

**MARSHALL UNIVERSITY SCHOOL OF MEDICINE**  
**Institutional Standards of Behavior Policy**  
**FACULTY**  
**FA #1**

**STATEMENT ON INSTITUTIONAL STANDARDS OF BEHAVIOR**

The Marshall University School of Medicine, consistent with the Liaison Committee on Medical Education (LCME) and the Marshall University Board of Governors policies, fosters and maintains an educational and clinical community in which students, faculty, and staff can work together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Conduct such as violence, sexual harassment and inappropriate discriminations based on personal characteristics are inherently destructive and will not be tolerated. Other patterns of unacceptable behavior by medical school faculty, staff, residents, or students in this category include habitual demeaning or derogatory comments that are belittling, insensitive, and/or crude; destructive criticism; student humiliation or dehumanization; rejection and alienation. While the School recognizes the need for effective and constructive criticism as a part of the learning process, feedback does not have to be demeaning or dehumanizing.

Examples of inappropriate professional behaviors include, but are not limited to:

- Physical punishment or physical threats
- Sexual harassment
- Discrimination based on race, religion, ethnicity, sex, age, sexual orientation and physical disabilities
- *Repeated or gross singular episodes* of psychological punishment of a student by a particular superior or equal (e.g., public humiliation, dehumanization, belittlement or derogatory comments, threats, intimidation, rejection, alienation, and removal of privileges)
- *Repeated or gross singular episodes* of annoying or humiliating conduct which offends a reasonable person to whom the conduct was obviously directed, including but not limited to the following: obviously condescending expressions, gestures, or behavior, speech, physical contact or repeated inappropriate telephone or E-mail messages.
- Demonstration of favoritism through grading or attention
- Demonstration of the use of punishment by the assigning of tasks not for educational purposes
- Rendering of personal services
- Taking credit for another individual's work
- Intentional neglect or intentional lack of communication.

*For the purpose of this statement, relationships in the educational and clinical community include those of unequal power (teacher-learner or learner-teacher) as well as those of equal power (teacher-teacher or learner-learner) relationships. In the case of reporting faculty abuse or harassment of patients, students should contact the Director of Compliance and Risk Management at 304-691-1712. The student's report will be held in strict confidence. Students will be protected against retribution or retaliation.*

**1. SEXUAL HARASSMENT**

Sexual harassment of Marshall University School of Medicine students and employees is an unacceptable conduct that will not be tolerated. Sexual harassment may occur in situations that share a common element: the inappropriate introduction of unwelcome

sexual advances, activities or comments, requests for sexual favors, or other verbal or physical conduct of a sexual nature into the academic (learning) or clinical environment as in teacher-learner, learner-teacher, teacher-teacher, learner-patient and learner-learner relationships. For the purposes of this policy, however, sexual harassment is intended to be defined consistent with EEOC and United States of Education guidelines and the Marshall University Board of Governors policy.

Irrespective of the type of relationship, all relationships should be carried out in a professional manner in a learning environment that focuses on education, high quality patient care, and ethical conduct. For general policy purposes, sexual harassment may be described as unwanted sexual advances, requests for sexual favors, and other physical conduct and expressive behavior of a sexual nature where: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; (2) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decision affecting that individual. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or demeaning employment or educational environment.

## **2. CONSENSUAL ROMANTIC AND SEXUAL RELATIONSHIPS**

### **A. Teacher-Learner or Learner-Teacher**

Consensual romantic, sexual or other non-professional relationships between faculty and students are prohibited during the time the teacher is in a supervisory or evaluative role with a learner. It is expected, however, that the teacher would not allow himself or herself to be in a position of making any decisions or judgments that would affect the student's academic, educational career or future employment. It is also expected that the faculty member would remove or recuse himself or herself should the situation arise in the future.

The School of Medicine prohibits teachers to have a supervisory or evaluative role over any students with whom they have a familial or other type of relationship, including but not limited to parents, siblings, roommates, friends, etc. Therefore, any teacher who has such a relationship with a student must avoid any possibility of being in a supervisory or evaluative role with that student. Violation of this policy will result in action by the Standards on Behavioral Integrity Committee.

### **B. Learner-Patient Relationship or Patient-Learner**

Students are not to engage in consensual romantic, sexual or other nonprofessional relationships with a patient, even at the apparent request of a patient. Violation of this policy will result in action by the Standards of Behavioral Integrity Committee, including dismissal. The student is not expected to tolerate inappropriate sexual behavior on the part of patients.

### **C. Administrative-Student Relationship or Student-Administrative**

Since administrative staff has either a direct or indirect impact upon a student's performance evaluation process, the School of Medicine strongly discourages any romantic, sexual or non-professional relationships between members of the administrative staff and undergraduates. Violation of this policy shall be brought before the Standards of Behavioral Integrity Committee.

### **3. REPORTING MISTREATMENT OR HARASSMENT/PROCESS**

Any student who feels that s/he has been mistreated is strongly encouraged to report such behavior to the Offices of Academic Affairs and/or Student Affairs. Students may also consult the Assistant Dean for External Affairs. The Academic and Student Affairs Deans are available for assistance/ consultation at any time. Such informal consultation will be confidential, unless precluded by safety of the student or by the University policy and procedure. Students have the right to report such incidents without fear of retribution or retaliation.

There are two types of reporting: formal and informal.

#### **A. Formal Reporting**

Upon receipt of a formal report, the Academic and Student Affairs Deans shall jointly review the situation and alleged violation with the accused, and the accused Department's Chair and, if necessary call into session the Standards of Behavioral Integrity Committee. The panel is to convene in a timely manner and may solicit facts by speaking with the victim and the alleged perpetrator, as well as any key witnesses. A report of the findings and recommendations will be submitted to the Associate Dean of Academic Affairs within 10 days of the meeting. The Academic Dean shall share the findings with the Student Affairs Dean.

1. The Academic Dean will review the findings, and forward them on the Dean of the School of Medicine for action.
2. The Dean may accept, modify or reject the Committee's recommendation upon consultation with the appropriate departmental chair and the Associate Deans.
3. The decision of the Dean is final.

If a meeting of the Committee is deemed not necessary, the Associate Deans and the Dean may investigate the complaint and decide proper course of action. Retaliation against any member of the School community who comes forward in good faith with a complaint will not be tolerated. Such action will be cause for disciplinary action under this policy as a separate incident of mistreatment.

#### **B. Informal Reporting**

Upon receipt of an informal complaint, the Associate Deans will jointly consult the Dean to determine if an investigation is warranted. If an investigation is warranted, the Associate Deans will jointly meet with the person accused of being in violation and present the incident details, *not naming the accuser if it is an informal complaint*. *Confidentiality is assured for those who file an informal complaint.*

The Associate Deans will jointly present the informal complaint to the Dean for determination of further investigatory action, including meeting with the appropriate departmental chair(s).

#### **4. STANDARDS OF BEHAVIORAL INTEGRITY COMMITTEE MEMBERSHIP**

The Associate Dean of Academic Affairs upon consultation with the Student Affairs Dean will appoint the Standards of Behavioral Integrity Committee. The Committee will consist of three basic science faculty members, and three clinical science faculty members. The Associate Deans will jointly appoint a student representative from each of the top three class levels. One of the panel members will be appointed by the Associate Deans to serve as Chair. A maximum of two residents may also be appointed. Committee members will serve for two-year terms and may be reappointed. The Associate Dean of Academic Affairs and the Associate Dean of Student Affairs will serve as ex-officio non-voting members. A quorum consists of one half of the entire membership plus one.

#### **5. BEHAVIORAL INTEGRITY COMMITTEE REPORTING**

The Academic Dean will provide the Curriculum Committee and the Dean's Advisory Committee with a yearly summary report on the number of formal and informal reports filed.

#### **6. REPRISAL STATEMENT**

In keeping with the code of professional behavior, a concerted effort must be made to provide employees and students with an environment free of all forms of mistreatment and harassment. Accusations of violations of this policy are grievous and can have serious and far-reaching effects on the careers and lives of accused individuals.

Allegations must be made in good faith and not out of malice. Any accusations found to be malicious in intent may be subject to disciplinary action by the Standards of Behavioral Integrity Committee. Any retaliatory action will be a violation of this policy. Students, faculty members, or staff members seeking information on harassment may not be subjected to any form of reprisal.

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