

<b>MEDICAL LEARNER MISTREATMENT POLICY</b>	Policy sponsor: Dean, Faculty of Medicine
	Accountability and administrative responsibility: Office of Professional Affairs
	Effective date: November 7, 2023

### A. Background and Purpose

The Faculty of Medicine is committed to providing a learning environment that is safe, professional, and respectful. All members of our community share this right and responsibility. Part of our commitment to creating and maintaining this type of learning environment includes having clear reporting mechanisms and processes in place to address the mistreatment of Learners by faculty, staff, peers, and others involved in medical education.

Although policies, reporting mechanisms and processes are in place at the University to address such matters, the needs of the medical Learner and the medical education environment itself, at the intersection of the University and Health Authorities, are unique in some aspects.

Per the Committee on Accreditation of Canadian Medical Schools (CACMS), Element 3.6:

*“The medical school has written policies that define mistreatment, has effective mechanisms in place for a prompt response to any complaints, and supports educational activities aimed at preventing mistreatment. Mechanisms for reporting mistreatment are understood by medical students and visiting medical students and ensure that any mistreatment can be registered and investigated without fear of retaliation.”*

The purpose of this policy is to inform Learners and other members of the medical education community of mechanisms to report Learner mistreatment (experienced or observed) and of the procedures following a report of Learner mistreatment.

### B. Application

**NOTE:** This policy is not intended for emergency use. Learners in distress who are concerned about potential or impending harm to themselves or others should seek immediate assistance by contacting 911 or security services at the university (Halifax: 902-494-6400; Saint John: 506-648-5675). Learners can also contact the Offices of Resident & Student Affairs, who will respond within one business day.

For the purpose of this policy, Learner mistreatment is categorized as follows (see definitions in Section C):

- a. Unprofessional behaviour
- b. Personal harassment
- c. Discrimination
- d. Sexualized violence (including sexual harassment)

This policy applies to all Learners and focuses on addressing instances of Learner mistreatment that fall in categories 'a' and 'b'.

Although behaviours under 'c' and 'd' are considered unprofessional, they are presented here as discrete mistreatment categories since they are defined and addressed through specific policy documents and subject to legal or other frameworks.

This policy is governed by the Faculty of Medicine, and does not supersede any relevant Faculty, University, or Health Authority policy, or any relevant regulation or law. Where an existing policy applies, the relevant policy and procedure will be followed and the authority of the governing body for that policy will be respected. See list of relevant policies and procedures in Appendix A.

### C. Definitions

**Complainant:** A faculty, staff, or Learner in the Faculty of Medicine who has made a Report of concerning behaviour. (See 'Report'.)

**Disclosure:** The sharing of information with the Office of Professional Affairs by someone who is a faculty member, staff member, or Learner or by someone who is engaged in activities on Dalhousie University's property or with individuals who are faculty, staff, or students of Dalhousie University about an experience of Learner Mistreatment they have had or witnessed.

**Learner:** A person currently enrolled (or previously enrolled within the last 30 days) in the undergraduate or postgraduate medical education program or the physician assistant studies program at Dalhousie University or an individual from another medical school completing an elective at Dalhousie.

**Learner Mistreatment** Any behaviour, intentional or unintentional, which demonstrates disrespect for the dignity of others, and which interferes with the learning process that is directed towards a Learner. Learner Mistreatment can take different forms (as categorized below) and can involve a single incident or a pattern of behaviour, ranging from subtle to egregious.

Learner Mistreatment does not include (provided it is expressed or carried out in a respectful manner):

- Interpersonal conflict or disagreement
- Performance feedback
- Discipline or remediation

- a) Unprofessional behaviour: It is expected that everyone involved in the Faculty of Medicine's education programs will display professionalism, individually and collectively, in all their interactions with each other, with patients and families/significant others, with Learners, with colleagues in other professions and with members of the public when acting under the auspices of Dalhousie University. Physicians and scientists have privileged positions in society. Professionalism is

central to the ethos of both the practice of medicine and conduct of research, and an expression of our commitment to patients and society. It includes demonstrating respect for others, honesty and integrity, compassion and empathy, and duty and responsibility. Unprofessional behaviour is any behaviour that is opposite to those described in the [Dalhousie Medical School's Professionalism Policy](#).

Examples of unprofessional behaviour include (being / witnessing someone being):

- Dishonest
- Publicly belittled or humiliated, implicitly or explicitly
- Intentionally neglected or left out of communications
- Required to perform personal services
- Subjected to outbursts of anger
- Threatened, implicitly or explicitly
- Inhibited by a person of authority from providing appropriate feedback, including Disclosures or reports of Learner mistreatment or other unacceptable behaviour
- Pressured by a person of authority to do something inappropriate

- b) Personal harassment: Abusive, unfair, or demeaning treatment of a person or group of persons that is known or ought reasonably to be known to be unwelcome and unwanted when: i) such treatment abuses the power one person holds over another by virtue of their employment/appointment relationship or misuses authority associated with their position of employment/appointment, or ii) such treatment has the effect of seriously threatening or intimidating a person, and such treatment has the effect of unreasonably interfering with a person's or a group of persons' employment/appointment, learning, or career opportunities, or iii) such treatment has the effect of creating an intimidating, hostile or offensive working or learning environment. Conduct considered above means either repeated or persistent patterns of behaviour, direct or indirect, that when taken together constitute personal harassment; or a single act of sufficient severity to constitute personal harassment in its own right. Such conduct may occur within or outside of the workplace or learning environment.

Examples of personal harassment include name calling, insults, inappropriate jokes, threats, shouting, derogatory remarks (including messages that are threatening, derisive, or defamatory), spreading malicious rumours, persistent criticism and exclusion. As stated generally under 'mistreatment', personal harassment does not include appropriate managerial/supervisory direction, delegation, performance feedback or performance management, or attendance management.

At this time there are also separate FoM/UGME and PGME Personal Harassment policies, that can be referred to:

[FoM Personal Harassment Policy for Medical Students and Residents](#)  
[Personal Harassment Policy for Post Graduate Medicine Trainees](#)

- c) Discrimination: When a person makes a distinction (through an act, behaviour, or practice), whether intentional or not, based on a characteristic or perceived characteristic that is protected under Human Rights legislation. The [Statement on Prohibited Discrimination](#) indicates Dalhousie University's commitment to safeguarding students and employees against all forms of prohibited discrimination at university-sponsored organizations, activities, and programs as well as in the course of work or study. For more information, consult the [Discrimination](#) section of the Office of the Vice-Provost, Equity & Inclusion website.

- d) Sexualized violence (incl. sexual harassment): Refers to an act of violence, whether the act is physical or psychological in nature, that is characterized by an attempt to threaten, intimidate, coerce or engage in any unwelcome behaviour of a sexual nature against a member of the university community without that member's consent. Sexual Assault and Sexual Harassment are subsets of Sexualized Violence. Other examples, include but are not limited to, creating and/or sharing images non-consensually, stalking, voyeurism, and stealthing. For more information, consult the [Sexualized Violence](#) section of the Office of the Vice-Provost, Equity & Inclusion website.

- Report:** A written statement about an act of misconduct by another individual submitted to the Office of Professional Affairs with the intention that the Faculty or University formally reviews and potentially acts upon the information, which could result in remedial or disciplinary action taken against the individual responsible for the concerning behaviour. For this reason, the names of all parties must be included in the Report, along with a detailed description of the behaviours and an indication of the redress sought. The decision to report is separate from the decision to disclose, except in cases where the relevant institution is required to take steps, including out of health and safety concerns, as required by law or regulation (see Anonymity in section D for more information).
- Respondent:** Faculty, Staff, or Learner who the Complainant is alleging committed an act of Learner mistreatment.
- Retaliation:** Any threat of reprisal or any attempt to intimidate and/or any adverse behaviour or action, taken against anyone who participates in a process under this policy in response to the initial concern or Report.

#### **D. Principles**

1. The Faculty of Medicine is committed to providing a learning environment that is safe, professional, and respectful and, therefore, does not tolerate Learner mistreatment.
2. No faculty, staff, or Learner shall commit an act of Learner mistreatment.
3. All faculty, staff, and Learners in Dalhousie University's Faculty of Medicine have a shared responsibility to ensure that the learning environment is free from mistreatment.
4. The Faculty of Medicine shall strive to provide a response to Learner mistreatment that is informed by the following principles:
  - Learner safety and well-being: The Faculty of Medicine prioritizes the safety, well-being, and support of our Learners.
  - Recognition of all harmful behaviours: The Faculty of Medicine recognizes as harmful all the behaviours deemed unacceptable under this or the relevant policies, procedures and other (listed in Appendix A).
  - Responsibility to disclose: Any Learner who experiences or witnesses behaviour that they perceive to be Learner mistreatment can and should disclose and/or Report the concerning behaviour, in order to obtain guidance and support and make an informed decision regarding next steps.

- **Designated points of contact:** Learners will have designated points of contact under this policy to whom they can disclose/report Learner mistreatment. These designated points of contact will include individuals who are not in an evaluative role and who can provide Learners with advice and guidance regarding next steps.
- **Confidentiality:** All parties involved in a Disclosure or Report will maintain confidentiality to the extent possible. Only those who need to be involved to carry out their responsibilities under this policy will be informed, and in those cases, information will be kept to the minimum possible. Confidentiality is limited in circumstances where a serious safety risk exists and/or the Faculty or University has a legal obligation to act or share information.
- **Anonymity:** Learners may submit an anonymous written allegation (i.e. without a requirement to provide their identity) about an act of Learner Mistreatment to the Office of Professional Affairs. Whether or not the anonymous written allegation can proceed in the absence of an identified Complainant will be determined by the Office of Professional Affairs having regard to all of the circumstances of the case and the evidence available. Information provided by the anonymous source may also be used as the basis to decide to engage a process aimed at addressing systemic or cultural concerns.
- **Good faith:** The Faculty may choose not to review a Disclosure or Report if it determines that the Disclosure or Report is frivolous, has been made in bad faith, or there is insufficient information to proceed. A Disclosure or Report made in bad faith shall constitute grounds for disciplinary action against the complainant, which shall be commenced in accordance with the student code of conduct, existing collective agreements or other applicable disciplinary processes. A bad faith Report is a complaint that is made with a conscious design to mislead or deceive, or with a malicious or fraudulent intent.
- **Retaliation:** The Faculty of Medicine will not tolerate any retaliation or the threat of retaliation against any person on account of a Disclosure, Report, or an expressed intention to submit a Report under this Policy or on account of evidence or assistance given with respect to a Disclosure or Report under this Policy. Such retaliation is considered to be a serious offence and may constitute grounds for disciplinary action.
- **Conflict of interest:** All faculty, staff and Learners are subject to and required to abide by the University's [Conflict of Interest](#) policy and procedures.
- **Limitations:** All Disclosures or Reports should be made as close to the event as possible, but no later than within 12 months of the alleged Learner Mistreatment or last act of Learner Mistreatment. Notwithstanding this limitation, the time limit can be extended at the discretion of the Office of Professional Affairs where that Office deems, in its sole discretion, an extension is appropriate and warranted.
- **Tracking and monitoring:** The Faculty of Medicine is responsible for tracking and monitoring Learner mistreatment to ensure a respectful educational environment. The Office of Professional Affairs will produce annual reports and be responsible for identifying trends in Learner mistreatment and adjusting this policy as needed. Reports will only include aggregate data and will be produced in a manner that does not allow the identification of any individuals.

## **E. Procedures**

1. Reports on Learner mistreatment will be received by the Office of Professional Affairs (OPA). Reports may be submitted by any member of the Faculty of Medicine, including Learners, faculty, or staff.

2. The Office of Professional Affairs will maintain a confidential, safe, online reporting system (ConfidenceLine: <https://dalhousiemedicine.confidenceline.com/>)
3. Disclosures may be submitted through several means of communication, including ConfidenceLine, email, phone or in person meetings.
4. Reports may be submitted through ConfidenceLine, mail or email.
5. Once a Report is received, an initial review will be conducted by the Manager of the OPA and one or both of the OPA Assistant Deans to determine urgency and appropriateness for review by the office. If it is found that the alleged behaviour could constitute Learner Mistreatment, collaborative decision making with the complainant will be followed to determine next steps, which may include further investigation and review of the Report by the person(s) of meaningful authority (see process map, appendix A). For reports received which do not explicitly pertain to Learner mistreatment and/or the learning environment (e.g. Patient safety, criminal activity), the OPA office will redirect the complainant to the appropriate resources.
6. Once investigation of a Report is completed by the person(s) of meaningful authority and/or the OPA, recommendations on resolution will be made and forwarded to the OPA. The Complainant will be provided an update on the process and a high level summary of any recommendations, as appropriate while respecting the confidentiality of the Respondent.

## APPENDIX A – Relevant policies & procedures

### Faculty:

- [Dalhousie Medical School Professionalism Policy](#)
- [UGME – Process for Addressing Breaches of Professionalism by Undergraduate Medical Students](#)
- [UGME – Breaches of Professionalism Form](#)
- [UGME – Personal Harassment Policy for Medical Students and Residents](#)
- [PGME – Personal Harassment Policy for Postgraduate Medical Education](#)
- [Faculty of Medicine Diversity, Inclusion and Equity Guidelines](#)
- [OPA Process Map](#)

### University:

- [Sexualized Violence Policy \(Executive Summary\)](#)
- [Sexualized Violence Policy](#)
- [Statement on Prohibited Discrimination](#)
- [Personal Harassment Policy](#)
- [Prohibited Discrimination and Harassment Complaint Process](#)
- [Gender Affirmation Policy](#)
- [Conflict of Interest Policy](#)

### Health authorities:

- [NSHA Respectful Workplace Policy](#)
- For IWK and Horizon policies, please contact OPA office

### Regulatory bodies and professional associations:

- [CACMS Standards and Elements](#)
- [CMA Code of Ethics and Professionalism](#)
- [CanMEDS Framework \(Role: Professional\)](#)
- [CPSNS – Undergraduate Medical Education – Professional Responsibilities](#)
- [CPSNS – Postgraduate Medical Education – Professional Responsibilities](#)
- [CPSNB – Professional Misconduct \(Regulation #9\)](#)

### Legislation:

- [NS Human Rights Act](#)
- [NB Human Rights Act](#)
- [NS Medical Act](#)
  - [Medical Practitioners Regulations](#) (Under Section 11 of the Medical Act)
- [NB Medical Act](#)