Complainant regarding the report. During this initial meeting, the OSL designee and DIO designee, will review the allegations fully, gather any additional information regarding the report, offer UMass Chan resources for ongoing support as needed, and inform the Learner of potential pathways for resolution. The OSL designee and DIO designee may also coordinate in notifying UMass Chan or clinical personnel as appropriate.

If the complaint was filed by a third-party and the impacted Learner declines to meet to discuss the allegations, the OSL designee and DIO designee will, to the best of their ability, perform an initial inquiry into the matter. UMass Chan's ability to address complaints and/or concerns in the learning environment may be limited if the Learner chooses not to be involved.

B. Interim Administrative Action:

If necessary or appropriate to support the health and safety of the Learner, the OSL designee and/or DIO designee can work with other UMass Chan campus departments and offices to implement immediate interim administrative actions, including but not limited to the following:

- Holds on student accounts such as preventing a student from registering for future courses or rotations or limiting the ability to receive official UMass Chan documents such as transcripts or other official academic documents;
- No Contact Orders;
- Non-conduct UMass Chan directives such as altering class, clinical rotation and/or lab schedules, and/or limiting or prohibiting access to UMass Chan facilities, coursework, or UMass Chan-sponsored events and/or activities.

These interim administrative actions, if any, can be issued in conjunction with or pending the outcome of a UMass Chan initial inquiry, investigation, or a disciplinary or adjudicative process.

3. Resolution Pathways

The below includes the potential resolution pathways to address complaints filed under this Policy. However, UMass Chan may also choose a different resolution pathway than requested by the Learner, or refer to another policy or process, as appropriate, at any point prior to resolution of a complaint. UMass Chan may also move forward with resolving a complaint without the reporter and/or Learner's participation if it is deemed to be in the best overall interest of UMass Chan in seeking to provide a safe, fair, and positive learning and educational environment.

A. Informal Resolution

This pathway is used when the Learner requests that the Complaint or allegation be addressed without utilizing a **formal** investigatory or disciplinary process. The OSL designee and DIO

designee will jointly meet with the Learner and, if necessary, the appropriate UMass Chan or clinical site personnel, to attempt to resolve the complaint.

Possible informal resolution outcomes include, but are not limited to the following:

- Referral to DIO for a restorative justice-facilitated process;
- Facilitated conversation between the Complainant and involved UMass Chan or clinical personnel;
- Feedback regarding the incident given to UMass Chan or clinical personnel by the OSL, or designee, on behalf of the Complainant;
- Appropriate modification of educational curriculum or academic progression, when feasible and appropriate (which might require input from the particular school's educational requirements personnel and/or the involved Dean's Office); and
- Written reprimand.

The informal resolution process concludes once all interested and impacted parties mutually agree to the proposed outcome in writing. UMass Chan will update its record database, close the open report, and the information will be included in a de-identified manner for statistical recordkeeping and reporting purposes. If all involved parties do not mutually agree to the proposed outcome, the complaint / allegation shall proceed to formal resolution.

B. Formal Resolution

This pathway is used when the Learner requests that the matter be addressed utilizing a formal investigatory and/or disciplinary process, or when UMass Chan determines that based on the nature of the complaint, formal process is appropriate, or when an informal resolution is not mutually agreed-to by all parties.

The OSL designee and/or DIO designee will refer the matter to the UMass Chan Office of Human Resources for a formal **investigation**, and a Human Resources investigator will conduct a thorough and fair investigation. As part of this investigation, the HR Investigator may interview each party and may interview others who the investigator deems to have relevant information. Human Resources may consult with the Office of Management.

Once the Human Resources investigation is concluded, Human Resources will create a written report. This report will include findings of fact based on a "preponderance of the evidence" standard (more likely than not) and may include a determination on whether a policy violation occurred or not. If it is determined that a policy violation likely occurred, the report may but is not required to, contain a recommendation of discipline. Depending on the status of the accused / respondent (see below), Human Resources' report will be provided to the following responsible personnel:

1. If the accused is a UMass Chan student: to the Dean of the appropriate UMass Chan school (T.H. Chan School of Medicine, Tan Chingfen Graduation School of Nursing, or Morningside Graduate School of Biomedical Sciences) and the Associate Dean for Student Affairs.

2. If the accused is an employee of UMass Chan and not a UMass Chan faculty member: to the employee's department manager and Executive Vice Chancellor for Administration and Finance.
3. If the accused is a UMass Chan faculty member (in any "faculty" capacity): to the Office of Faculty Affairs and the Provost.
4. If the accused is an employee of UMass Memorial or some other clinical training site: to the department manager and Office of Human Resources at UMass Memorial or other clinical training site.

The responsible personnel described above shall review Human Resources' report, including any recommendation of discipline, and make a determination whether a violation of this ATL Policy has, in fact, occurred based on Human Resources' found facts and using a preponderance of the evidence standard (more likely than not). If it is determined that such a policy violation occurred, the decision regarding any discipline will be governed as follows:

1. UMass Chan "student" discipline is governed by the appropriate school's Honor Code.
2. UMass Chan non-faculty employee discipline is governed by the appropriate UMass Chan Human Resources' policies and procedures, such as the Corrective Action Policy (#06.06.02) and Grievance Policy (#06.06.03), and/or any applicable collective bargaining agreement, and may include consultation with the involved UMass Chan department, Office and/or Business Unit.
3. UMass Chan faculty (in any "faculty" capacity) discipline is governed by UMass Chan's Academic Personnel Policy (Document T95-022, as amended), as interpreted and managed by the Office of Faculty Affairs and UMass Chan's Provost and, where applicable, the Faculty Grievance Procedure of the University of Massachusetts Medical School (Document T88-038A, as amended).
4. UMass Memorial or other clinical training site's employee discipline is governed by the policies and procedures of UMass Memorial or other clinical training sites.

The responsible personnel listed above shall issue written notification to the parties regarding whether a violation was found, whether any discipline might be imposed, and any referral for further handling by others responsible for overseeing and managing the accused and the accused's conduct.¹ The notification must advise the parties that any suggestion or act of retaliation towards those the accused knows or believes came forward, or who participated in the investigation, will be grounds for additional disciplinary action, including but not limited to termination of employment or separation/dismissal from the involved institution.

¹ Nothing in this policy shall preclude any bargaining unit member from utilizing the applicable grievance procedure in their collective bargaining agreement to challenge disciplinary sanctions.

C. No Further Action Taken

This pathway is used when the Learner cannot be identified and therefore a full inquiry cannot be conducted, or if the Learner does not desire for the report to be further addressed. In this circumstance, the report is closed, and the information is included in a de-identified manner for statistical recordkeeping and reporting purposes. Written notification of this outcome shall be sent to all involved parties.

4. Appeal

Any and all “appeal” (or grievance) rights that might exist (if available) shall be governed, administered, and managed by other applicable UMass Chan, UMass Memorial, or other clinical site’s policies, codes, and/or processes, and/or pursuant to any related Collective Bargaining Agreement.

Prohibition Against Retaliation

UMass Chan prohibits retaliation against individuals filing an ATL policy complaint and those who cooperate with an investigation. Individuals who are found to have engaged in retaliation are subject to disciplinary action including potentially up to termination / suspension / dismissal through the applicable UMass Chan policies and procedures.

Approvals

DocuSigned by:

Terence Flotte

8D2F0F4C8D7F43E...

Terence R. Flotte, MD
Dean, Provost, and Executive Deputy Chancellor

11/27/2023

Date

DocuSigned by:

Anne Larkin

A953FB4EATFA469...

Anne C. Larkin, MD
Vice Provost and Senior Associate Dean
for Educational Affairs

11/27/2023

Date