

Fact Sheet: Level 2 Mistreatment Incident

Prepared by the UNM SOM Learning Environment Office

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The following is a fact sheet for UNM SOM teachers (anyone with a teaching responsibility, including faculty, staff, residents, fellows, and students) who have been found to have mistreated (a) learner(s) in a Level 2 incident. While every case is unique, this sheet includes information on what will likely happen as a result of this finding. Please direct any questions your supervisor, and if they cannot answer your question, you can contact LEO directly (hsc-leo@salud.unm.edu).

As you begin, please recall these 4 most important facts:

- This is not a disciplinary process and you are not in trouble.
- LEO makes recommendations for actions based on a standardized process for the entire SOM. All actions, including feedback, improvement plans, or any disciplinary actions are enacted by your supervisor, not from LEO. LEO is responsible for collecting and substantiating reports, managing data, tracking trends, and ensuring that response is consistent across the entire SOM. LEO has no authority or power to take action, which is the responsibility of supervisors. Thus, it is them, never LEO, who will provide feedback, establish improvement plans (Levels 2-4), engage disciplinary pathways (Levels 3-4), or any other responses to substantiated incidents.
- If you have been informed of this incident, unless you're told otherwise, it has been substantiated, so LEO believes that, more likely than not, this incident occurred. LEO does not typically recommend any actions for incidents that cannot be substantiated.
- The purpose of the process is to help you be the best teacher you can be, and to ensure respectful, supportive, and inclusive learning environments for all at the SOM.

1. What is mistreatment?

According to the Association of American Medical Colleges (AAMC), “mistreatment – either intentional or unintentional – occurs when behavior shows disrespect for the dignity of others and unreasonably interferes with the learning process.” Thus, for example, critical feedback to a learner about their performance is not mistreatment; however, if a learner is told that they’re “stupid” and “useless” during a feedback session this is mistreatment.

Mistreatment can look like: verbal abuse; public humiliation; discrimination; offensive comments based on gender, sex, race, ethnicity, disability, religion, sexual orientation, etc.; neglect or being left out of educational opportunities; and more.

For more information on what is mistreatment, including case studies, [visit LEO's website](#).

2. What does “Level 2” mean?

LEO uses the Mistreatment Response Pyramid to classify mistreatment issues into four levels of action, based on the pervasiveness and/or the severity of the behavior. Reports that are classified on this pyramid are substantiated incidents, and fall into one of these four categories:

- **Level 1:** A single mistreatment incident that is not severe
 - For example: If you verbally abuse a resident and there is no evidence of you having done so before, this will be classified as a Level 1 incident.
- **Level 2:** Second mistreatment incident or first more-severe incident (includes discrimination against a protected class of people or a potential civil rights violation)
 - For example: If you verbally abuse residents several times, and have previously received feedback on this behavior, this will be classified as a Level 2 or 3 incident. If you make a sexist comment, that will likely be classified as a Level 2 even if there is no evidence of you having done so before, because gender is a protected class under Title IX and other UNM policies.
- **Level 3:** For three or more non-severe mistreatment incidents or multiple more-severe incidents; a pattern of behavior that is not responding to intervention
 - For example: If you discriminate against Black residents, this will be classified as a Level 2 or 3 (depending on severity) even if it's the first time, because this is a potential civil rights violation.
- **Level 4:** For severe or egregious behavior regardless of number of incidents
 - For example: If you sexually harass a resident, this will be classified as a Level 3 or 4 (depending on severity) even if it's the first time, because this is a potential civil rights violation.

Thus, a Level 2 incident is either a **second non-severe** incident or is a **first more-severe** incident.

3. What will happen because of this incident?

You will receive direct feedback from your supervisor or their designee and you will likely be asked to complete an individual improvement plan.

This feedback and improvement plan will be documented, typically by an email they will send to you and LEO summarizing the conversation and the next steps you agree upon together. This documentation will be kept in LEO's confidential database.

4. What is the purpose of this feedback? Am I in trouble?

The purpose is to reduce, prevent, and address incidents of learner mistreatment by helping every teacher at the UNM SOM be the best teacher they can be. This includes giving timely and relevant feedback to any teacher who is found to have mistreated a learner. Your Level 2 incident may be a comment that you did not realize was offensive or upsetting; this feedback will help you understand the impact of your behavior.

If your Level 2 incident is a second non-severe incident, this feedback will help you understand that your behavior is patterned, and that your efforts to stop this behavior have not yet been successful. You will be able to discuss this with your supervisor and brainstorm strategies that might help you in the future.

By giving direct feedback, LEO's aim is to prevent future accidents or mistakes from taking place, help all teachers better understand their own behavior, and ensure all teachers can access any resources they need in order to be the teacher they want to be.

Level 2 interventions are never disciplinary, because you're not in trouble.

5. What is an individual improvement plan?

As a part of your feedback conversation, your supervisor will discuss with you an "individual improvement plan," which will be some kind of coaching or training that will help you grow from this incident. This may be communications coaching, professionalism mentorship, attending anti-racism workshops, etc.

For example, if your Level 2 incident involved you shouting at learners during several moments of frustration, your supervisor may ask you to attend anger management or communications coaching to help you more effectively manage your behavior in future frustrating situations. If your Level 2 incident involved you making a sexist comment, they may ask you to attend workshops or trainings with the Office for Compliance, Ethics, and Equal Opportunity to learn about gender-based discrimination and build skills and awareness to keep you from making similar comments in the future.

This plan will be tailored to you and the progress your supervisor would like to see you make in order to prevent any future mistreatment incidents. You will discuss with your supervisor a timeline during which you will complete this improvement plan and how your supervisor will evaluate the effectiveness of your work at the end of the plan.

6. What if I dispute the facts of included in the memo?

LEO substantiated the facts of the incident that are included in the Mistreatment Incident Memo sent to your supervisor. This substantiation can happen through processes like:

- Multiple reports from various sources describing the behavior in question
- Screenshots of emails, text messages, tigertexts, etc.
- Speaking with witnesses
- Substantiation from your supervisor

If you have information that can directly dispute the facts of this case, for example a screenshot, please inform your supervisor and send that information directly to LEO (hsc-leo@salud.unm.edu) as soon as possible.

If you do not recall the incident or particular details of the incident, that is not enough to overturn the determination of this incident as substantiated, as we may not recall incidents that we do not perceive as mistreatment or harmful to others.

7. What happens after this?

If you have another substantiated incident of mistreatment in the future, that will likely be classified as a Level 3 incident and may result in disciplinary consequences.

8. Who will find out about this?

Your supervisor or their designee. If your supervisor is a Division Chief or Program Director, your chair has also been informed, which is a process decided upon by the chairs themselves. Any witnesses LEO has spoken with are also informed. All witnesses are brought to LEO's attention by impacted learners or other witnesses—LEO does not reach out to people unsolicited to ask if they have witnessed your behavior. LEO's three full-time staff members (Director, Assistant Director, and Case Management Specialist) are informed. If you are assigned to work with a coach or trainer, that person may be informed about why you have been referred to them. LEO may discuss details of case the without sharing names with faculty affiliated with LEO; however, this is not common for Level 2 reports.

9. Does this go in my file?

No. This goes in LEO's database, but Level 2 incidents do not go in your employment file or performance evaluation.

10. Is this discoverable by future jobs, positions, fellowships, residencies, or programs I apply to?

No. If your supervisor wants to bring this up with anyone who contacts them for a reference, they may do so, but LEO does not recommend or endorse this. LEO will not share the details or facts of this with anyone who contacts us inquiring about you.

11. What if something else happens, such as my supervisor implementing other actions or threatening me with retaliation because of this report?

If this happens, please contact LEO as soon as possible at hsc-leo@salud.unm.edu. This is outside of LEO's process or recommendations and may be a violation of UNM policies.

12. What if someone else is mistreating me?

If you are a faculty or staff member and the incident(s) has not impacted learners:

- Mistreatment of faculty and staff members that is not witnessed by learners or does not impact the learning environment is out-of-scope for LEO. We invite you to reach out to Faculty Affairs, UNMH HR, or UNM Ombuds to discuss the incident.
- Feel free to consult LEO to learn about resources and referral processes, and so it can be entered into the database to track trends in your working environment. LEO will not take any action unless the incident is part of a pattern of behavior that also impacts learners.

If you are a faculty or staff member and the incident(s) occurred in front of learners or you believe is directly impacting learners in another way:

- This is in-scope for LEO
- Please report the incident(s) to LEO by either filling out the online [Mistreatment Reporting Form](#) or emailing hsc-leo@salud.unm.edu to set up a confidential conversation.

If you are a learner (resident, fellow, or student):

- This is in-scope for LEO
- Please report the incident(s) to LEO by either filling out the online [Mistreatment Reporting Form](#) or emailing hsc-leo@salud.unm.edu to set up a confidential conversation.

13. This is really challenging for me. Who can I reach out to?

We know this can be a very stressful or difficult experience for you. We recommend reaching out to any of the following resources. The confidential resources are marked CONFIDENTIAL.

- The Office of Professional Well-Being (OPW) keeps an up-to-date list of [mental health resources](#) at the SOM, sorted by availability for faculty, house officers, and students. Some of these resources are CONFIDENTIAL.
- Reach out to the [PeerConnect](#) team to be connected with someone you can talk to.
- UNM Ombuds offer CONFIDENTIAL one-on-one conversations, as well the option for a mediated conversation between multiple parties. Faculty can reach out to [Ombuds for Faculty](#), and staff members and house officers can reach out to [Ombuds for Staff](#).