

# Positive Learning Environment Policy

## **Policy Statement:**

The XUSOM, Aruba is committed to providing and maintaining a safe and effective learning environment in which students, faculty, instructors, healthcare staff and administrative staff work together to both educate and learn in a manner that promotes the highest level of patient care. As an institution that trains the primary care physicians of tomorrow, we expect members of our community to uphold an academic environment that encourages mutually respectful relationships those that are conducive to learning, and is free of mistreatment, unlawful discrimination and harassment, and threats of retaliation.

We hold with the Mistreatment Guidelines of the Group on Student Affairs of the Association of American Medical Colleges in stating that, “The medical learning environment is expected to facilitate students' acquisition of the professional and collegial attitudes necessary for effective, caring and compassionate health care. The development and nurturing of these attitudes are enhanced and, indeed, based on the presence of mutual respect between teacher and student. Characteristic of this respect is the expectation that all participants in the educational program assume their responsibilities in a manner that enriches the quality of the learning process.”

It is, therefore unacceptable for a teacher (e.g., faculty member, resident, or others acting in a teaching role) to engage in unlawful discrimination or harassment, and/or mistreatment of students, or fail to adhere to university policies, procedures, and guidelines that establish standards for professionalism and conduct, as well as those principles of professionalism and ethics generally accepted within the medical profession.

All members of the medical education community have a shared responsibility to protect the integrity of the learning environment, a right to work and learn free of unlawful discrimination, harassment and mistreatment, and to report any incident in which that positive learning environment has been compromised.

## **Scope:**

This policy is applicable to all students enrolled in, all faculty, staff and administrators employed by, and all other teachers holding appointments with the XUSOM, Aruba.

## **Characteristics of a Positive Learning Environment**

The learning environment of the medical education program should be “conducive to the ongoing development of explicit and appropriate professional behaviors in its medical students, faculty and staff at all training locations”, whether in the classroom, laboratory, or clinical settings, and “is one in which all individuals are treated with respect”. As such, XUSOM recognizes that each member of the medical school community should be accepted as an autonomous individual and treated civilly and with respect.

## **Role of Teachers:**

The role of the teacher is to create an environment that facilitates learning by

- a. ensuring responsibility and accountability;
- b. demonstrating respect for students as individuals and adhering to their proper roles as intellectual and practice guides and counselors;
- c. making every reasonable effort to foster honest academic/professional conduct;
- d. ensuring that their evaluations of students accurately reflect each student's competence;
- e. respecting the boundaries of the relationship between teacher and student; and
- f. avoiding any exploitation, harassment, discrimination and/or mistreatment of the student.

Please click on the link below for:

[Code of Professional Conduct | Xavier University School of Medicine \(live-xusom-faculty.pantheonsite.io\)](https://live-xusom-faculty.pantheonsite.io)

### **Role of Students:**

Students also have a responsibility in creating and maintaining a positive learning environment by:

1. Complying with all applicable policies, procedures, and guidelines establishing expectations for student professionalism and other standards of conduct;
2. Attending, being prepared and on time for, and participating in all academic and clinical activities and learning experiences consistent with the expectations of the faculty member, department, medical school, and/or experiential site;
3. Respecting teachers, staff and fellow learners as individuals, without regard to race, color, religion, sex, national origin, ancestry, age, order of protection status, genetic information, marital status, disability, sexual orientation, gender identity, or unfavorable discharge from the military or status as a protected veteran;
4. Seeking out, accepting and learning from feedback, in a respectful and receptive manner;
5. Understanding and, when not certain, seeking clarification on what does and does not constitute student mistreatment; and
6. Immediately reporting incidents of student mistreatment experienced or observed.

### **Student Mistreatment:**

Certain behaviors are inherently destructive to the teacher-learner relationship. Behaviors such as violence, sexual abuse or harassment, inappropriate conduct or discrimination based on personal characteristics must never be tolerated. Other behavior can also be inappropriate if the effect interferes with professional development. Behavior patterns such as making habitual demeaning or derogatory

remarks, belittling comments or destructive criticism fall into this category. On the behavioral level, abuse may be operationally defined as behavior by medical school faculty, residents, or students which is disapproved by society and by the academic community as either exploitive or punishing.

Examples of inappropriate behavior or situations that would be unacceptable include:

- Physical contact, including any physical mistreatment or assaults such as hitting, slapping, kicking, throwing objects or threats of the same nature
- Verbal abuse (attack in words, or speaking insultingly, harshly)
- Comments and jokes of stereotypic or ethnic connotation, visual harassment (display of derogatory cartoons, drawings or posters)
- Inappropriate or unprofessional conduct that is unwarranted and reasonably interpreted to be demeaning or offensive
- Requiring a student to perform tasks intended to humiliate, control, or intimidate the student
- Unreasonable requests for a student to perform personal services
- Grading or assigning tasks used to punish a student rather than to evaluate or improve performance
- Purposeful neglect or exclusion from learning opportunities as means of punishment
- Sexual assault or other acts of sexual violence
- Sexual harassment
- Disregard for student safety

While constructive criticism is appropriate in certain circumstances in the teacher-learning process, it should be handled in such a way as to promote learning, avoiding purposeful student humiliation. Feedback that has negative elements is generally more useful when delivered in a private setting that fosters discussion and behavior modification. All feedback should focus on behavior rather than personal characteristics and should avoid pejorative labeling.

### **Reporting Mistreatment & Other Learning Environment Concerns:**

Due to the sensitive nature of such complaints and the need to occasionally deal with these issues either without the consent of the reporter or without revealing the identity of the reporter, a number of mechanisms need to be in place for resolution and communication of the resolution of the issue.

The faculty and administration must be able to assure learners that they will be “protected” when making truthful reports of abuse or unprofessional behavior on the part of others, even when their identity must be disclosed. Such reporting is a professional obligation on the students’ part as members of our educational

community. Members of our educational community including faculty and staff who witness others being abusive to learners or exhibiting unprofessional behavior are also expected to report these incidents. This will help to create a better learning environment for all.

A complaint should be reported as soon as possible but not more than 90 (ninety) days after the alleged incident. Several avenues (listed below) are open to the student who experiences an incident of inappropriate behavior and mistreatment or is the witness to unprofessional behavior. The same pathways may be used by faculty and staff who witness abusive and/or unprofessional behavior. In situations where the observed behavior does not involve a learner the faculty and staff members also have the option of addressing the issue with a supervisor of the person exhibiting the behavior.

#### A. Informal Pathway

1. Addressing the Issue Directly:

The student may consider speaking directly with the person. If the behavior stems from a misunderstanding or a need for increased sensitivity, the person will often respond positively and stop. Open communication may clarify any misunderstanding or issue(s) and lead to a successful, informal resolution.

2. Counseling and Guidance:

A student, who has concerns about the learning environment, may speak with the Course or Clerkship Director, the Assistant Dean for Student Affairs, or a Faculty Mentor. All involved parties must agree upon all informal resolutions. For tracking purposes, a written record of the resolution must be filed with the Assistant Dean for Student Affairs; however, this can be done without reference to specific names.

3. Consultation with the Assistant Dean for Student Affairs:

If Steps 1 or 2 are not successful or appropriate, a student must refer the complaint to the Assistant Dean for Student Affairs, who may make one last attempt at informal resolution.

#### B. Formal Resolutions via University Policy

Once an alleged mistreatment has been identified there are multiple tiers of formal resolution. Resolution of reported actions which are not egregious or reported in an anonymous fashion will be up to the discretion of the course or clerkship director and other members of XUSOM administration. For tracking purposes, a written record of the resolution must be filed with the Assistant Dean for Student Affairs. Any actions identified in the University Policies on sexual assault, sexual harassment, bullying and other types of harassment, or other violations of ethics or codes of conducts, must be reported and handled in accordance with policies that address these violations. Resolution of reported actions which are recurrent or egregious will be reviewed by the Dean who will follow the procedures below:

#### **Initial Inquiry**

1. Inquiry into a violation of these standards of conduct committed by any individual will be initiated after a written complaint is filed with the Dean. The complaint should be filed within 90 (ninety) days of the violation.
2. The complaint must be detailed and specific, and accompanied by appropriate documentation. The Dean has the responsibility to protect the position and reputation of the complainant.
3. Upon receipt of a properly documented complaint, which has been made in good faith, the Dean shall inform the respondent of the nature of the charges and identify the complainant. The Dean shall also appoint an inquiry officer, who may not be a member of the same department as, or collaborator with, the complainant or respondent. The inquiry officer shall have no conflicts of interest or appearance of conflict of interest in the matter and have appropriate background to judge the issues being raised. He/she must be a faculty member of the Xavier University School of Medicine. An inquiry officer will be appointed within two weeks of the receipt of a properly documented complaint and the complainant and respondent will be notified. The Dean shall also make every effort to protect the identities of both complainant and respondent with respect to the larger community.
4. The inquiry officer shall gather information and determine whether the allegation warrants a formal investigation. He/she shall then submit a written report to the Dean, the complainant, and the respondent. The report shall state what evidence was reviewed, summarize relevant interviews, and include conclusions. This report shall ordinarily be submitted within 30 calendar days of receipt of the written complaint by the Dean. If the inquiry officer finds that a formal investigation is not warranted, the complainant shall be given the opportunity to make a written reply to the officer within 15 calendar days following receipt of the report to the Dean. If the inquiry officer finds that a formal investigation is warranted, the respondent shall be given the opportunity to make a written reply to the report within 15 calendar days following submission of the report to the Dean. Such replies shall be incorporated as appendices to the report. The entire preliminary inquiry process shall be completed within 60 calendar days of the receipt of a properly documented complaint by the Dean unless circumstances clearly reveal that in the interests of the parties involved the process be expedited or warrant a delay. In such cases the record of inquiry shall detail reasons for the delay.
5. If the report of the inquiry officer finds that a formal investigation is not warranted, the Assistant Dean may (i) initiate a formal investigation despite the recommendation of the preliminary inquiry officer, or (ii) not initiate a formal investigation, but take such other action as the circumstances warrant, or (iii) drop the matter. The Dean ordinarily shall complete the review within 10 days of receipt of the report. The Dean shall inform the concerned parties of the decision. In the event the Dean determines not to initiate a formal investigation, the Dean shall, as appropriate, protect the position and reputation of the complainant if the complaint is found to have been made in good faith.
6. If no formal investigation of the respondent is conducted, sufficient documentation shall be kept on file to permit a later assessment of the reasons that a formal investigation was not deemed warranted.
7. If the report of the inquiry officer finds that a formal investigation is warranted or the Dean decides the matter should be pursued through a formal investigation the Dean shall:
  - notify the complainant and respondent;

- initiate a formal investigation.

## **Affiliate Sites**

For faculty and staff at affiliate sites the Dean will inform the Assistant Dean or designated educational site director at the affiliated site responsible for overseeing the training of Xavier University School of Medicine students of any complaint that is brought and findings of the initial inquiry. Formal investigations and resolutions of these matters involving faculty and staff at affiliate sites will be determined by the appropriate administrators at those sites in keeping with their institutional policies.

## **Procedures**

1. If the Assistant Dean for Student Affairs or the Dean is the respondent or in any other way has a conflict of interest or the appearance of a conflict of interest, he or she is obligated to remove him or herself from the case during any inquiry, investigation, or resolution, and the Dean shall appoint someone else to assume responsibility for monitoring and carrying out these procedures.
2. Complete records of all relevant documentation on cases treated under the provisions of this policy shall be preserved in the Office of the Dean for at least ten years.
3. Retaliation against any member of the school community who comes forward with a complaint or concern is prohibited. If an individual believes that he or she is being subjected to retaliation as a result of coming forward with a concern or a complaint, he or she should refer the matter to the Deans and/or the CAO.

## **False Complaints and Refusal to Cooperate:**

The intentional filing of a false complaint is a violation of this and other University policies and may subject such person to discipline up to and including termination or, in the case of a student, dismissal from the School. Refusal to cooperate with/or participate in an investigation is a violation of this policy and may subject such person to discipline, except for refusal to participate by victims of sexual violence. Anyone who believes that he/she has been the subject of a false complaint may file a complaint with the Dean. If evidence of an intentional false complaint has been found, appropriate disciplinary action will be undertaken.

This provision is not intended to discourage complaints in those instances where an individual believes in good faith that discrimination, harassment and/or inappropriate conduct in the learning environment has occurred.

## **Education and Prevention**

A. To promote an environment respectful of all individuals, the Xavier University School of Medicine will provide ongoing education to students, residents, fellows, faculty, and other staff that emphasizes the importance of professional and collegial attitudes and behavior. The materials and methods for providing this education will be the responsibility of the Office of the Student Affairs.

B. Education of the Xavier University School of Medicine community concerning mistreatment and professional behavior serves to promote a positive learning environment. This is characterized by attitudes of mutual respect and collegiality. Education will alert all members of the Xavier University School of Medicine community to expected standards of behavior. Education will also inform persons who believe they have been mistreated of the avenues for redress and will inform all concerned parties of the policies and processes for responding to allegations of mistreatment and unprofessional behavior.

C. The methods for disseminating and providing information and education to the specific groups are described below, subject to annual review by the Dean:

#### 1. Medical Students

- The policy will be included in the Student Handbook.
- The topic will be addressed at all orientations.
- Each department will be required to include this topic in the course policies for each preclinical course and each clinical rotation.

#### 2. Residents and Fellows

- The policy will be sent to the Program directors and Deans at the Affiliate hospital site who in turn share it with Residents and Fellows.
- The clinical department chairs will be encouraged to ensure all their fellows and residents are cognizant of the policy.

#### 3. Faculty and Graduate Students

- An informative written message will be sent each year from the Dean's Office to all departmental chairs.
- The Dean will direct the chairs to distribute the information to all faculty and graduate students within their respective departments and a member of the Dean's Office will present the policy at departmental meetings on an annual basis.
- Chairs will also direct the course directors, clerkship directors, and program directors to convey this information to all adjunct faculty who participate in the teaching process in order to ensure that all faculty are cognizant of the policy.

#### 4. Nursing and Other Clinical/Support Staff

- An informative written message will be sent each year from the Dean's Office to the Chief Academic Officer and Chief Medical Officer at University Hospital to explain the policy and to request its distribution to all staff interacting with Xavier University School of Medicine trainees.

#### 5. Faculty and Staff at All Affiliate Sites

- Affiliation agreements with all training sites will reference the policy and delineate expectations regarding distribution of the information contained in the policy to faculty and staff at the site. An informative written message will be sent each year from the Dean's Office to the Assistant Dean or designated educational site director and Chief Medical Officer at each training site to explain the policy and to request its distribution to all staff interacting with Xavier University School of Medicine trainees.

D. The Basic science and Clinical Science curriculum sub-committees will monitor influences (positive and negative) throughout the learning environment. They will review the results of student feedback/evaluations of courses and clerkships as it relates to the learning environment and may choose to survey students and other groups to ascertain further information regarding positive and negative influences in this arena. Based on these sources of information the Basic science and Clinical Science curriculum sub-committees will make recommendations regarding the need for interventions (e.g., faculty and staff education and development) to address issues that are leading to a sub-optimal learning environment and these will be presented to the Curriculum Committee for consideration. The decision and final recommendations of Curriculum Committee will be presented to the Faculty Senate. Feedback on the success of implemented changes and programs is monitored by the Basic science and Clinical Science curriculum sub-committees, the Faculty Senate, the Deans Cabinet and the CAO.

#### **Plans for monitoring and assessment**

The Curriculum Committee will monitor positive and negative influences on the learning environment and make recommendations regarding corrective interventions.

**Policy Contact:** Dean of Student Affairs/Chair, Curriculum Committee

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