

STUDENT MISTREATMENT POLICIES

University Nondiscrimination Statement

It is the policy of the University of Miami and the UMMSM that no person in the University of Miami may be excluded from participation in, be denied the benefits of, or be subjected to discrimination or harassment under any educational or employment program or activity on the basis of race, color, religion, sex (including pregnancy), sexual orientation, gender identity or expression, genetic information, national origin, age, disability, marital status, familial status, or other prohibited classification. This includes all forms of sexual harassment, sexual violence, domestic violence, dating violence, and stalking. Retaliatory actions against any person who has, in good faith, reported a potential violation, or participated in a subsequent investigation, is also prohibited.

Reports of Sexual Misconduct (which includes sex- or gender-based discrimination, sexual harassment, sexual assault, sexual battery, domestic violence, dating violence and stalking) will be addressed in accordance with the University's **Sexual Misconduct Policy and Grievance Procedures** (described below).

All other complaints of discrimination, harassment or retaliation will be addressed in accordance with the **Grievance Procedures for Matters that Do Not Involve Sexual Misconduct** described below.

Sexual Misconduct Policy and Grievance Procedures

The University of Miami's **Sexual Misconduct Policy** (with sexual harassment, discrimination, and retaliation policy, and applicable grievance procedures) is available online at www.miami.edu/titleix (select *Sexual Misconduct Policy*).

For sexual misconduct complaints, the applicable grievance procedure is determined by the relationship of the accused person to the University, as detailed in the Policy. Everyone should be aware that nearly all University employees who receive a sexual misconduct complaint involving a member of the University community have a legal obligation as a Responsible Employee to report promptly the complaint to the Title IX Coordinator.

Confidential Resources (those who are not required to report the full details of the complaint to the Title IX Coordinator) are limited to members of the Sexual Assault Resource Team (SART), Medical Professionals when acting in their clinical capacity, Campus Clergy, and the Counselors and Staff of the UM Counseling Center.

The University's **Title IX Coordinator** may be reached directly at titleixcoordinator@miami.edu or (305) 284-8624. In addition, the University has designated administrators as:

- **Deputy Title IX Coordinators**, who assist specific members of the University community within their role or campus location. A current list of Deputy Title IX Coordinators is posted at www.miami.edu/titleix under *Title IX Coordinators*.
- **Title IX Liaisons**, who help provide sexual misconduct resources to the Miller School community, and help develop and implement sexual misconduct prevention and awareness programs. The list of Title IX Liaisons is posted at www.miami.edu/titleix under *Title IX Liaisons*.

You may contact any of these individuals to report concerns relating to your own personal situation or that of a friend.

For additional information about the Sexual Misconduct Policy and additional resources, please visit www.miami.edu/titleix.

Grievance Procedures for Matters that Do Not Involve Sexual Misconduct

Under the University's grievance procedures, UMMSM students may address their complaints of discrimination, harassment, or retaliation by reporting such complaints to the University in writing, via the secure online reporting systems of 'CaneWatch (<https://secure.ethicspoint.com/domain/media/en/gui/32533/index.html>) for issues related to learner mistreatment, using the Physicianship Incident Reporting System for non-learner mistreatment issues (<http://mededu.med.miami.edu/physicianship-and-professionalism>) or by calling the 24-hour Mistreatment Reporting Hotline (305-689-2222 or 2-2222 from a campus phone), either informally or formally. Subject to the University's statutory disclosure requirements under the Clery Act or any other applicable statutes, all reasonable efforts will be made to preserve and protect the confidentiality of all parties involved, provided that these efforts do not interfere with the University's ability to investigate and take appropriate corrective action. Students are encouraged to file a complaint within thirty (30) calendar days from the date the incident occurred; however, if extenuating circumstances occur, complaints may be filed later than the 30-day period. Retaliation or subsequent harassment against a student who files such a complaint or participates in an investigation is prohibited.

INFORMAL (VERBAL)

Students, who feel they have been discriminated against or harassed, may contact the Associate/Assistant Dean(s) for Student Services, the Associate/Assistant Dean(s) for Student Affairs, the Senior Associate Dean for Undergraduate Medical Education, Regional Dean for Medical Education or the medical school ombudsman to receive necessary counseling and/or arrange for an investigation of the complaint. Within five (5) working days of the student's complaint, the dean or ombudsman is responsible for notifying the Office of Workplace Equity and Performance (WEP) of the action taken to resolve the matter so that a confidential record can be maintained by the Office of Student Affairs and WEP.

A student who is not satisfied with the informal resolution to their complaint should file a formal complaint with WEP within ten (10) working days of the receipt of a final response from the appropriate dean or ombudsman to WEP.

FORMAL (WRITTEN)

All formal complaints of discrimination/harassment shall immediately be reported to the Director of Workplace Equity and Performance in the WEP Office; you can file a complaint online at: https://umiami.qualtrics.com/jfe/form/SV_4NKIMMgEVgkTEB7

This office will also be available to assist complaint facilitators, ombudsperson, students, administrators, and faculty in the complaint. Any University student who believes that she or he has been subjected to discrimination, harassment, or retaliation may file a complaint through the appropriate procedures described below.

A. Students must report their complaints as follows:

1. Student - Student Complaint

Complaints of discrimination, harassment (**NOT** including sexual violence, domestic violence, dating violence and stalking) or retaliation by a University student against another University student shall be reported to the Associate Dean for Student Affairs; you may contact the Associate Dean through the Office of Student Affairs by e-mail or by phone at (305) 243-2003.

Complaints may also be filed online via the secure online reporting systems of 'CaneWatch (<https://secure.ethicspoint.com/domain/media/en/gui/32533/index.html>) for issues related to learner mistreatment, using the Physicianship Incident Reporting System for non learner mistreatment issues (<http://mededu.med.miami.edu/physicianship-and-professionalism>) or by calling the 24-hour Mistreatment Reporting Hotline (305-689-2222 or 2-2222 from a campus phone). In cases where the students involved are students of other University schools or colleges, reports should be directed to WEP as noted above. If the student has obtained a judicial no-contact or restraining order as a result of the incident/s, a copy should be provided to the Associate Dean for Student Affairs so that the UMMSM may take appropriate steps if necessary.

2. Student - Faculty Complaint

Complaints of discrimination, harassment or retaliation by a faculty member against a student of the University shall be reported to WEP as noted above.

3. Student - Administrator / Employee Complaint

Complaints of discrimination, harassment or retaliation by an administrator/employee against a student of the University shall be reported to WEP as noted above. WEP will collaborate with the appropriate individuals/offices as necessary in order to investigate the complaint.

4. Student - Third Party Complaint

Complaints of discrimination, harassment, or retaliation by a third party (including visitors, patients, applicants, vendors, others) against a student of the University shall be reported to WEP as noted above. WEP will collaborate with the appropriate individuals/offices, as necessary in order to investigate the complaint.

B. Complaint Facilitator- Ombudsperson

In addition to the above persons in positions of authority, students may contact the University ombudsperson who is a member of the University community and serves as a support to the complainant and advisor on the policies and procedures on how to report a grievance. The Ombudsperson's responsibilities shall include listening to complaints and providing necessary counseling on how to handle these concerns, accompanying the individual in a meeting, as appropriate, with the person in position of authority and providing guidance on the University's non-discrimination/anti-harassment grievance procedures. The processing of complaints by the Ombudsperson shall include involvement by WEP and the Office of Student Affairs. The Ombudsperson shall not make policy, override a policy or investigate a complaint.

The Ombudsperson shall notify WEP immediately of student's complaint and the action taken to address the matter so that a confidential record can be maintained by WEP.

The University Ombudsperson can be reached at: <http://ombudsperson.med.miami.edu/> or via phone at: 305-243-8400.

C. Verbal Complaint

Any student, who believes that she or he is the subject of harassment (**NOT** including sexual harassment), discrimination, or retaliation, is encouraged to seek resolution by reporting the matter to the appropriate office. The Associate Dean for Student Affairs or Services shall make every reasonable effort (normally within fifteen (15) working days) to promptly inquire into the facts of the charge of discrimination/harassment upon becoming knowledgeable of the complaint. The responsibility of the associate dean is to listen to the student grievance, investigate the facts surrounding the complaint, provide counsel and attempt to achieve a mutual resolution between/among the parties. The complainant has the right to end the informal resolution process at any time and begin the formal grievance procedure by filing a writing complaint.

The Associate Dean shall, within five (5) working days of the resolution, provide a written statement to WEP specifying the resolution of the problem or complaint.

D. Written Complaint

A student is required to submit a written statement to the Office of Student Affairs (student- student) or WEP for all cases. The written statement is to include the following: the name(s) of the complainant(s), the accused, and any witnesses; the date, time, location, and details of the incident(s); and the desired resolution. Students who

do not provide this information may impede a thorough investigation of the complaint. Nonetheless, the student shall receive counseling and guidance from the Office of Student Affairs (student – student) or the WEP for all other cases.

E. Investigation

Upon the filing of a written complaint by a student, the Office of Student Affairs or WEP shall contact the Dean of the UMMSM of the commencement of the investigation. Normally, the investigating office shall have up to 30 to 60 calendar days to investigate the charges of discrimination/harassment. Such investigations shall consist of, but not limited to, interviewing the parties involved, interviewing witnesses with relevant and material information, and reviewing related supporting documents.

Any individual who knowingly provides false information pursuant in connection with the filing/submission of a complaint of discrimination, harassment or retaliation, or during an investigation will be subject to appropriate discipline, up to and including dismissal from the University.

At the conclusion of the investigation, the Office of Student Affairs or WEP shall notify the Dean of the Miller School of Medicine of the results of the investigation and collaborate on the resolution and implementation of any corrective action, as well as follow up in writing with the student/respondent regarding the complaint. ***The Office of Student Affairs reserves the right to refer any case to the Dean of Students on the Coral Gables campus for investigation and adjudication.***

1. In cases where the accused is a student and it is determined that the reported behavior may represent a violation/s of the Equal Opportunity/Non-Discrimination/Anti-Harassment/Non-Retaliation Policy, the Grievance Procedure Involving Medical Students will be utilized to process the investigation and subsequent case. Please consult the Grievance Procedure Involving Medical Students attached at end of this policy for a detailed description of the disciplinary process. In cases involving alleged violations of the Equal Opportunity/Non-Discrimination/Anti-Harassment/Non-Retaliation Policy, the standard of evidence that will be used will be the preponderance of the evidence standard. Additionally, in connection with the processing of such cases, the complaining and responding parties will have the option to be accompanied by an advisor of their choice. Possible sanctions in response to findings of violations of the Equal Opportunity/Non-Discrimination/Anti-Harassment/Non-Retaliation Policy may include probation, suspension, dismissal and/or expulsion from the Miller School of Medicine and/or the University. At the conclusion of the investigation and/or the disciplinary proceedings, the students involved will be simultaneously informed, in writing, of the findings and any corrective/disciplinary actions.

2. In the case where the accused is faculty member, the matter shall be reviewed by the UMMSM's Senior Associate Dean for Faculty Affairs who with the Vice Provost for Faculty Affairs and Provost, shall make a determination as to whether the charge is to be referred to the Committee on Professional Conduct for processing in accordance with the procedures set forth in the Faculty Manual. Further detail is available in the Faculty Manual. Separate and apart from a referral to the Committee on Professional Conduct, the WEP, the Vice Provost for Faculty Affairs and/or the Dean of the UMMSM (or her/his designee) may take appropriate corrective action(s). At the conclusion of the investigation and/or the proceedings before the Committee on Professional Conduct, the

student and the faculty member will be informed of the investigation's findings and any corrective/disciplinary actions.

3. In the case where the accused is an administrator/employee, WEP will conduct an investigation and in conjunction with the respective dean/vice president shall implement appropriate corrective action to be taken. At the conclusion of the investigation, the student and the employee will be informed of the investigation's findings and any corrective/disciplinary actions.

A complainant not satisfied with the decision shall have ten (10) working days to request an appeal in writing to the University's Vice President for Human Resources. A request for an appeal by the complainant or respondent shall state specific reasons why the findings/resolution was improper. The appeal is limited to considering evidence not previously available to WEP (or designee). WEP will provide the Vice President with the written record of the investigation, the decision and other appropriate documentation not previously available.

The Vice President for Human Resources shall review the findings and respond to the request within ten (10) working days. If the Vice President for Human Resources determines that the decision is not supported by the evidence, the complaint will be reopened for further investigation. If the Vice President for Human Resources determines that the investigation was thorough and complete, the request for an appeal shall be denied, and the complainant/respondent will be notified that the internal discrimination complaint procedure is complete. The decision of the Vice President will be final.

F. Time Limits

Complaints of harassment, discrimination, or retaliation, both formal and informal, should be filed within thirty (30) calendar days from the date the most recent incident occurred. In addition, the Office of Civil Rights imposes a one hundred eighty (180) day time limit on filing a complaint.

G. Off Campus Programs and Activities

Students who feel that they have experienced discrimination, harassment, or retaliation while participating in off-campus programs and activities should immediately report such incidents to the Office of Student Affairs or WEP. Off-campus programs and activities include, but are not limited to, medical mission trips, national and international externships, applied learning experiences and or social activities.

Glossary of Terms

- **Assault**

To threaten bodily harm or discomfort to another person or commit or aid in the commission of an act that causes bodily harm or discomfort to another person is prohibited. (For University purposes, self-defense or defense of another is limited only to the use of force sufficient to protect a person from injury by another.)

- **Consensual Relationships**

Amorous, romantic or sexual relationships ("amorous relationships") between members of the University community, where one of the parties has academic, supervisory,

administrative or other authority over a subordinate (junior) party are highly problematic, even when entirely consensual. The amorous relationship may create, or be perceived as creating a conflict of interest that undermines the objectivity of evaluations.

Policy

Members of the University community are prohibited from entering into amorous relationships with persons over whom they have evaluative authority. Supervisors who engage in an amorous relationship must take whatever steps are necessary to ensure that they do not simultaneously have evaluative authority and an amorous relationship in a way that disadvantages the subordinate (junior) party.

Procedures

Such steps may include, for example, withdrawing from a position as thesis advisor or teaching assistant supervisor. These steps should be taken in a way that does not disadvantage the junior party. If an amorous relationship develops with a subordinate / junior party (student) the supervisor/senior party (teaching assistant) must report the situation to the relevant program director, department chair, or dean, who will act to determine the best means of resolving potential conflicts and shall maintain the confidentiality of the information.

Failure to comply with this policy is prohibited.

- **Harassment or Harm to Others**

Any words or acts, whether intentional or a product of the disregard for the safety, rights, or welfare of others, which cause or result in physical or emotional harm to others, or which intimidate, degrade, demean, threaten, haze or otherwise interfere with another person's rightful actions or comfort is prohibited.

- **Hazing**

Hazing and/or hazing-related activities are prohibited.

- **Retaliation**

To harass, threaten, or otherwise commit an act against another person who has reported a possible policy violation or who has participated in an investigation into the possible violation of a policy is prohibited.

- **Unauthorized Entry**

Any student who enters, attempts to enter, or remains in or on top of any room, building, motor vehicle, trailer, machinery or other structure without proper authorization may be subject to University disciplinary action, as well as arrest and prosecution by legal authorities.

See [University Sexual Misconduct Policy](#) for definitions of:

- Dating Violence
- Domestic Violence
- Responsible Employee
- Retaliation (as to Sexual Misconduct matters)
- Sexual Assault
- Sexual Battery
- Sex- or Gender-Based Discrimination
- Sexual Harassment
- Sexual Misconduct
- Stalking