

# **Virginia Commonwealth University School of Medicine Students' Bill of Rights And Responsibilities And Mistreatment Prevention Policies**

## **Preamble: University Commitment to Equal Educational Access**

Virginia Commonwealth University is an academic community given meaning through the mutual respect and trust of the individuals who learn, teach, and work within it. Each member of this community is entitled to certain rights and privileges which must be protected through fair and orderly processes and which are best safeguarded when members act in an orderly and responsible manner. Each member of the University community is equally entitled to the protection of this document.

The University is committed to providing equal access to educational and occupational opportunities in an environment conducive to academic freedom and free inquiry. The principle of academic freedom requires all persons to respect another's dignity, to acknowledge another's right to express differing opinions, to cultivate and to cherish intellectual honesty, and to promote freedom of inquiry and expression. It is therefore the policy of the University that no act of any member of the University community shall serve to restrain or inhibit access to opportunities or the exercise of these freedoms.

As provided for in University Rules and Procedures, no person, either singly or in concert with others, shall willfully:

1. Discriminate against another person on a basis not reasonably related to the educational or job functions involved on the basis of race, ethnicity, sex, religion, color, creed, disability, sexual orientation, marital status, and age.
2. Harass or intimidate any person.
3. Cause physical injury or threaten any person with force or violence.
4. Have in his or her possession any firearm, other weapon, or explosive, regardless of whether a license to possess the same has been issued, without the written authorization of the president of the University. This restriction does not apply to persons whose duties lawfully require the possession of firearms or other weapons.
5. Disrupt or prevent the peaceful or orderly conduct of classes, lectures, meetings, or other University functions, or interfere with the lawful freedom of other persons, including invited speakers, to express their views.

6. Falsify or forge an official University record or document; or file documents with the University with the intent to mislead.
7. Lie, cheat, steal, or plagiarize. Violations of lying, cheating, plagiarism, and stealing will be adjudicated through this or other applicable documents. Student academic violations of lying, cheating, plagiarism, and stealing will be referred to the VCU Honor System for adjudication.
8. Violate any duly authorized University rule or regulation issued pursuant to a specific University function, for example, regulations applicable to social events, the library, or University hospitals.
9. Incite others to commit any act which has been herein prohibited.
10. Bring charges against a member of the University community that are spurious, or that are intended primarily to harass or maliciously defame, or that are designed to intentionally overburden the adjudicatory system.

#### [Virginia Commonwealth University Rules and Procedures](#)

This website compiles policies and guidelines developed by Virginia Commonwealth University and the School of Medicine governing many aspects of the learning environment, which help define student rights and responsibilities. A detailed explanation of most policies, how to proceed if a policy is violated, as well as applicable penalties and other disciplinary action may be found in the VCU Resource Guide at <http://www.students.vcu.edu/rg/>. If not contained in the Resource Guide, a specific link is provided for additional information.

### **The School of Medicine's Learning Environment Principles and Guidelines**

The VCU School of Medicine is committed to diversity and equal opportunity, placing a high value on facilitating an environment conducive to learning for all students. The relationship between teacher and learner bears continued, close examination and requires a commitment to the highest standards of professionalism and ethics. Learning climate enhancement is similarly an important aspect of the Liaison Committee on Medical Education's accreditation process. Preventing mistreatment of medical students through policies for reporting, investigating and resolving allegations of mistreatment is the responsibility of the Senior Associate Dean for Medical Education and Student Affairs.

The objectives of the School of Medicine's Learning Environment Principles and Guidelines are three fold:

1. To define standards of conduct among all members of the VCU Health System community and participants in medical education on all teaching campuses, specifically the teacher/learner relationship;

2. To administer a process for handling complaints of student mistreatment (reporting, investigating and resolving); and
3. To monitor issues and trends and educate the Health System community on learning environment enhancement and the prevention of student mistreatment.

## **Standards of Conduct: Teacher/Student Relationship**

### **• VCU School of Medicine Standards of Professional Behavior**

<http://www.medschool.vcu.edu/professionalism> -- These standards describe behaviors expected from all members of the School of Medicine (SOM) community in all educational, clinical, research and administrative settings. Professionalism is expected during all interactions, whether face-to-face or via telephone, video, email, or social networking technologies. Conduct, both on and off campus, must adhere to these standards.

Members of the SOM Community will:

- Recognize their positions as role models for others in all settings.
- Carry out academic, clinical and research responsibilities in a conscientious manner, make every effort to exceed expectations and make a commitment to life-long learning.
- Treat everyone in the SOM community with sensitivity to diversity in culture, age, gender, disability, social and economic status, sexual orientation, and other personal characteristics without discrimination, bias or harassment.
- Maintain patient, research subject, and student confidentiality.
- Be respectful of the privacy of all members of the SOM community and avoid promoting gossip and rumor.
- Interact with all other members of the SOM without arrogance and with respect and recognition of the roles played by each individual.
- Provide help or seek assistance for any member of the SOM community who is recognized as impaired in his/her ability to perform his/her professional obligations.
- Be mindful of the limits of one's knowledge and abilities and seek help from others whenever appropriate.
- Abide by accepted ethical standards in scholarship, research and standards of patient care.
- Abide by the guidelines of the VCU Honor System and Rules and Procedures.

### **• Proper Conduct in Instructional Settings**

The University is a community of learners. Students, as well as faculty, have a responsibility for creating and maintaining an environment that supports effective instruction. In order for faculty to

provide and students to receive effective instruction in classrooms, laboratories, studios, online courses, and other learning areas, the University expects students to conduct themselves in an orderly and cooperative fashion. ([www.students.vcu.edu/policies.html](http://www.students.vcu.edu/policies.html))

#### • **The Association of American Medical Colleges Definitions of Mistreatment**

- The Association of American Medical Colleges (AAMC) describes eight general areas of student mistreatment:
  - Public belittlement or humiliation
  - Threats of physical harm or actual physical punishment
  - Requirements to perform personal services, such as shopping
  - Being subjected to unwanted sexual advances
  - Being asked to perform sexual favors in exchange for grades
  - Being denied opportunities for training because of gender, race/ethnicity or sexual orientation
  - Being subjected to offensive remarks/names directed at you based on gender, race/ethnicity or sexual orientation
  - Receiving lower grades or evaluations based on gender, race/ethnicity or sexual orientation
- The AAMC recommends use of their Graduation Questionnaire, which the VCU School of Medicine embraces and regularly administers. In this way, we fulfill our learning environment guidelines to monitor issues and trends in the area of student mistreatment.

#### • **Harassment**

Often students, as well as employees, use the term “harassment” to describe unwanted conduct and behaviors directed toward them by a peer or a superior, which they find offensive or demeaning. The term can have many meanings, however, and misuse of the term can lead to miscommunication and frustration over the best way to resolve the damage to relationships caused by what is perceived to be harassing behaviors.

#### • **Unlawful Harassment**

Unlawful harassment is a legal concept under continual refinement by government policy makers, and particularly the judicial system. Beginning in the 1980’s, Title VII of the Civil Rights Act of 1964 was interpreted by the Equal Employment Opportunity Commission to include workplace sexual harassment as an actionable theory of gender discrimination. Courts have since developed the case law under Titles VII and IX, which ensures gender equity in the provision of federally funded educational benefits, and now recognize a causes of action for damages caused by gender based harassment of employees and students. Moreover, harassment based on other

the protected traits such as race, religion, national origin and disability also are recognized by the federal and state courts.

In recognition of these developments in the law, VCU has developed policies over the years prohibiting workplace discrimination, including sexual harassment, prohibiting student sexual misconduct and regulating consensual relationships between faculty and students. Virginia Commonwealth University policy expressly defines and prohibits sexual misconduct between students.

- *Student sexual misconduct* is defined as unwelcome acts of a sexual nature committed by a student against another student without consent including, sexual advances, requests for sexual favors and/or other verbal or physical conduct, including written communications of an intimidating, hostile or offensive nature, or action taken in retaliation for the reporting of such behavior.
- *Student sexual misconduct* may include, but is not limited to unwelcome touching—either of the victim or when the victim is forced to touch another person’s body, directly or through clothing—such as patting, pinching, brushing against the body, attempted or actual kissing or fondling, and any other inappropriate and/or unwelcome touching or feeling; coerced sexual intercourse (e.g., rape, attempted rape, sodomy, or other sexual acts or misconduct); unwelcome sexual propositions, invitations, or other pressure for sex; implied or overt threats of a sexual nature; making gestures of a sexual nature; unwelcome sexual remarks about clothing, body, or sexual activities; and humor and jokes about sex that denigrate women or men in general.
- Acts of physical student sexual misconduct are commonly considered to constitute a form of sexual assault when occurring without consent. To constitute lack of consent, the acts must be committed either by threat, force, intimidation, or through the use of the victim’s physical or mental inability (of which the accused was aware or should have been aware) to understand the situation, consequences of his/her choices, or to express his/her desires. ([www.provost.vcu.edu/pdfs/sexualmisconduct.pdf](http://www.provost.vcu.edu/pdfs/sexualmisconduct.pdf) - 2010-06-04)

In addition, the University has adopted a policy aimed at reducing the potential for harm created from consensual relationships that sometimes develop between instructors and their students. (<http://www.vcu.edu/provost/pdf/consensual-relationships-policy.pdf>). The University is committed to maintaining learning and work environments as free as possible from conflict of interest, exploitation and favoritism. Therefore, employees, whether faculty or staff, are not allowed to engage in consensual relations with students whenever the employee has a “position of authority” with respect to the student in such matters as teaching or in otherwise evaluating, supervising or advising a student as part of a school program or employment situation. The policy includes reporting requirements aimed at reducing the potential for conflicts of interest.

If you feel that you have been subjected to unlawful harassment, severe and pervasive mistreatment which interferes with your access to or attainment of an educational benefit, you are encouraged to report that to the Senior Associate Dean for Medical Education and Student Affairs or the Associate Dean for Student Affairs in the School of Medicine and or the EEO/AA Office for investigation and resolution.

## **Additional Rights and Responsibilities**

### **• Appropriate Use of University Premises in the Pursuit of Educational Goals, Occupational Endeavors, and Recreational Activities**

(Refer to University Rules and Procedures [www.students.vcu.edu/policies.html](http://www.students.vcu.edu/policies.html))

- No person, either single or in concert with others, shall willfully:
  - Unreasonably stop or obstruct the free movement of any person or vehicle, or unreasonably obstruct passageway, entrance, or exit.
  - Refuse to leave any University premise after being ordered to do so by an authorized member of the University community.
  - Destroy or damage land, buildings, or equipment owned or controlled by the University, the personal possessions of any individual, or without proper authorization, use, remove, or fail to return property.
  - Without permission, enter any office of an administrative officer, faculty member, or employee, or student office or room.
  - Enter into, or remain in, any University premise for other than an authorized purpose.

### **• Access to and Protection of Educational Records**

(Refer to University Rules and Procedures [www.students.vcu.edu/policies.html](http://www.students.vcu.edu/policies.html))

- The Family Educational Rights and Privacy Acts (FERPA) affords students certain rights with respect to their educational records:
  - The right to inspect and review the student's educational records within 45 days of the University receiving a request for such access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official written requests that identify the record(s) they wish to inspect.
  - The right to request the amendment of the student's education record that the student believes is inaccurate or misleading.

- The right to consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorizes disclosure without consent.
- A school official may disclose a student's educational record without consent to other school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- Upon request, the University discloses education records without consent from directory information such as student name, date admitted, mailing address and telephone number, etc. Students have the right to withhold the release of information designated as "directory information" by submitting to the Office of Records and Registration, no later than 14 days after the beginning of a term, a request written and signed that "directory information" not be released.
- Students have a right to file a complaint with the US Department of Education concerning alleged failures by Virginia Commonwealth University to comply with the requirements of FERPA.

• **Limited Work Duty Hours During the M3 and M4**

(Refer to School of Medicine Student Handbook <https://ecurriculum.som.vcu.edu/handbook/>)

- Students will be on duty no more than an average of 80 hours per week
- Students will not spend more than 30 consecutive hours on duty
- Students will receive 1 day in 7 free from all educational responsibilities
- Students will not be required to take overnight call 2 evenings prior to the end of clerkship subject exam.

• **Proper Off-Campus Conduct**

(Refer to University Rules and Procedures [www.students.vcu.edu/policies.html](http://www.students.vcu.edu/policies.html))

- When determined to be detrimental to the interests of the University, certain off-campus conduct by students which results in a conviction of a criminal offense or an adjudication of civil liability by a court of law may subject the student to penalties by the University. Such offenses include:
  - Theft, destruction, defacing or damaging land, buildings, equipment or property of others.
  - Possession, use, sale, or distribution of illegal drugs or substances or the underage possession and/or consumption of alcohol.

- Assault and/or battery, sexual assault, threats, stalking or domestic violence or other offenses causing personal injury or death.
- Breach of the peace (e.g., disorderly conduct, public drunkenness, unlawful assembly, etc.).

## **Responsibilities of Faculty Related to Privileged and Confidential Student Health Records**

### **• Policy for Prevention of Health Professionals Academically Evaluating Medical Students for Whom They Have Provided Sensitive Health Services**

(Refer to School of Medicine Student Handbook <https://ecurriculum.som.vcu.edu/handbook/>)

The Liaison Committee on Medical Education Standard MS-27A states: “The health professionals who provide psychiatric/psychological counseling or other sensitive health services to medical students must have no involvement in the academic evaluation or promotion of the students receiving those services.”

Virginia Commonwealth University Student Health Services and University Counseling Services do not employ any health professionals who would be involved in the academic evaluation or promotion of medical students. However, at times students may receive healthcare from professionals outside of these agencies who could potentially be involved in the academic evaluation or promotion process. Virginia Commonwealth University School of Medicine prohibits health professionals who provide sensitive health services to medical students from being involved in the academic evaluation of those students.

It is the responsibility and obligation of any health professional that has provided psychiatric/psychological counseling or other sensitive health services to a medical student to recuse himself/herself from any activities involving academic evaluation or promotion of that student. The health professional may engage in teaching activities (e.g., lectures, small group discussions, rounds, etc.) with the medical student, but may not participate in any form of evaluation. The health professional and the medical student are advised to contact the Director of the Curriculum Office as early as possible should the potential for this conflict of interest arise.

## **Process for Handling Complaints of Student Mistreatment**

It is vital that students report all forms of mistreatment that they perceive or experience from any member of the University community. Retaliation or reprisal for filing complaints or participating in an investigation is forbidden by University policy. A positive and safe environment for learning and the provision of patient care can only be assured if steps are taken to investigate complaints and seek resolution with all parties.



## • Reporting Complaints

There are several ways a student may report mistreatment:

- Students are encouraged to first contact the Senior Associate Dean for Medical Education and Student Affairs. On the Fairfax INOVA campus, the Associate Dean for Medical Education should be notified. Sometimes feelings of mistreatment may be based on miscommunication. Concerns may be alleviated through improved communication.
- At the end of the third year clerkship evaluations for faculty, houstaff and clerkships, there is a section for reporting mistreatment. It will be anonymous unless the student wishes to disclose his/her name and the name of the offending party. The student should flag the evaluation for review by School of Medicine administration. Unless the complaint is egregious, it will not be acted on until a final grade has been posted for the student. The School and University can be more effective in addressing student mistreatment if we know the name of the offended party, so we would discourage anonymous reports.
- Contact any member of the School of Medicine administration or a member of the faculty for guidance. Many of the issues may also be addressed as a professionalism issue (Please refer to the [SOM Professionalism website](#)).
- Students may call the School of Medicine hotline. The numbers are:
  - MCV Campus: (804) 827-TALK (8255)
  - Inova Campus: (804) 776-TALK (8255)
  - University General Complaints: (804) 828-3976
  - EEO/AA Complaints: (804) 828-1347
- Students may file an informal or formal complaint with the University [Office of Judicial Affairs](#). They will conduct an investigation, and if necessary, arrange for a hearing of the complaint.
- For instances of discrimination based on gender, age, race or ethnicity, or alleged sexual harassment involving faculty, staff or employees, the [EEO/AA Office](#) may be directly contacted.
- For instances of sexual misconduct involving another student, students are encouraged to report to the Title IX Coordinator for Students, Ms. Kendall Plageman, at 837-8753.
- If a student believes he/she has been subjected to a criminal offense, the student may contact the [VCU Police](#) and or City of Richmond Police Department (call 911 for emergencies or (804) 646-5100 for non-emergencies). On the Fairfax INOVA campus, campuse security may be contacted at 776-3180 of if needed Fairfax County Police (call 911 for emergencies or (703) 691-2131 for non-emergencies).

- Students are encouraged to also contact the Senior Associate Dean for Medical Education and Student Affairs (828-9791) or a member of his staff whenever any form of mistreatment occurs. All complaints filed should be reported to this office so that appropriate monitoring can occur.

It is extremely important that mistreatment be reported and acted on to preserve the learning environment and the safe provision of patient care.

## **Investigation**

For students who file complaints with the Office of Judicial Affairs, EEO/AA Office, the VCU or Richmond Police, or the Fairfax Campus security or Fairfax County Police, their established protocols for completing an investigation will be followed. The School of Medicine will monitor these investigations.

For complaints filed with the Senior Associate Dean for Student Affairs or his staff, the following procedures will be followed:

- All complaints will be initially evaluated by the Senior Associate Dean for Medical Education and Student Affairs or his/her designee. Those deemed to require additional investigation, will be investigated by the Senior Associate Dean for Medical Education and Student Affairs or his/her designee through discussions with all affected parties. For the Fairfax INOVA campus, this will be conducted by the Associate Dean for Medical Education or his/her designee.
  - For instances of discrimination based on gender, age, race or ethnicity, or alleged sexual harassment, the Senior Associate/Associate Dean may refer the matter to the EEO/AA office and/or collaborate in order to complete the investigation
  - The results of the investigation will be reviewed by an ad hoc committee appointed by the Dean of the School of Medicine. The committee may ask for additional information, in order to render an opinion to the Dean as to whether or not mistreatment occurred. Recommended resolutions may include, but is not limited to informal agreements between the parties, referral for training and disciplinary action.
  - The Dean will review the material from the ad hoc committee and render a final decision; or refer the matter to the Office of Judicial Affairs or to the EEO/AA Office.