

Personal Harassment Policy for Post Graduate Medicine Trainees

Approved PGME Education Committee - June 7, 2018

Approved Faculty Council - July 4, 2018

A. Background & Purpose

The Faculty of Medicine's Office of Post Graduate Medical Education at Dalhousie University is committed to providing its residents and fellows (see section C.i) Trainees with a learning environment that is free of personal harassment. All Trainees, faculty and staff within the Faculty of Medicine share responsibility for establishing and maintaining a climate of respect and for taking appropriate steps to seek advice and/or address personal harassment when it occurs.

The purpose of this Policy is to set out clear procedures to be followed in instances where a Trainee believes they have been personally harassed.

B. Application

This Policy applies to all Trainees with respect to events arising from or related to PGME Activities.

However, this Policy does not apply to:

- i. allegations of sexual harassment, which are addressed in accordance with Dalhousie's "Sexualized Violence Policy" through Human Rights and Equity Services; or

allegations of harassment based on any of the characteristics protected by applicable human rights legislation, which are considered a form of discrimination and are addressed in accordance with Dalhousie's "Statement on Prohibited Discrimination" through Human Rights and Equity Services.

C. Definitions

1. In this Policy:

- a. "Assistant Dean" means the Assistant Dean of Resident Affairs.
- b. "Associate Dean" means the Associate Dean of Post Graduate Medical Education.
- c. "Faculty/Employee" means:
- d. A person who holds an academic appointment to a Department in the Faculty of Medicine or a person employed by Dalhousie University in the Faculty of Medicine

- e. "Personal Harassment" means 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 relationship within the Faculty of Medicine, 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' academic activities, performance, or career opportunities, or
 - (iii) such treatment has the effect of creating an intimidating, hostile or offensive learning environment.

Personal Harassment can be 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. Examples of personal harassment include, but are not limited to, name calling, insults, inappropriate jokes, threats, shouting, derogatory remarks (including messages that are threatening, derisive, or defamatory), spreading malicious rumours, persistent criticism and exclusion. A single incident, if sufficiently severe, may also constitute harassment. Personal Harassment does not include appropriate supervision, instruction, feedback or evaluation.

- f. "Investigation Committee" means an ad hoc committee appointed pursuant to section D.5.d. of this Policy.
- g. "PGME" means the postgraduate medical education unit at Dalhousie.
- h. "PGME Activities" means all activities included with a Trainee's postgraduate medical education training program at Dalhousie.
- i. "Respondent" means an individual alleged to have engaged in Personal Harassment towards a Trainee.
- j. "Trainee" means a resident, fellow or learner, who has been accepted into or is enrolled in a postgraduate medical education training program within Dalhousie's Faculty of Medicine. For clarity, this excludes hospital-based clinical fellows not registered with Dalhousie University.

D. Policy

1. Dalhousie University's Faculty of Medicine is committed to ensuring that Trainees who believe they have been subjected to Personal Harassment by another Trainee or Faculty/Employee during their participation in PGME Activities have a fair process by which to bring forward an allegation.
2. No Trainee or Faculty/Employee shall commit an act of Personal Harassment.

3. The Faculty of Medicine, Faculty/Employees, and Trainees have a shared responsibility for establishing and maintaining a climate of respect that is free of Personal Harassment.
4. Anyone may, anonymously or otherwise, seek the assistance and advice of the Assistant Dean of Resident Affairs or the Associate Dean regarding this Policy.
5. The Office of Resident Affairs and the PGME Office is available to program directors of postgraduate medical education training programs and Division/Department heads for assistance and advice on matters pertaining to Personal Harassment and this Policy.
6. Complaints of Personal Harassment by Trainees shall be addressed under this Policy.
7. Complaints of Personal Harassment may not be made on behalf of another person.
8. A complaint may be resolved informally or formally in accordance with the procedures set out in this Policy. Reasonable attempts to explore informal resolution will be made before proceeding to formal resolution.
9. A formal complaint may be withdrawn and informal resolution sought with the mutual agreement of the complainant and the respondent.
10. All persons involved in a complaint of Personal Harassment are expected to maintain strict confidentiality unless otherwise agreed to by the parties, disclosure is necessary to effectively implement this Policy or to undertake any disciplinary or remedial steps arising from a complaint made under this Policy, or required by law.
11. The Faculty of Medicine will not tolerate any retaliation or threat of retaliation against any person on account of a complaint or expressed intention to submit a complaint under this Policy, or on account of evidence or assistance given with respect to a complaint under this Policy.
12. A complaint made in bad faith will constitute grounds for disciplinary action against the complainant, which will be commenced in accordance with applicable disciplinary processes. A bad faith complaint is a complaint that is made with a conscious design to mislead or deceive, or with a malicious or fraudulent intent.
13. This Policy does not affect the right of Trainees to pursue a complaint under any applicable legislation, College of Physicians and Surgeons process or to file a grievance in accordance with a provision of an applicable collective agreement.
14. Throughout the complaint process reasonable steps may be undertaken by the Associate Dean to ensure the wellness of both parties to the complaint are considered.

E. Administrative Structure

1. Authority: This Policy is sponsored by and falls under the authority of the Dean of the Faculty of Medicine.

2. Postgraduate Medical Education: Postgraduate Medical Education is the unit responsible for the administration of this Policy.
3. Policy Review: This Policy will be reviewed in accordance with Dalhousie's Policy on Policies or earlier if deemed necessary by the Dean of the Faculty of Medicine.

F. Procedures for Complaints of Personal Harassment:

1. Notice of Policy: Trainees will be made aware of the existence of this Policy through its posting on the PGME website.

2. Submission of Complaint:

- a. Complaints of Personal Harassment must be submitted in writing to the Assistant Dean of Resident Affairs by the Trainee alleging Personal Harassment and should be made as soon after the incident as possible, but must be made within twelve months of the last alleged instance of the action or conduct. An extension of time to submit a complaint may be permitted by the Assistant Dean of Resident Affairs where there is a bona fide reason to do so and where those affected by the allegation will not be unduly prejudiced.

- b. If the complaint is against the Assistant Dean of Resident Affairs, all responsibilities assigned to the Assistant Dean of Resident Affairs under this Policy will be assumed by the Associate Dean. If the complaint is against the Associate Dean PGME, all responsibilities assigned to the Assistant Dean of Resident Affairs will be assumed by the Senior Associate Dean. If the complaint is against the Dean or Senior Associate Dean, all responsibilities assigned to the Assistant Dean of Resident Affairs under this Policy will be assumed by the Provost and Vice-President Academic, who can then in turn delegate as appropriate.

- c. The complaint must be submitted in writing. The complaint can, but need not, be submitted by completing a confidential incident report via "Report Incidents of Unprofessional Behaviour" web reporting tool on the PGME website.

3. Review of Complaint by Assistant Dean of Resident Affairs:

In order for a complaint to proceed to informal or formal processes under this Policy, the Assistant Dean of Resident Affairs must review the complaint and determine that (a) the allegations fall within this Policy, (b) if proven true, the allegations could result in a finding of personal harassment, and (c) the allegations have not been heard and are not being heard through another University process. If the complaint cannot proceed, the Assistant Dean will advise the Trainee of support and resources that are available and that no other action with respect to the complaint will be taken and why. If new information is subsequently provided, this decision may be re-evaluated.

4. Consultation following Submission of the Complaint:

After reviewing a complaint and determining that it can proceed, the Assistant Dean of Resident Affairs will arrange to meet with the Trainee to inform the Trainee of discuss the complaint, this Policy, and possible resolution processes. The Trainee will be informed that they can have a support person or their choice present throughout the process.

5. Informal Resolution Process:

- a. Parties may be able to resolve the issue informally in a number of ways, including, but not limited to:
 - i. Impact Statement/Letter: The Trainee communicates to the Respondent, in writing or in person, that their behaviour is unwelcome and unwanted, and that the behaviour must stop immediately;
 - ii. Facilitation: The Trainee may request that the Assistant Dean of Resident Affairs, or other appropriate person identified by the Assistant Dean of Resident Affairs, facilitate a discussion between themselves and the Respondent;
 - iii. Notification: The Assistant Dean of Resident Affairs notifies the Respondent that the behaviour must stop immediately;
 - iv. Education: The Assistant Dean of Resident Affairs arranges coaching, support, or educational opportunities for the Respondent;
 - v. Other processes or interventions of a restorative nature.
- b. To the extent that any informal resolution involves the participation of the Respondent or will otherwise impact the Respondent, the Respondent voluntarily agrees to participate. Prior to that agreement being sought, the Respondent will be provided with written notice that a complaint has been brought against them, a copy of the complaint and this Policy, details of available support services, and notice that they have a right to have a support person of their choice present throughout the process.

6. Formal Resolution Process:

- a. The formal resolution process will be initiated following a determination by the Assistant Dean of Resident Affairs that:
 - i. reasonable attempts at informal resolution have been explored;
 - ii. the allegations fall within this Policy;
 - iii. the allegations, if proven true, could result in a finding of personal harassment; and

- iv. the allegations are not being heard, or have not already been heard, through another University process.
- b. Within 14 calendar days following a determination to proceed, the Assistant Dean of Resident Affairs will:
 - i. provide written notice to the Trainee who submitted the complaint that the matter will proceed under the Formal Resolution Process as well as remind the Trainee of available support services and that they have a right to have a support person of their choice present throughout the process;
 - ii. if the Respondent has not previously been notified of the complaint or received a copy of the complaint, provide written notice to the Respondent that a complaint has been brought against them, a copy of the complaint and this policy, details of available support services, and notice that they have a right to have a support person of their choice present throughout the process; and
 - iii. if the Respondent has been provided the documents listed in ii., written notice that the complaint will be proceeding under the Formal Resolution Process, provide written notice to them that the matter will proceed under the Formal Resolution Process as well as remind the Trainee of available support services and that they have a right to have a support person of their choice present throughout the process.
- c. The Respondent will have 14 calendar days to provide their response to the Assistant Dean of Resident Affairs in writing, a copy of which will be provided to the Trainee. If no written response is received, the Respondent will be notified that the allegations in the complaint are unchallenged and that the matter will proceed on that basis.
- d. The Assistant Dean of Resident Affairs will appoint an Investigation Committee to investigate the matter. That Committee will consist of 2 faculty members and a Trainee. No members of the Investigation Committee shall be from the same Department as the complainant or the respondent.
- e. The Assistant Dean of Resident Affairs will provide the Investigation Committee with all materials submitted by the Trainee and the Respondent's written response.
- f. The Investigation Committee will complete the investigation in a timely manner, having regard to the circumstances surrounding a particular complaint, this Policy, and requirements of fairness and due process. Wherever possible, the investigation, including the submission of the investigation report, will be completed within 60 calendar days of the Investigation Committee being appointed by the Assistant Dean of Resident Affairs to investigate the complaint.
- g. The Investigation Committee will conduct the investigation in a manner that is consistent with the following procedures:

- i. After reviewing the complaint and response, the Investigation Committee will give the Trainee who made the complaint a reasonable opportunity to attend an interview to give them an opportunity to provide additional clarifying information or evidence to supplement the complaint or respond to information put forward by the Respondent. They will also be provided with an opportunity to give names of any potential witnesses.
- ii. The Investigation Committee will then give the Respondent a reasonable opportunity to attend an interview to give to address the allegations in the complaint and to identify other relevant information and witnesses.
- iii. The Investigation Committee may convene meetings with witnesses who they deem possess relevant information to the issues raised in the complaint.
- iv. The Investigation Committee may meet subsequently with the Trainee who made the complaint and the Respondent in light of information they have received in the course of the investigation. At all times, the Investigation Committee will ensure that the Respondent has been provided with an opportunity to respond to all allegations made against them.
- v. The Investigation Committee will review all of the information gathered in the course of the investigation and will submit a report to the Assistant Dean of Resident Affairs that includes a finding as to whether or not the Respondent has engaged in Personal Harassment and reasons for the finding. Reasons will include findings of credibility, a description of what evidence was accepted and was not, and a weighing of the evidence.
- vi. The Investigation Committee will send the confidential investigation report, which may be partially redacted to address any confidentiality, privacy, and health and safety concerns, to the Trainee who made the complaint and to the Respondent, where the Respondent has provided a written response to the complaint or otherwise participated in the investigation and give them 5 calendar days to provide written comments on the report. When sending the report, the Trainee and the Respondent will be advised of available resources.
- vii. The Investigation Committee will submit the investigation report and any comments received to the Assistant Dean of Resident Affairs.
- h. The Assistant Dean of Resident Affairs will make a decision as to whether the Respondent has engaged in Personal Harassment.
 - i. If there has been a finding of personal harassment, the Assistant Dean of Resident Affairs will notify the Associate Dean of PGME and the respondents Program Director.
 - j. Remedial or disciplinary action taken against any person under this Policy will be taken in accordance with applicable collective agreement and other Faculty of Medicine Policies, or College of Physicians and Surgeons of Nova Scotia processes as appropriate.

- k. The Assistant Dean of Resident Affairs will advise the parties in writing of their decision regarding whether the Respondent has engaged in Personal Harassment and will provide reasons for their decision. Information on available resources will be included in the letter.
- l. The parties may also resolve the matter at any point during the formal resolution process.
- m. The time limits in this section may be extended by the Assistant Dean in exceptional circumstances.