

Responding to Student Concerns of Mistreatment				Class: B	
Approved By:	Associate Dean, UME				
Approval Date:	2020 03 17	Effective Date:	2020 03 17	Review Date:	2020 12 01
Responsible Portfolio/Unit/ Committee:	UME				
Responsible Officer(s):	Associate Dean, UME				

# 1.0 Purpose

The Northern Ontario School of Medicine (NOSM) is committed to excellence in teaching, learning, and research and to the maintenance of a learning and work environment which promotes the understanding and respect for dignity of the persons as part of the NOSM community and that is free from Harassment and discrimination while protecting academic freedom including the rights of freedom of expression and inquiry.

The goal of this procedure is to create a climate of understanding and mutual respect where every medical student feels part of the NOSM community and can contribute fully to the development and well-being of NOSM. NOSM does not tolerate harassment and discrimination which includes any behaviours related to intimidation, mistreatment or other offensive conduct. When a breach of this procedure is suspected, NOSM will respond promptly and will strive to achieve a fair and timely resolution.

In seeking to prevent mistreatment of medical students, this Procedure is guided by the Ontario Human Rights Code, the Occupational Health and Safety Act, and the Canadian Standard on Psychological Health & Safety as well as by other legislation, policies, and collective agreements.

This procedure is to be used in conjunction with NOSM's <u>Human Rights</u>, <u>Anti-</u>Discrimination and Harassment Policy and Procedure.

## 2.0 Scope

The scope is for the Undergraduate Medical Education program including medical students, faculty, staff, healthcare professionals and patients. There is a continuum of

issues from minor misunderstandings to serious complaints that can include mistreatment such as bullying, harassment, intimidation and sexual misconduct. Mistreatment in healthcare and educational environments is unprofessional. Mistreatment is unprofessional and behavior that is no tolerated at NOSM.

In certain circumstances, more than one policy, procedure or code may apply, or may be relevant to the process outlined. When policies or codes of other partner institutions/ agencies may also apply in tandem with this Procedure, consultations may be undertaken by NOSM with the Administrator of the other policy or code at the partner institution/ agency before formal proceedings under this Procedure are initiated.

Any complaints made regarding NOSM employees who are members of a Union shall proceed in a manner consistent with the appropriate Collective Agreement.

### 3.0 Definitions

Definitions for academic leader, mistreatment, intimidation, discrimination, harassment, sexual or gender-based harassment, personal (non-Code based) harassment are detailed in the <u>Human Rights, Anti-Discrimination and Harassment Policy and Procedure</u> and can be found in this Procedure's Appendix A.

### 4.0 Procedures

- 4.1 The aim of the procedure is to respond to and resolve medical student concerns. Any information, concerns or complaints brought forward under this procedure will be treated confidentially. Information will only be shared on a 'need to know' basis that ensures this procedure is followed.
- 4.2 UME will minimize the risk of reprisal against students who use this procedure including if there are no findings of wrongdoing. The UME Academic Leader¹ will discuss this aspect with the student and act as appropriate to the situation. Examples of possible measures to minimize reprisal are: having the student's performance assessed by a second faculty member including providing comments which will be included in the student's Medical School Performance Record (MSPR); facilitating having another faculty provide a letter of reference for the student; and advocating for the student with NOSM Postgraduate Education programs regarding any potential conflict-of-interest that may occur after the student's graduation.

## 4.3 Option One – Individual Resolution of a Concern

As an initial step, the informal resolution of concerns is supported and encouraged by the UME program. In many cases, a conversation with the other person(s) is the most effective way to resolve a concern. If they choose to do so, a student is encouraged to speak directly to the other person(s) to let them know that something has happened that is

<sup>1</sup> Academic Leaders are defined as any faculty or NOSM staff member acting in a leadership capacity which includes, but is not limited to, Dean, Associate/Vice-Deans, Division Heads, Section Chairs, Residency Program Directors, Site Directors, Clerkship Leads, Site Liaison Clinicians or other supervisors who are responsible for the work of clinical faculty and preceptors.

uncomfortable for them or that the person's behaviour is unwelcome and ask them to stop the behaviour.

If the student is not able or comfortable to speak directly to the person, or at any time in the resolution process, the student may consult with the Learner Affairs Office (including the Learner Affairs Officers (LAOs), or Assistant Dean, Learner Affairs) or a Learning Advocate for advice, support and guidance and navigation of the policies and procedures. They may provide assistance to repair the learning environment or resolve the situation by communicating with the other person(s) on the student's behalf or being involved in meeting between the student and the other person. No contact with the other person(s) will occur, without the consent of the student.

In some situations, the student may consult with a Learner Affairs Officer or Learning Advocate or another support person and come to an understanding that the behaviour was not mistreatment. Resources and supports available to NOSM students are outlined in Section 5 of this procedure.

- 4.4 Medical students can choose to submit their concerns through UME's regular electronic program evaluation process (one45 system). The student can choose to identify themselves and these concerns are directed to their UME Academic Leader for resolution.
- 4.5 The one45 system can also be used for anonymous reporting of concerns by a student if they do not sign their name. The anonymous concern will be directed to the UME Academic Leader of the Phase who will inform the Learner Affairs Officers and Learning Advocates. A medical student may choose to discuss their concern of mistreatment with the Learner Affairs Officer or Learning Advocate and request that it be kept confidential. Anonymous concerns may lead to professional development activities for faculty and students but not to any disciplinary measures. No anonymous complaints will be kept in a Unit 1 Member's personnel file.

## 4.6 Option Two – Informal Resolution of a Concern through an UME Academic Leader

If a medical student does not wish to approach the person directly, or through a Learner Affairs Officer, or a Learning Advocate and/or the concerning behaviour continues, the medical student should contact a UME Academic Leader.

If a medical student is unsure of whom to contact, the student may contact a Learner Affairs Officer or a Learning Advocate for advice and guidance. If the concern is associated with the student's UME Academic Leader, the student should contact the Assistant Dean, Learner Affairs who will liaise with the Director of HR as to next steps.

- 4.7 For Option Two concerns, a student may also use the electronic program evaluation process (one45 system) by outlining their concern. Electronically, it will be sent to their UME Academic Leader who will contact the student and support informal resolution of the described concern.
- 4.8 The student will inform the UME Academic Leader of the nature of the concern and identify the other person(s) involved.

- 4.9 The UME Academic Leader will contact the person(s) identified in the concern and work with those involved to resolve informally the issues between the student and the other person.
- 4.10 If the involved individuals agree, the UME Academic Leader may recommend an informal resolution process, which, if successful, resolves the concern in a timely and fair manner. An informal resolution process may include one or more of the following actions:
  - a) a meeting including the student and the other person with the UME Academic Leader,
  - b) informal mediation by the UME Academic Leader,
  - c) arrangements made by the UME Academic Leader for another person to be a mediator and assist in the resolution, or
  - d) other actions suggested by the UME Academic Leader that are agreed to by the student and the other identified person(s).
- 4.11 The UME Academic Leader will prepare a written summary of the mistreatment concern and its resolution on an electronic form and submit it to the Associate Dean, UME, and the Director, Human Resources.

# 4.12 Option Three – Formal Written Complaint and Investigation

A formal written, signed complaint may be submitted at any time and is the next step, if the informal resolution of the concern is unsuccessful. Formal complaints are submitted to the UME Academic Leader, using the Mistreatment, Discrimination, Harassment Complaint Form (see Appendix B). The UME Academic Leader will consult immediately with Director, Human Resources and Faculty Affairs, i.e. the Division Head and/or Section Chair, about any previous concerns regarding the faculty member or other person and to ensure that the faculty member or other person receives support during the complaint and investigation process including possible remediation.

- 4.13 On receipt of a written complaint, the UME Academic Leader carries out the following as quickly as possible:
  - a) within ten (10) business days of receipt and review of the student's written complaint, if necessary, meet with the student to clarify the details of the complaint.
  - b) within ten (10) business days of the student meeting, advise the student if the complaint will be pursued under this procedure or another policy and if not, the reasons for not pursuing the complaint or suggesting a more appropriate forum.
  - c) within ten (10) business days after advising the student who submitted the formal written complaint that it will be pursued under this procedure or another NOSM policy, the UME Academic Leader will inform the person(s) about whom the complaint is made (identified as the 'respondent') in writing, of the complaint and of their right to consult with their Union or legal counsel (in the case of non-unionized persons).
  - d) upon notifying the respondent, the UME Academic Leader will provide the respondent with a copy of the written complaint, a copy of this Procedure and the Human Rights, Anti-Discrimination and Harassment Policy and Procedure; and advise the respondent

to provide a written response to the allegation in the complaint within ten (10) business days to the UME Academic Leader. If the respondent is a Union Member the Union shall be notified at the same time with a copy of the same information given to the respondent.

- e) within ten (10) business days upon receiving the respondent's written response, the UME Academic Leader will if necessary, meet with the respondent to clarify the details of their response. If the respondent is a Union Member a Union representative shall be present at the meeting.
- f) within ten (10) business days of the UME Academic Leader having received all submissions and clarifications, will consult with the appropriate Division Head and/or Section Chair, and Director, Human Resources to identify the actions to resolve the complaint.
- g) The actions to be taken to resolve a formal complaint could include some or all the following activities:
  - Formal or informal mediation may be offered to the UME student and the respondent;
  - An outside consultant may be asked to be an investigator; and in the case of a respondent who is unionized, NOSM Human Resources shall communicate with the Union to endeavor to find a mutually agreeable investigator;
  - Consultation with Director, Human Resources or designate;
  - In situations in which there are shared jurisdictions (Clinical faculty), the Academic Leader will work with the off-site supervisor on a joint investigation or mediation:
  - Intercultural justice actions that are agreed to by the UME student and respondent;
  - Dismissal of the complaint.
- 4.14 The student will meet with the UME Academic Leader for a summary of the resolution/conclusion of the formal investigation of the complaint.
- 4.15 Whenever possible, the UME student and respondent will be invited to a joint meeting with the UME Academic Leader and the Division Head/ Section Chair to discuss the actions associated with the resolution of the complaint. If the respondent is a Union Member a Union representative shall be present at the meeting.
- 4.16 A final summary of the complaint will be submitted to the Director, Human Resources, Faculty Affairs and the Vice Dean, Academic.
- 4.17 Through the Assistant Dean, Learner Affairs and UME Academic Leaders, the data of all UME mistreatment including anonymous concerns will be collected. The data will be prepared as an anonymized summary report that will be distributed to the UME Committee on a confidential basis.

## 5.0 Roles and Responsibilities and Resources

## 5.1 Learner Affairs Officers

The Learner Affairs Officers, who are professional staff, provide consultation, support, guidance, education, professional development and process navigation to UME students, staff and faculty to enhance the learning, research and work environment. If requested by a student, a Learner Affairs Officer may assist with mediation and informal conflict resolution between individuals or communicate concerns on behalf of the learner. Recognizing that learners may require ongoing support, Learner Affairs Officers may also assist in referring individuals to NOSM Wellness resources or external counselling and support.

## 5.2 Learning Advocates

The Learning Advocates, who are clinical faculty, provide consultation, support, guidance, education, professional development and process navigation to UME students, staff and faculty to enhance the learning, research and work environment. If requested by the learner, a Learning Advocate may assist with mediation and informal conflict resolution between individuals or communicate concerns on behalf of the learner. Recognizing that learners may require ongoing support, a Learning Advocate may also assist in referring individuals to NOSM Wellness resources or external counselling and support.

#### 5.3 Resources available to medical students:

- a) Laurentian and Lakehead University Health and Counselling Services
  - Lakehead University Learner Health & Counselling, Prettie Residence, 807-343-8361
     <a href="https://www.lakeheadu.ca/current-learners/learner-health-and-counselling-centre">https://www.lakeheadu.ca/current-learners/learner-health-and-counselling-centre</a>
  - Lakehead More Feet on the Ground: https://morefeetontheground.ca/services/?school\_id=758
  - Laurentian University | Counselling & Support, G-7-Learner Street, Single Learner Residence (SSR), 705-673-6506. <a href="https://laurentian.ca/counselling">https://laurentian.ca/counselling</a>
  - Laurentian University Health and Wellness. <a href="https://laurentian.ca/support/health-wellness">https://laurentian.ca/support/health-wellness</a>
  - Laurentian More Feet on the Ground.
     <a href="https://morefeetontheground.ca/services/?school\_id=758">https://morefeetontheground.ca/services/?school\_id=758</a>
- b) Morneau Shepell Learner Assistance Program: https://www.shepell.com/en-ca/totalhealthsolutions/vourefap/
- c) OMA Physician Health Program: <a href="https://www.physicianhealth.com/">https://www.physicianhealth.com/</a>

- d) PARO: <a href="http://www.myparo.ca/helpline/">http://www.myparo.ca/helpline/</a>
- e) NOSM students and their dependent family members (e.g. spouse and dependent children) can access Morneau Shepell's bilingual short-term professional assessment, counselling, consultation, resource referral and case-management program by calling 1-800-387-4765 (for service in English) or 1-800-361-5676 (for service in French).

## 6.0 Related Documents

In support of this policy, the following related policies are included:

• Human Rights, Anti-Discrimination & Harassment Policy and Procedure

# 7.0 Getting Help

Queries regarding interpretations of this document should be directed to:

Dr. Brian Ross, Associate Dean, UME; or

Dr. Jason Shack, Assistant Dean, Learner Affairs

Version	Date	Authors/Comments
1.0	2019 08 29	Approved by AD, UME
2.0	2019 12 06	Revised by Director, Learner Affairs and Equity to address reporting of formal complaints
3.0	2020 02 03	Revisions by sub-committee to include the Learning Advocate role in the UME procedure
4.0	2020 02 27	Revisions by Director Human Resources, in consultation with OPSEU Local 677 Unit One
5.0	2020 03 17	Revisions by Learner Affairs Officers

## Appendix A

Definitions (cited from NOSM's Human Rights and Anti-Discrimination Harassment Policy prepared for Board of Directors approval on September 18, 2019)

Terms such as "harassment," "sexual and / or gender-based harassment," and "discrimination" have a legal meaning. In addition, these terms may already be defined in collective agreement provisions. If the terms are not already defined in a collective agreement, see the Glossary of Terms, which is incorporated in this Policy as an appendix and as a guide. The Glossary of Terms does not replace or supersede existing definitions contained in collective agreement provisions relevant to harassment and discrimination.

This policy prohibits Discrimination and Harassment on the grounds articulated in the Ontario Human Rights Code:

- a) age;
- b) ancestry, colour, race;
- c) citizenship;
- d) ethnic origin;
- e) place of origin;
- f) creed;
- g) disability;
- h) family status;
- i) marital status (including single status);
- j) gender identity, gender expression
- k) receipt of public assistance (in housing only)
- I) record of offenses (in employment only)
- m) sex (including pregnancy and breastfeeding) and
- n) sexual orientation

### **Academic Leaders**

Academic Leaders are defined as any faculty or NOSM staff member acting in a leadership capacity which includes, but is not limited to, Dean, Associate Dean of UME, Vice-Dean, Academic, Division Heads, Section Chairs, Residency Program Directors, Site Directors, Clerkship Leads, Site Liaison Clinicians or other supervisors who are responsible for the work of clinical faculty and preceptors. In addition to the general responsibilities of Supervisory Staff, additional responsibilities include:

- providing leadership in creating and maintaining a harassment free, respectful learning and working environment;
- receiving complaints and contacting NOSM Human Resources for guidance and assistance;
- communicating final decisions about the disposition of a formal complaint in writing to the Parties;

- ensuring resource availability and effective implementation of complaint settlements; and
- ensuring that individuals who have responsibilities under the Policy are held accountable and have the appropriate knowledge and skills to meet Policy obligations.

#### Harassment

Harassment means engagement in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Although Harassment may not be tied to a prohibited ground it may include Cyber Sexual Harassment, Sexual and/or Gender-Based Harassment, Religious Based and Workplace Sexual Harassment. Examples of harassing conduct include the following kinds of behaviour: racial epithets or slurs, disrespectful jokes or banter, sex comments about someone's physical appearance or sexual attractiveness, negative stereotypes about a particular ethnic group, homophobic remarks, disparagement of someone's religious devotions, the circulation of insulting or demeaning written material and pictures, and unwelcome physical contact.

### Sexual and / or Gender-Based Harassment

Sexual and/or Gender-Based Harassment, including Workplace Sexual Harassment, means engaging in a course of comment or conduct against an individual because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance to an individual where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; or is inappropriate because of the nature of the relationship. This can also include retaliating when someone ends a relationship or refuses a sexual advance, making professional decisions about someone or offering them job related benefits based on their willingness to comply with sexual demands, or circulating intimate details of someone's life or private sexual behaviour. Faculty & learner sexual relationships are not considered Harassment, if consensual.

#### Discrimination

Discrimination means an unjust or prejudicial form of unequal treatment, whether imposing extra burdens or denying benefits, based on any of the grounds articulated in the Code. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people (systemic discrimination or adverse discrimination). Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if Discrimination is one factor, then that is a violation of this Policy.

#### Intimidation

Intimidation is behaviour which instils fear and is used to denote conduct that is designed to force someone to do something they would ordinarily not do or alternatively, refrain from doing something they would ordinarily do. It may involve using one's authority to influence other

people's behaviour and can reduce the extent to which people are willing to exercise their rights. Abuse of power can involve the exploitation of trust and authority to improper ends. Sometimes abuse of power takes the form of apparently positive conduct, such as flattery that is intended to persuade someone to co-operate, or favouritism. Intimidation does not include the good faith exercise of supervisory responsibilities, including without limitation, assessments and criticisms of the learner's performance or academic efforts, even where the learner does not agree with such assessment (s) or criticism (s) or finds the process uncomfortable of difficult.

Examples of intimidation and abusive conduct include the following kinds of behaviour: shouting or raising one's voice constant interruption and refusing to listen public criticism, ridicule, singling someone out, grilling or interrogation, unjust assignment of duties or overloading someone with work.

#### Mistreatment

Mistreatment as defined by the Association of American Medical Colleges (AAMC) occurs when behavior shows disrespect for the dignity of others and unreasonably interferes with the learning process. The occurrence, either intentional or unintentional, of such incidents results in a disruption of the spirit of learning and a breach in the integrity and trust between teacher and learner.

Examples of mistreatment include, but are not limited to:

- · public belittlement or humiliation,
- requiring performance of tasks intended to belittle or humiliate,
- conduct intended to insult or stigmatize a learner.
- intentional neglect,
- verbally abusive language,
- inappropriate anger,
- offensive remarks based on gender, race/ethnicity or sexual orientation,
- threats of physical harm or actual physical punishment (e.g. hitting, slapping, kicking),
- requirements to perform personal services (e.g. shopping, babysitting),
- being denied training opportunities based on discrimination (gender, race/ethnicity, religion, sexual orientation, age, disability),
- unwanted sexual advances,
- use of professional position to engage in romantic or sexual relationships,
- asking for sexual favors in exchange for grades, and
- giving lower grades based on discrimination (gender, race/ethnicity, religion, sexual orientation, age, disability).

Mistreatment does not include the good faith exercise of supervisory responsibilities, including without limitation, assessments and criticisms of the learner's performance or academic efforts, even where the learner does not agree with such assessment(s) or criticism(s) or finds the process uncomfortable or difficult.

## Personal (non-Code) Harassment

Personal (non-Code) harassment is harassment that is not related to a prohibited ground identified in the Ontario Human Rights Code. Personal harassment is improper comment and / or conduct, not related to legitimate work or learning purposes. It can include mistreatment or intimidation directed at and offensive to another person or persons in the workplace or learning environment and that the individual knows or ought to reasonably know would offend, harm or is derogatory, demeaning or causes humiliation or embarrassment.

Personal (non-Code) harassment often involves grouping of behaviours. However, a single serious incident of such behaviour that has a lasting harmful effect on a member of the NOSM community and may also constitute personal harassment.

## Examples of personal harassment include:

- frequent angry shouting / yelling or blow-ups
- regular use of profanity and abusive or violent language
- physical, verbal or email threats, intimidation
- · violent behaviours, slamming doors, throwing objects
- · targeting individual(s) in humiliating practical jokes
- · excluding, shunning, impeding work performance
- spreading gossip, rumours. Negative blogging, Cyberbullying
- retaliation, bullying, sabotaging
- unsubstantiated criticism, unreasonable demands
- insults, name calling
- public humiliation
- communication that is demeaning, insulting, humiliating, or mocking.

#### Personal harassment does not include:

- the normal exercise of management rights, including the rights to provide direction, to assign tasks and the right to reprimand or impose disciplinary sanctions, provided these rights are not exercised in a discriminatory, humiliating or abusive manner
- the normal exercise of academic freedom providing that academic freedom is not exercised in a discriminatory, humiliating or abusive manner that serves no legitimate or academic purpose.
- a disagreement, misunderstanding or conflict between learners or co-workers
- work related change of location, co-workers, job assignment
- appropriate discipline
- less than optimal management
- a single comment or action unless it is serious and has a lasting harmful effect
- rudeness unless it is extreme and repetitive

## Appendix B UME Student Mistreatment, Discrimination or Harassment Concern Form

Instructions for completing this form: This form is intended for the use of UME students to report formal complaints (Option Three in the procedure) and/or incidents which UME students believe are mistreatment complaints or violate the Human Rights, Anti-Discrimination and Harassment Policy and Procedure. Please ensure that you fill out every section of the form accurately, attach any supporting documentation you may have and ensure that it has been signed and dated. Upon completion of the form, please provide it to your UME Academic Leader as outlined in the Responding to Student Concerns of Mistreatment procedure. If you are unsure of your supervisory authority, please consult with a Learner Affairs Officer or a Learning Advocate or Assistant Dean, Learner Affairs who will guide you in the process.

**UME Student Information** 

First Name		Last Name	
	Birth Certificate or Change	t Name do not apply to you because you have either a of Name Certificate bearing a Single Name. Provide	
Single Name			
Telephone Numb	er	Alternative Telephone Number	
Email		Work Location	
	Details of Person(s)	Involved in the Complaint	
Person 1			
First Name		Last Name	
Telephone Number	Alternative Teleph Number	hone Work Email	
□ Respondent (a	lleged to have engaged in	wrongdoing)	
□ Witness			
☐ Other:		_	
Person 2			
First Name		Last Name	
Telephone Number	Alternative Teleph Number	hone Work Email	
	•	·	

Responding to Stud	ent Concerns of Mistreatment		
☐ Respondent (all	eged to have engaged in wrongd	oing)	
□ Witness			
☐ Other:			
Details of Pers	son(s) Involved in the Complaint	(Continued)	
Person 3			
First Name		Last Name	
Telephone Number	Alternative Telephone Number	Work Email	
□ Respondent (all	eged to have engaged in wrongd	oing)	
□ Witness			
☐ Other:			
Person 4			
First Name		Last Name	
Telephone Number	Alternative Telephone Number	Work Email	
☐ Respondent (all	eged to have engaged in wrongd	oing)	
□ Witness			
□ Other:			
	times, and details of specific beh es if necessary	naviour and/or words used. Attach	

Responding to Student Concerns of M	istreatment
Complaint	Ground (check all that apply):
□ Age	□ Personal or Social Lifestyle
☐ Ancestry	☐ Record of Offence
☐ Citizenship	□ Reprisal
☐ Colour	☐ Sex (including Pregnancy &
☐ Creed/Religion	Breastfeeding)
☐ Disability	☐ Sexual Orientation
☐ Ethnic Origin	☐ Sexual harassment (Sex)
☐ Family Status	☐ Sexual harassment (Sexual orientation)
☐ Gender Expression	☐ Sexual harassment (Gender Identity)
☐ Gender Identity	☐ Sexual harassment (Gender Expression)
☐ Marital Status	☐ Workplace Harassment
☐ Place of Origin	☐ Level of Literacy
ŭ	☐ Membership or activity or non-activity in a Union
	or Staff Association
UME Student's Signature	Date (yyyy-mm-dd)

**Appendix C -** Flow Chart of the Procedure for Responding to Student Concerns of Mistreatment