

Responding to Dietetic Concerns of Mistreatment

Approved By:

Associate Dean, PGME and Health Sciences

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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.

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

In seeking to ensure that NODIP learners can learn in an environment free from discrimination, harassment and reprisal, 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 the [NOSM's Policy on Human Rights and Anti-Discrimination Harassment Policy](#). All rights and responsibilities articulated in NOSM's Human Rights Policy apply along with this Procedure and nothing in this Procedure derogates from the duties, protections and process established in the Human Rights Policy.

2.0 Scope

This procedure applies to all members of the NODIP including learners, preceptors, faculty, staff, healthcare professionals and patients.

Mistreatment in healthcare and educational environments is unprofessional and disrespectful behaviour that is not tolerated by NOSM. This Procedure applies to all NOSM-PGME related activities, both authorized and non-authorized interactions that occur on NOSM premises or on non-NOSM premises, which arise out of the individual's NOSM related role, including social events and social media communications where there is a connection between the individual's actions to NOSM work or learning environment.

- 2.1 In certain circumstances, more than one policy or code may apply, or may be relevant to the process outlined herein. 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. In cases where this procedure is not consistent with the Collective Agreement, the Collective Agreement will be followed.

3.0 **Important Principles**

- 3.1 **Definitions:** Definitions for mistreatment, intimidation, discrimination, harassment, sexual or gender-based harassment, personal (non-code based) harassment are detailed in the Human Rights and Anti-Discrimination Harassment Policy and can be found in this Procedure's Appendix A.
- 3.2 **Confidentiality:** The aim of this Procedure is to promote timely resolution of NODIP learner Issues. Any information, concerns or complaints brought forward under this Procedure will be treated confidentially, subject to disclosure obligations set out in the Human Rights Policy. NOSM will endeavour to ensure that information will only be shared on a 'need to know' basis to ensure compliance with this Procedure and the Human Rights Policy.
- 3.3 Protecting confidentiality with respect to all matters related to this Procedure is in the interests of affected individuals and the NOSM community. Confidentiality critical to ensure a fair process, protect the against reprisal, preserve a respectful environment and uphold the dignity of all involved in the complaint process. All participants to a complaint under this Procedure, including dietetic interns, responding persons, supervisors, staff, witnesses and administrators, must refrain from discussing the concerns, allegations and/or the steps involved with others extraneous to the complaints process. All participants must keep the content of the complaint, response, investigation, evidence, findings and outcome, in strict confidence. In case of any intentional or reckless breach of confidentiality, the individual responsible for the disclosure may be subject to sanctions.
- 3.4 **Interim Measures:** In certain circumstances, it may be necessary for the NODIP to institute interim measures in order to protect the Parties, promote a healthy environment, facilitate an Investigation and safeguard various interests. Interim steps that could be considered for implementation during the complaint process may include limiting contact between Parties and/or temporarily relocating or reassigning a Party pending the outcome of the process. Any steps taken should not penalize the Parties or put them at a disadvantage for participating in the process. In the event of safety concerns, the NODIP will seek the appropriate advice and take all necessary action.
- 3.5 **Protection Against Reprisal:** NOSM specifically prohibits reprisal or threats of reprisal against any individual who sincerely and in good faith makes use of this Procedure or participates in any process held under its jurisdiction. No person shall be subjected to negative treatment for raising anti-discrimination and harassment concerns or bringing forward a formal complaint, providing information related to a complaint, or participating in an Investigation under this Procedure or the Human Rights Policy. All Parties, witnesses, advisors, Investigators, and Policy administrators are protected from reprisal. Any individual who believes they are subject of a reprisal or threat of reprisal shall report this to

NOSM Human Resources. Any individual or entity found to be engaging in reprisal will be subject to sanctions under the Human Rights Policy of the same consequences as complaints of discrimination and harassment.

- 3.6 The NODIP will make all best efforts to minimize the risk of reprisal against dietetic interns who use this Procedure, including if there are no findings of wrongdoing. Examples of possible measures to minimize reprisal are: having the dietetic intern's performance assessed by an alternate preceptor, and advocating for the dietetic intern regarding any potential conflict-of-interest that may occur.
- 3.7 **Accommodation:** The NODIP respects and upholds its obligation to provide reasonable accommodation to dietetic interns. If the dietetic intern's concerns relate to accommodation needs, the dietetic intern should raise these concerns with the Assistant Dean, Learner Affairs. Refer to [NODIP's Academic Accommodations for Dietetic Interns Policy](#).

4.0 Procedures

- 4.1 There are a variety of avenues set out in this Procedure and the Human Rights Policy for dietetic interns to informally or formally raise concerns of mistreatment

4.2 Option One – Individual Resolution of a Concern

As an initial step, the informal resolution of concerns is supported and encouraged by the NODIP. In many cases, a conversation with the other person(s) is the most effective way to resolve a concern. Where there is opportunity for safe, respectful and collegial discussion, the resident is encouraged to speak directly to the other person(s) to let them know that something has happened that is uncomfortable for them or that the person's behaviour is unwelcome and ask them to stop the behaviour.

If the dietetic intern is not able or comfortable to speak directly to the person, or at any time in the process, the dietetic intern may consult with their NODIP Site Coordinator or a NOSM Learning Advocate, for advice, support and guidance. The NODIP Site Coordinator or NOSM Learning Advocate may help to repair the learning relationship or otherwise resolve the situation. This may involve 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 dietetic intern. Exceptions to the general principle of confidentiality may be made in the event of suspected imminent danger, health or safety considerations or where required by law.

In some situations, the student may consult with a support person and come to an understanding that the behaviour was not mistreatment. Resources and supports available to NOSM dietetic interns are outlined in Section 5 of this procedure.

4.3 Option Two – Informal Resolution of Concern Through An Academic Leader

If a dietetic intern does not wish to approach the person, have their Site Coordinator or Learning Advocate speak with the other person, or the concerning behaviour continues, the dietetic student should contact the Program Manager for advice and guidance.

- 4.4 Once contact is made with the NODIP Program Manager or Learning Advocate, the dietetic intern is provided with a copy of this Procedure and the NOSM Human Rights and Anti-Discrimination & Harassment Policy. Alternatively, the Senior Director PGME & HS may be contacted should the subject of the complaint be the Program Manager. At this juncture, the dietetic intern will then inform the Program Manager of the nature of the concern and the name of the other person(s) involved.
- 4.5 The Program Manager will confirm in writing that the dietetic intern wishes to resolve the concerns on an informal basis. The Program Manager will advise the Senior Director PGME & HS, contact the person(s) involved in the concern, and may involve the supports of the practicum agency administration, other NOSM academic program leadership, and/or NOSM HR depending upon the nature of the complaint and the role of the individuals involved. They will work with those involved to resolve informally the issues between the dietetic intern and the other person(s).
- 4.6 If the affected individuals (dietetic intern and responding person) agree, the Program Manager and the Senior Director PGME & HS, may recommend an informal resolution process, which, if successful, resolves the concern in a timely and fair manner. This informal resolution process may include one or more of the following:
 - a) meeting(s) involving the dietetic intern and the other person with the Program Manager or Senior Director PGME & HS for informal mediation,
 - b) arrangements made by the Program Manager or Senior Director PGME & HS for another person to be a mediator and assist in the resolution, or
 - c) other actions suggested by the Program Manager or Senior Director PGME & HS that are agreed to by the dietetic intern and the other involved person(s).
- 4.7 The Program Manager will prepare a written summary of the concern and its resolution and submit it to the Associate Dean, PGME & HS, Senior Director, PGME & HS and NOSM's Human Resources Director. Summary correspondence pertaining to the complainant's resolution will be housed in confidential dietetic intern files maintained by the NODIP Office. As an informal resolution, the persons involved will not be identified.

4.8 Option Stage Three – Formal Written Complaint and Investigation

At any time in the process or if the concerns are not resolved informally, the dietetic intern may opt to submit a formal written and signed complaint to the Program Manager using the Mistreatment, Discrimination, Harassment Complaint Form (see Appendix B). A resident may exercise the option of a formal complaint, as a first step should they chose not to participate in an informal resolution process.

The Program Manager will promptly forward the written complaint to the Senior Director, PGME & HS and the Associate Dean, PGME & HS, and NOSM's Human Resources Director. If the complaint is about the Program Manager, the complainant is advised to contact NOSM Human Resources and the Senior Director, PGME & HSPE.

- 4.9 On receipt of a written complaint, the Program Manager or Senior Director, PGME & HS will:
- a) Within ten (10) business days of receipt and review of the dietetic intern's written complaint, meet with the dietetic intern to clarify the details of the complaint;
 - b) Within ten (10) business days of a), advise the dietetic intern of the next steps for pursuing the complaint in accordance with NOSM's Human Rights Policy;
 - c) Within ten (10) business days of b) inform the respondent(s) in writing of the complaint. The Senior Director, PGME & HS will provide a copy of the written complaint, NOSM's Human Rights Policy and this Procedure to the respondent(s). The support of Human Resources may be sought by the Senior Director, PGME & HS to ensure appropriate contact is made with respondent(s) and corresponding placement site supervisors/unions;
 - d) the respondent(s) will be directed to provide a written response to the complaint within ten (10) business days to the PGME & HS Senior Director;
 - e) Within ten business days of receipt of the written response pursuant to meet with the respondent(s) to clarify the details of their response;
 - f) Within ten (10) business days of e) and receipt of all submissions and clarifications, the Senior Director, PGME & HS will consult with NOSM's Director of Human Resource to identify the steps to be taken to address resolve the complaint which may include mediation.
- 4.10 The dietetic intern will meet with Senior Director, PMGE & HS and Program Manager for a summary of the resolution of the formal investigation of the complaint.
- 4.11 Whenever possible, the dietetic intern and respondent will be invited to a joint meeting with the Senior Director, PMGE & HS and the Program Manager to discuss the actions associated with the resolution of the complaint.

- 4.12 The Senior Director, PGME & HS will submit a final summary of the complaint to NOSM's Human Resources Director, and the Associate Dean, PGME & HS. The NOSM Human Resources department will house confidential files of formal complaints.

5.0 Roles and Responsibilities

- 5.1 Resources available to NODIP:

- a) Morneau Shepell Employee & Family Assistance Program:
<https://www.shepell.com/en-ca/totalhealthsolutions/yourefap/>
- b) NOSM learners and their dependent family members (e.g. spouse and dependent children) can access 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 and Anti-Discrimination & Harassment Policy](#) (NOSM)
- [NODIP's Academic Accommodations for Dietetic Interns Policy](#)

7.0 Getting Help

Queries regarding interpretations of this document should be directed to:

- Senior Director, PGME & HS
- Program Director, NODIP

Version	Date	Authors/Comments
1.0	2020 03 02	Approved by PGME & Health Sciences Associate Dean

Appendix A

Definitions (cited from NOSM's Human Rights and Anti-Discrimination Harassment Policy prepared for Board of Directors approval in September 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)
- l) record of offenses (in employment only)
- m) sex (including pregnancy and breastfeeding) and
- n) sexual orientation

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 or 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:

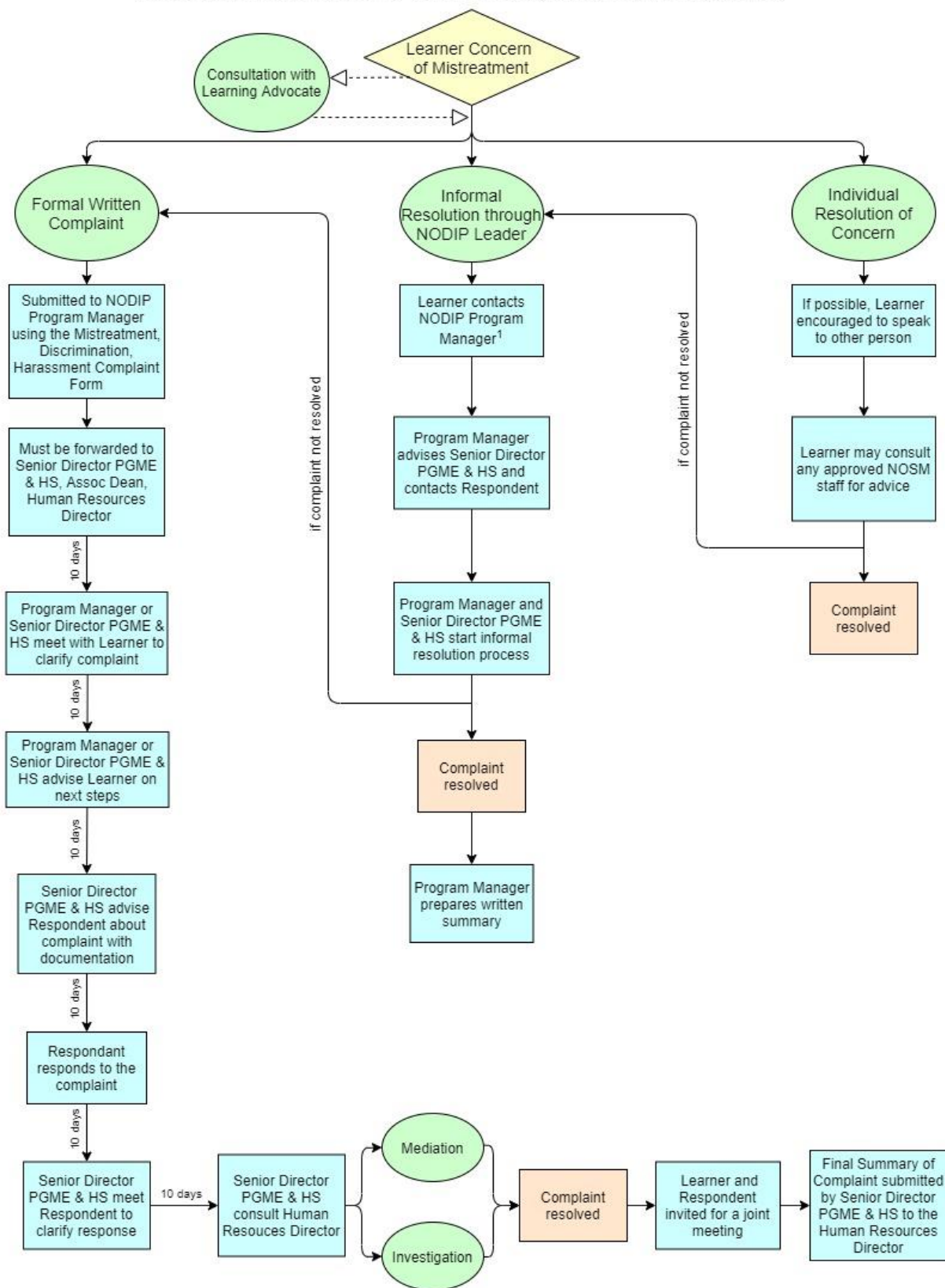
- frequent angry shouting / yelling or blow-ups
- regular use of profanity and abusive or violent language
- physical, verbal or email threats, intimidation
- violent behaviours, slamming doors, throwing objects
- targeting individual(s) in humiliating practical jokes
- excluding, shunning, impeding 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, 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

Responding to Dietetic Intern Concerns of Mistreatment

PROCEDURE FOR RESPONDING TO LEARNER CONCERNS OF MISTREATMENT



¹ If the subject of the complaint is the NODIP Program Manager, the Senior Director PGME & HS should be contacted.
If the subject of the complaint is the Senior Director PGME & HS, NOSM Human Resources should be contacted.

Appendix B Mistreatment, Discrimination or Harassment Concern Form

: Complaint Form

Instructions for completing this form: This form is intended for the use of NOSM community members only to report complaints and/or incidents they believe violate the Human Rights and Anti-Harassment/Discrimination Policy ("HRAP"). 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 supervisor as outlined in the ("HRAP") Policy. If you are unsure of your supervisory authority, please submit to NOSM Human Resources who will guide you in the process.

Complainant Information

Complainant's Name	
Telephone Number	Alternative Telephone Number
Email	Work Location

Details of Person(s) Involved in the Complaint

Person 1		
First Name		Last Name
Telephone Number	Alternative Telephone Number	Work Email
<input type="checkbox"/> Respondent (alleged to have engaged in wrongdoing) <input type="checkbox"/> Witness <input type="checkbox"/> Other: _____		
Person 2		
First Name		Last Name
Telephone Number	Alternative Telephone Number	Work Email

Responding to Dietetic Intern Concerns of Mistreatment

☐ Respondent (alleged to have engaged in wrongdoing)

☐ Witness

☐ Other: _____

Details of Person(s) Involved in the Complaint (Continued)

Person 3

First Name

Last Name

Telephone Number

Alternative Telephone Number

Work Email

☐ Respondent (alleged to have engaged in wrongdoing)

☐ Witness

☐ Other: _____

Person 4

First Name

Last Name

Telephone Number

Alternative Telephone Number

Work Email

☐ Respondent (alleged to have engaged in wrongdoing)

☐ Witness

☐ Other: _____

Complaint Details

Include dates, times, and details of specific behaviour and/or words used. Attach additional pages if necessary

Complaint Ground (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Age | <input type="checkbox"/> Race |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Record of Offence |
| <input type="checkbox"/> Citizenship | <input type="checkbox"/> Reprisal |
| <input type="checkbox"/> Colour | <input type="checkbox"/> Sex (including Pregnancy & Breastfeeding) |
| <input type="checkbox"/> Creed/Religion | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Sexual harassment (Sex) |
| <input type="checkbox"/> Ethnic Origin | <input type="checkbox"/> Sexual harassment (Sexual orientation) |
| <input type="checkbox"/> Family Status | <input type="checkbox"/> Sexual harassment (Gender Identity) |
| <input type="checkbox"/> Gender Expression | <input type="checkbox"/> Sexual harassment (Gender Expression) |
| <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Workplace Harassment |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Membership or activity or non-activity in a Union or Staff Association |
| <input type="checkbox"/> Place of Origin | <input type="checkbox"/> Other |
| <input type="checkbox"/> Political Affiliation | <input type="checkbox"/> None of the above |

Employee (Complainant) Signature

Date (yyyy-mm-dd)