I. POLICY STATEMENT

The McGaw Medical Center of Northwestern University, in association with Northwestern University Feinberg School of Medicine, is committed to the principle that educational relationships should be one of mutual respect between teacher and learner. Because McGaw oversees the training of individuals who are entrusted with the lives and well-being of others, we have unique responsibilities to assure that residents and fellows learn as members of a community of scholars in an environment that is conducive to learning. Both McGaw and Feinberg want to encourage residents and fellows to bring attention to any breach or perceived breach of the Safe and Healthy Learning Environment and wish to be open about the process in place should such a claim be made.

INTRODUCTION
Maintaining such an environment requires that the faculty, administration, residents, fellows, healthcare professionals, staff, and students treat each other with the respect due colleagues. All teachers should realize that students and trainees depend on them for evaluations and references, which can advance or impede their career development. Teachers must take care to judiciously exercise this power and to maintain fairness of treatment, avoiding exploitation or the perception of mistreatment and exploitation. The quality and worth of a McGaw education rest not only in the excellence of the content and the skills that are taught, but also in the example provided to students of humane physicians and scientists who respect their professional colleagues at all career levels, their patients, and one another.

RESPONSIBILITIES OF TEACHERS AND LEARNERS
The teacher-learner relationship confers rights and responsibilities upon both parties. Behaving in a way that embodies the ideal teacher-learner relationship fosters mutual respect, minimizes the likelihood of learner mistreatment, and optimizes the educational experience.

1. Responsibilities of Teachers
   - Treat learners fairly, respectfully, and without bias related to their race, color, religion, national origin, sex, pregnancy, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship status, veteran status, genetic information, or any other classification protected by law or University policy.
   - Distinguish between the Socratic method, where insightful questions are a stimulus to learning and discovery, and overly aggressive questioning, where detailed queries are repeatedly presented with the endpoint of belittlement or humiliation of the learner.
   - Give learners timely, constructive, and accurate feedback and opportunities for remediation.
   - Provide written evaluations on time.
   - Be prepared and on time for all activities.
   - Provide learners with current material and information and appropriate educational activities.

2. Responsibilities of Learners
   - Be courteous and respectful of others, regardless of their race, color, religion, national origin, sex, pregnancy, sexual orientation, gender identity, gender expression, parental
status, marital status, age, disability, citizenship status, veteran status, genetic information, or any other classification protected by law or University policy.

- Be prepared and on time for all activities.
- A trainee should act in accordance with the policies and procedures as outlined on the McGaw website.
- Be aware of the medical condition and current therapy of patients.
- Put patients' welfare ahead of educational needs.
- Know limitations and ask for help when needed.
- Maintain patient confidentiality.
- View feedback as an opportunity to improve knowledge and performance skills.

DESCRIPTION OF INAPPROPRIATE BEHAVIOR

Inappropriate behaviors are those that are not respectful or professional in a teacher-learner relationship. Examples of inappropriate behaviors which compromise the integrity of the educational process include, but are not limited to:

- Unwanted physical contact (such as touching, hitting, slapping, kicking, pushing) or the threat of the same;
- Sexual harassment and other forms of sexual misconduct (see the Northwestern University Interim Policy on Title IX Sexual Harassment);
- Discrimination based on race, color, religion, national origin, sex, pregnancy, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship status, veteran status, genetic information, or any other classification protected by law or University policy (see the Northwestern University Policy on Discrimination and Harassment);
- Requiring learners to perform personal chores (e.g., running errands or babysitting);
- Verbal harassment, including humiliation or belittlement in public or privately (see the Northwestern University Policy on Civility and Mutual Respect).
- Use of grading and other forms of assessment in a punitive or self-serving manner;
- Romantic or sexual relationships between a teacher and trainee (see the Northwestern University Policy on Consensual Romantic or Sexual Relationships Between Faculty, Staff, and Students).

The list above identifies a few specific situations. Other behaviors may qualify as trainee mistreatment and, if the trainee is unsure, s/he should consult with the appropriate faculty or university officials as detailed below.

RETRIBUTION

McGaw and Northwestern University strictly prohibit retaliation against any member of its community for reporting a violation of McGaw or University policy or for participating, in any manner, in a McGaw disciplinary process. McGaw and the University consider such actions to be protected activities in which all members of the McGaw and Northwestern communities may freely engage. Retaliation is materially adverse action taken against an individual because they engaged in protected activities, when the adverse action is sufficiently severe or pervasive that it could deter a reasonable person from engaging in the protected activities. Members of the community are prohibited from engaging in actions directly or through others that reasonably could deter a party or a witness from reporting misconduct or participating in an investigation or hearing. Examples of retaliation could include, but are not limited to: removing someone from an organization; direct or indirect intimidation, threats, or coercion; harassment, terminating someone’s employment; reducing a grade; or other forms of discrimination. Allegations of retaliation will be resolved through the applicable McGaw process.
McGaw trainees are strongly encouraged to report any alleged incident of retaliation to the Senior Associate Dean for Graduate Medical Education or the ombudsperson (see below). All reports will be handled as promptly and discreetly as possible, with facts made available only to those who need to know to investigate and resolve the matter.

II. PROCEDURE STATEMENT

WHAT TO DO IF YOU BELIEVE INAPPROPRIATE BEHAVIOR OR MISTREATMENT HAS OCCURRED

While we believe that professional behavior is generally practiced and respected by the members of our diverse community of scholars throughout McGaw and Feinberg School of Medicine, we recognize there may be occasions when real or perceived incidents of unprofessional behavior directed toward learners occur. In these circumstances, McGaw is committed to establishing the facts through a fair process, which respects, to the extent possible, the privacy of the involved parties.

A complaint should be reported in a timely fashion, typically within 30 days of the end of an academic quarter or the clinical rotation in which the alleged incident occurred (although claims of discrimination can be reported at any time).

Residents and fellows are encouraged to communicate concerns directly to their Program Director. If the resident or fellow does not feel comfortable raising an issue with his/her Program Director, s/he may contact the ACGME Designated Institutional Official (DIO), Joshua Goldstein, MD, Senior Associate Dean for Graduate Medical Education. Alternatively, a resident or fellow may bring his/her concern to the attention of Nancy Parlapiano, McGaw Executive Director of Graduate Medical Education or Linda Suleiman MD, Assistant Dean for Graduate Medical Education and McGaw Director of Diversity and Inclusion. Any of these individuals can be reached in person at the GME office on the ninth floor of the Rubloff Building, by email, or by phone at 312-503-7975. McGaw also provides an online portal for submitting anonymous feedback. This portal, accessible through the McGaw website, is monitored daily.

All members of the McGaw community are committed to treating others with dignity and respect. From time to time issues may arise that are not in keeping with this commitment. When these issues arise, residents and fellows may access the Feinberg School of Medicine / McGaw Ombudsperson who has been appointed to serve as an impartial, neutral, and confidential facilitator for students, residents, and fellows. The Ombudsperson is chosen because s/he is a neutral, third-party physician who is not otherwise involved with the academic promotion or evaluation of Feinberg students or McGaw residents and fellows. The Ombudsperson is committed to ensuring that students, residents, and fellows are treated fairly and equitably and is available to serve as a nonjudgmental and objective sounding board for students, residents, and fellows and to help resolve complaints of student, resident, or fellow mistreatment. These incidents may occur in the classroom, clinical venue, or other school or training program-sponsored events and may involve other students, residents, fellows, faculty, or staff. The Ombudsperson will work with students, residents, and fellows to describe available options to address the issue and, if desired, help resolve conflicts. Student, resident, and fellow interactions with the ombudsperson are handled as discreetly as possible.

If after discussion of the incident, the trainee and faculty point of contact agree that particular events could constitute mistreatment, the incident can be addressed as described below. A first choice, where appropriate, is to seek informal resolution. This may be achieved through direct communication between the faculty point of contact and the respondent (individual being reported by the trainee) with
or without the trainee depending on trainee preference. If an informal approach is either not appropriate or unsuccessful, then the trainee should make a formal complaint with the ACGME Designated Institutional Official (DIO), Joshua Goldstein, MD, Senior Associate Dean for Graduate Medical Education.

If the trainee and faculty point of contact disagree that the incident was mistreatment, the trainee may pursue the matter directly with the President of McGaw. As a first step, the President where appropriate, will seek an informal resolution. If that approach is unsuccessful or not appropriate, the President will ask the trainee to submit a formal complaint.

Residents and fellows may contact their peer representatives through the McGaw Housestaff Association. Association leadership contact information is available on their dedicated page of the McGaw website. Association leadership participate in the Graduate Medical Education Committee (GMEC) and report each month on issues affecting the learning environment. As described above, residents and fellows may also contact the President of McGaw to raise issues or concerns.

CONFLICTS AND DOCUMENTATION
1. If the DIO is part of the complaint, or in any other way has a conflict of interest or the appearance of a conflict of interest, s/he is obligated to remove him or herself from the case during the investigation, and the President of McGaw shall appoint someone else to assume responsibility for the complaint.
2. If the President is part of the complaint, or in any other way has a conflict of interest or the appearance of a conflict of interest, s/he is obligated to remove him or herself from the case during the investigation, and the Dean of the School of Medicine shall appoint someone else to assume responsibility for the complaint.
3. The School of Medicine may act under these procedures, irrespective of possible civil or criminal claims arising out of the same or other events. The President, after consulting with the General Counsel, shall determine whether McGaw shall, in fact, proceed against a respondent who also faces related charges in a civil or criminal complaint. If McGaw defers proceedings, it may subsequently proceed, irrespective of the time provisions set forth in these procedures.
4. The President shall have the authority to take any actions on behalf of the McGaw Medical Center that s/he deems necessary to protect the complainant and/or the respondent, or to address other needs or deliberations related to the situation, pending the investigation and resolution of the complaint.

PROCESS FOR FORMAL COMPLAINTS
As described above, trainees with concerns related to mistreatment can use their Program Director, the McGaw ombudsperson that is designated specifically for this purpose, the DIO, the Assistant Dean for Graduate Medical Education, Executive Director or a trusted faculty member as an initial point of contact. Together with this individual, the trainee can decide whether to seek an informal resolution to the problem and/or whether to move forward with a formal complaint. Otherwise, if the trainee decides to proceed with a formal complaint of mistreatment, it will be addressed according to the process described below.

The process for addressing formal trainee complaints of mistreatment by faculty members or instructors / supervisors is as follows:
1. Inquiry into a violation of the standards of conduct committed by any individual, whether or not affiliated with McGaw, should be initiated by written complaint and filed with the DIO as soon as possible, typically within 30 days of when the alleged incident occurred. A delay in filing may be grounds for rejection of a complaint.
2. The complaint must be detailed and specific, and accompanied by appropriate documentation, if available.

3. After receipt of a properly documented complaint, which has been made in good faith, the DIO will conduct an initial review of the allegations to determine the appropriate path of resolution. Available options include: (a) dismissing the case when insufficient information exists to move forward or when the alleged misconduct – even if substantiated – would not be a violation of this policy; (b) resolving the case through any other ongoing, related disciplinary matters (i.e., an ongoing faculty or trainee misconduct matter involving related facts); or (c) investigating and resolving as detailed below.

4. If the complaint is not dismissed or resolved through another ongoing matter, the DIO shall inform the respondent of the nature of the charges. The DIO will also remind the respondent about the non-retaliation policy described above.

5. The DIO, or his/her designee, will investigate the complaint of mistreatment. The investigation will typically be initiated within two weeks of receiving the complaint, and the complainant and respondent will be notified that the investigation has been initiated. McGaw and the DIO shall also make every effort to protect the identities of both complainant and respondent, with respect to the larger community.

6. The DIO or his/her designee shall undertake a thorough examination of the charges. When appropriate these investigations may take place in conjunction with hospital or university investigatory teams. Whenever possible, interviews should be conducted with the complainant and respondent. Interviews may also be conducted with others having information regarding the allegations, if deemed necessary. During the interview, the respondent and the complainant may each be accompanied by a non-attorney adviser who is not a family member and is a member of the McGaw or Feinberg community. Except in unusual cases, the respondent and the complainant will not be interviewed at the same time.

7. Following the completion of the investigation, the DIO shall submit a report of findings to the President of McGaw. This report shall describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained, the findings, and the basis of the findings, and texts or summaries of the interviews conducted. This report shall ordinarily be submitted to the President within 60 days of the receipt of the complaint. The complainant and respondent shall be permitted to make a written reply to the President within 15 calendar days of receipt of the report. Such replies shall be incorporated as appendices to the report. The entire investigation process shall typically be completed within 90 calendar days of its initiation, unless circumstances warrant a delay. In such cases, the reasons for a delay shall be documented.

RESOLUTION OF COMPLAINTS

1. If the DIO and the President of McGaw find the charges to be unfounded, the matter shall be dropped and the concerned parties shall be informed.

2. If the DIO and the President of McGaw find the charges against a respondent to be substantiated, the DIO will notify the following offices:
   - For a non-faculty employee of the Feinberg School of Medicine or one of its affiliated clinical entities (including but not limited to nursing, housestaff, and fellows), the DIO shall inform the Office of Human Resources of the appropriate institution (e.g., Northwestern University, Northwestern Memorial HealthCare, etc.).
   - For McGaw resident and fellow respondents the DIO will notify the Program Director and will proceed to take whatever actions are appropriate to the seriousness of the offense in accordance with McGaw procedures/policies, and which consider the previous record of the respondent.
   - If charges against a faculty member are substantiated, the DIO will proceed to take whatever actions are appropriate to the seriousness of the offense, in consultation with the
President of McGaw and the appropriate Departmental Chair, and in accordance with McGaw and University procedures, and which consider the previous record of the respondent. Actions taken for first and / or less serious violations may include formal warning, required professional development, or removal of the respondent from teaching / supervisory roles with McGaw trainees. For major or recurrent offenses by any faculty members, the Dean of the School of Medicine will be notified by the President of McGaw and shall determine with the Provost whether there is substantial reason to believe that just cause exists for imposition of a major sanction, e.g., termination of appointment or suspension. Such action will be executed in accordance with the policies and procedures in the Faculty Handbook.

3. The respondent shall have access to all established University grievance and appeal procedures, as described in the Faculty Handbook.

III. **POLICY UPDATE SCHEDULE:**

Policy review to occur one year after initial implementation and every three years thereafter.

IV. **RELEVANT REFERENCES:**

NU Interim Policy on Title IX Sexual Harassment.
https://www.northwestern.edu/equity/documents/interim-policy-on-title-ix.pdf

NU Policy on Discrimination and Harassment:

NU Policy on Civility and Mutual Respect:
https://www.northwestern.edu/hr/for-managers/hr-consulting/environment-behaviors/civility-mutual-respect.html

NU Policy on Non-Retaliation:
https://policies.northwestern.edu/docs/non-retaliation-policy-FINAL.pdf