



NYU Langone Health

STUDENT MISTREATMENT POLICY		
EFFECTIVE DATE: March 2018	REVIEWED DATE:	REVISED DATE:

I. POLICY:

A. Prohibited Discrimination:

Prohibited discrimination is adverse treatment of any student based on race, gender and/or gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, or citizenship status, rather than on the basis of his/her individual merit. Prohibited discrimination also includes any conduct that constitutes illegal discrimination under the law of the jurisdiction in which the conduct occurs.

B. Prohibited Harassment:

Prohibited harassment is unwelcome verbal or physical conduct based on race, gender and/or gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, or citizenship status. Prohibited harassment includes conduct that creates an intimidating, hostile, or offensive academic or residential environment or otherwise adversely affects academic opportunities or participation in an NYULISOM activity or benefit. Prohibited harassment also includes any conduct that constitutes illegal discrimination under the law of the jurisdiction in which the conduct occurs.

Examples of actions that constitute prohibited harassment may include, but are not limited to:

- Verbal abuse or hostile behavior, which could include insulting, teasing, mocking, degrading, or ridiculing another person or group;
- Inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands;
- Physical assault or stalking; or
- Displays or electronic transmission of derogatory, demeaning, or hostile materials.

C. Sexual Harassment:

Sexual harassment is discrimination based on gender. NYULISOM reaffirms the principle that students, faculty, and staff have the right to be free from "sexual



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harassment". Harassment on the basis of gender is a form of sexual discrimination and violates Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. The school is responsible for and fully committed to the prevention and elimination of gender harassment. Supervisors and department heads are responsible for promoting an atmosphere that prohibits such unacceptable behavior. Unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of an abusive, sexual nature constitute harassment when such conduct interferes with an individual's work or academic performance, or creates an intimidating, hostile, or offensive work or academic environment. Harassment of employees by supervisors, or of students by faculty or administrators, is unlawful. Conversely, harassment of supervisors by employees, faculty by students, or individuals by co-workers, is also unlawful. The school does not tolerate gender harassment and treats it as a form of misconduct.

D. Relationships between University Staff and Students:

All NYULISOM employees, including administrative staff, medical personnel, full and part-time faculty, teaching assistants and academic mentors, act on behalf of the school and with its authority when supervising or evaluating student work, assigning grades for credit, or acting in an advisory capacity. Familial, romantic and sexual relationships compromise the objectivity and integrity with which employees discharge their academic, administrative and supervisory responsibilities. The use of the student-faculty or student-supervisor relationship to seek or maintain a personal relationship is an abuse of power and is specifically prohibited.

E. Business Relationships:

Business relationships between faculty and students, that actually or potentially entail obligations or concessions that may compromise the academic integrity of either party or the academic program, are not acceptable. Additionally, all full and part-time employees are prohibited from the acceptance of any personal gift of more than nominal value. Individuals engaged in such behavior are subject to disciplinary and/or legal action.

F. Workplace Violence:



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It is NYULISOM’s policy to promote a safe environment that is free from violence for all members of the school’s community. There is no tolerance for any acts of workplace violence, such as physical assaults or acts of aggressive behavior including, but not limited to: An attempt or threat, whether verbal or physical, to inflict physical injury; Any intentional display of force that gives reason for someone to fear or expect bodily harm; Intentional and wrongful physical contact with a person without his or her consent that entails some injury; Stalking with the intent of causing fear of material harm to the physical safety and health of the individual. It is the responsibility of all employees to create and maintain a campus environment free from all acts of workplace violence. Reports of incidents of workplace violence will be taken seriously and dealt with appropriately. Individuals who commit acts of workplace violence may be removed from the premises by campus/hospital security and referred for disciplinary action, criminal penalty or both. In the event that employees observe or experience an incident of workplace violence involving an employee or visitor to the medical school campus in which there is an imminent threat to someone's safety or an injury has occurred, the employee must immediately contact security and in addition notify their immediate supervisor.

G. Disruptive Behavior Policy

Students, faculty, and staff have the right to be free from acts or threats of disruptive behavior and/or physical violence, including intimidation, harassment and/or coercion, which involve or affect the school community. The school does not tolerate any student, faculty member, administrator, or employee, acting individually or in concert with others, who clearly obstructs or disrupts any teaching, research, administrative, disciplinary, public service activity or any other workplace activity held on school/hospital property. The school prohibits retaliation against those who report or cooperate in the investigation of disruptive behavior.

II. PURPOSE: This policy addresses student mistreatment policies and procedures at NYU Long Island School of Medicine (NYULISOM). The NYULISOM aims to educate compassionate, humanistic physician leaders. In keeping with this mission, the school expects all members of its community to model behaviors that promote a positive learning environment for medical students and other learners. Beholden to the highest standards of inclusion, diversity, community integration and humanism, the school will not tolerate any form of discrimination. This environment will be free of humiliation or hostility and mistreatment in any form is unacceptable. This policy provides mechanisms



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and procedures for students to report mistreatment and to identify grievance procedures to address alleged violations. It is incumbent on all members of the NYULISOM – faculty, staff, and students – to know their rights and responsibilities.

III. SCOPE: This policy applies to all NYU Long Island School of Medicine’s students.

IV. DEFINITIONS: N/A

V. POLICY AUTHOR(S)

- Office of Students and Diversity

VI. RELATED POLICIES: N/A

VII. PROCEDURE(S):

A. Reporting

Students may report any incident of discrimination, harassment or violence without seeking permission of their supervisors or other employees of the school of medicine. Any reports of mistreatment should be directed to the associate dean of students. A written complaint is strongly encouraged. The written complaint should:

- Identify the parties involved;
- Describe the alleged prohibited discrimination or prohibited harassment behavior;
- State when and where it occurred; **and**
- Identify by name or description any witnesses.

Complaints should be reported promptly so that an investigation can occur while recollections are freshest and evidence is retained, and so that remedial action can be taken in a timely manner where appropriate. In addition, any conduct that becomes known to the school that may be in violation of this policy will be investigated, regardless of whether a complaint is filed. Efforts will be made to complete the investigation of a complaint within thirty days of the report of the alleged prohibited discrimination or prohibited harassment. Extensions of this time period may be necessary or appropriate in some circumstances. The complainant and respondent will be notified of the extension.



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Students may file an anonymous or confidential report via the Learning Management System. This online mobile evaluation mechanism includes the option of reporting anonymously or confidentially and if confidentially, the option for prompt attention or withholding the report and/or response until a future date (e.g., after grades have been submitted) is also available. Further, the school may decide that a report of mistreatment rises to a level where the office of diversity and/or law enforcement needs to be notified. Students should keep in mind that the range of responses available to the school will be contingent not only on the nature of the mistreatment, but also the degree to which a student is willing to identify him/herself.

Non-teaching personnel in the school conduct periodic focus groups and clerkship exit interviews with students. This serves as another safe venue for students to bring up concerns regarding the learning environment confidentially. Such reports will be directed to the associate dean of students.

While all reports are confidential and separate from any academic record, there are some forms of incident reporting where anonymity cannot be guaranteed. The associate dean of students will help a student talk through options available, including whether or not a student wants to report mistreatment. In cases where the student wishes to maintain anonymity, the student may designate a proxy to present the information.

Regardless of the mechanism by which an incident is reported, the associate dean of students serves as the focal point for the initial review of all mistreatment reports. The following issues will be referred immediately to the office of diversity and/or law enforcement as appropriate:

- Physical assault or sexual harassment
- Workplace violence
- Title IX violations
- Discrimination

The associate dean of students will conduct formal proceedings to decide the appropriate course of action for all reported incidents. There will be a face to face meeting with the student/student proxy and with the reported individual (faculty member, resident, student, allied health professional or staff member). After review of the facts, a recommendation is made in writing to the dean of the school of



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medicine with copies to other appropriate supervisors and the parties involved. Recommendations may range from:

- Dismissal of the concern
- Remediation through educational interventions
- Counseling and psychological services
- Referral to the office of diversity
- Referral to the NYULISOM faculty council
- Referral to school legal counsel
- Other referrals as deemed appropriate

B. Retaliation and False Claims:

Retaliation against a person who reports, complains of, or provides information in a mistreatment investigation or proceeding is prohibited. Alleged retaliation will be subject to investigation and may result in disciplinary action up to and including termination or expulsion.

A person who knowingly makes false allegations of mistreatment, or who knowingly provides false information in a mistreatment investigation or proceeding, will be subject to disciplinary action.

VIII. REFERENCES (LCME references, Functions and Structures of a Medical School March 2020)

3.6 Student Mistreatment

A medical school develops effective written policies that define mistreatment, has effective mechanisms in place for a prompt response to any complaints, and supports educational activities aimed at preventing mistreatment. Mechanisms for reporting mistreatment are understood by medical students, including visiting medical students, and ensure that any violations can be registered and investigated without fear of retaliation.

IX. TYPE OF POLICY: Curricular

X. APPROVALS: Faculty Council



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XI. POLICY MANAGEMENT

Responsible Executive: Dean of the School of Medicine

Responsible Officer: Associate Dean of Students and Diversity

Responsible Office: Office of Students and Diversity