

# PROCEDURE FOR THE RESOLUTION OF INCIDENTS OF LEARNER MISTREATMENT IN THE FACULTY OF MEDICINE

This procedure/process is confidential

This process is not for reporting sexual harassment or sexual assault. To report incidents of sexual harassment or sexual assault, call 709 864 2015 or visit [www.mun.ca/sexualharassment/](http://www.mun.ca/sexualharassment/)

## CONSULTATION PROCESS:

- Consult with Coordinator, Learner Well-Being and Success (LWS); or
- Complete a Memorial Incident Management System (MIMS) Mistreatment Disclosure form
- In-person or virtual consultation arranged
- Information about procedures and other resources provided



## PROCEDURE FOR INFORMAL RESOLUTION:

- Mistreatment Complaint form submitted and reviewed by Coordinator, LWS in consultation with Director LWS
- Determine if Complaint falls within policy parameters
  - If **NO**, advise in writing / process ends
  - If **YES**, Director, LWS works with parties involved
- Resolution reached or can refer to formal process
- Complainant and Respondent can be accompanied by a support person



## PROCEDURE FOR FORMAL RESOLUTION:

- Mistreatment Complaint form submitted to Coordinator LWS
- Complaint reviewed by Associate Dean, LWS, who decides to:
  - refer to another appropriate policy
  - discuss informal procedure with complainant
  - decide not to proceed
    - notify Complainant of grounds not to proceed
  - initiate formal process
- Complainant and Respondent can be accompanied by a support person



## FORMAL PROCESS:

- Respondent provided copy of complaint, policy and procedure, and notified of option to respond
- Associate Dean, LWS reviews response and determines if investigation to proceed
  - If **NO**, advise Complainant and Respondent / process ends
  - If **YES**, proceed with investigation



## INVESTIGATION:

- Associate Dean, LWS will notify Complainant, Respondent and Vice Dean, Education and Faculty Affairs
- Provide copies of relevant documentation and contact information for support resources
- Vice Dean appoints investigator to undertake the investigation
- Investigator submits investigation report to Vice Dean and determines whether evidence does/does not support the complaint
- Copies of report provided to Complainant, Respondent, Coordinator LWS and Associate Dean, LWS
- Complainant and Respondent have option to respond
- Vice Dean decides if mistreatment occurred and whether remedial or disciplinary action to be imposed



## APPEAL PROCESS:

- Appeals are sent to the Dean of Medicine
- Dean reviews to see if grounds for appeal are satisfied
  - If **NO**, Complainant is notified
  - If **YES**, proceed in accordance with applicable collective agreement or university guidelines



# **Processes and Procedures for the Resolution of Incidents of Medical Learner Mistreatment in the Faculty of Medicine**

## **Role of the Coordinator, Learner Well-Being and Success**

The Coordinator, Learner Well-Being and Success (LWS), or delegate, is available to all undergraduate and post-graduate medical learners in the Faculty of Medicine who have personally experienced behavior considered mistreatment by a member of the Faculty of Medicine.

The Coordinator, LWS will:

- be available for consultation to learners who may have personally experienced mistreatment;
- be available to bystanders who may have witnessed learner mistreatment;
- Provide information regarding the Policy for the Resolution of Incidents of Medical Learner Mistreatment in the Faculty of Medicine and the Procedure for the Resolution of Incidents of Medical Learner Mistreatment in the Faculty of Medicine to those requesting a consultation.
- Act as the primary contact for all of those involved in the complaint process, including investigators, mediators and university administration;
- Monitor the progress of the informal and formal means of resolving mistreatment concerns or complaints.

Bystanders are encouraged to meet with the Coordinator, LWS regarding any issues or concerns they have regarding learner mistreatment. A bystander cannot initiate a complaint but may be interviewed as a witness in the event of an investigation.

The Coordinator, LWS is an impartial party during this process. Their role is to endeavor to ensure that the procedures are followed, provide information to the parties, and ensure that the parties involved understand the procedures and the options available to them.

The Coordinator, LWS will keep a confidential record of consultations, any advice given and any outcome achieved. Only people with a bonafide need to know the details of a situation will have access to such information and access is limited to the scope of their responsibilities. Any reports generated by the Coordinator, LWS will only include non-identifying information, for statistical purposes only. All records are handled in accordance with the University's Information Management policy, the Privacy policy, the Access to Information and Protection of Privacy Act, and other applicable legislation.

Forms can be found [here](#) and must be submitted to the Coordinator, LWS.

The Coordinator, LWS is located in the Office of Learner Well-Being and Success in the Faculty of Medicine in suite M2M115. Meetings can be arranged by telephone, email, virtual, or in-person.

## **Information for Complainants**

A learner who feels they have experienced mistreatment should meet with the Coordinator, LWS. A support person can accompany a learner to this meeting but are not permitted to speak on behalf of the individual requesting the consultation. They must sign a [Consent Form for Support Person to attend Consultation](#). The consultation does not initiate an informal or formal process.

The Coordinator, LWS shall provide information about the Policy for the Prevention and Resolution of Learner Mistreatment in the Faculty of Medicine and its related procedures. The Coordinator, LWS will also provide information regarding other available Memorial and/or community resources. The Coordinator, LWS can refer the learner to another academic or administrative unit if found that the issue brought forward for consultation does not fall under this policy.

### **Interim Measures**

When deemed appropriate, the Associate Dean, LWS or delegate may recommend to the appropriate leadership (Associate Dean, UGME, Associate Dean, PGME, Assistant Dean, Faculty Wellness, Equity and Professionalism) that interim measures be implemented as may be necessary in exceptional circumstances. Any measures would be implemented to protect the well-being, safety and security of the Complainant, Respondent, or both, or to protect other members of the FoM community while a situation is being resolved, investigated, or decided. These measures would be precautionary, not disciplinary and do not indicate a finding of fact.

## **Information for Respondents**

The Coordinator, LWS will provide guidance to the Respondent, provide information on the policy and procedures, and facilitate referrals to other services as needed.

### **Respondent's Participation**

The Respondent may decide whether or not to participate in any investigation. However, the process shall continue in the absence of such participation by the Respondent.

### **Contacting the Respondent of the Complaint**

Once a complaint form has been signed and filed with the Associate Dean, LWS and the determination to proceed has been made, within 3 days, the following will be sent to the Respondent by Express Post with signature, or hand-delivery or by some other means through which proof of delivery can be obtained, the following documentation:

- Copy of the Mistreatment Complaint form;
- Copy of the Policy for the Prevention and Resolution of Learner Mistreatment in the Faculty of Medicine;
- Written notice of the complaint and contact information for the Office of LWS;
- Written notice that they may respond in writing and that a copy of their response will be provided to the Complainant and the Associate Dean, LWS;
- Written notice of any interim measures imposed, where applicable.

### **Respondent's Right to Respond**

The Respondent may respond in writing to the allegations contained in the complaint, provided that such written responses are delivered to the Coordinator, LWS within 5 days of receiving the complaint.

## **Informal Resolution**

If you have experienced mistreatment, you are encouraged to meet with the Coordinator, LWS to discuss your options. The Coordinator, LWS can answer your questions and provide guidance to ensure you make informed decisions.

To request the informal process, the learner who has experienced mistreatment (Complainant) shall complete and sign the Mistreatment Complaint form and submit it to the Coordinator, LWS, or delegate. The Coordinator, LWS will consult with a Director, LWS or others as may be required, to review the concern to determine if it falls within the parameters of the policy.

If the concern does not fall within the policy, the Complainant will be notified in writing and provided with the reasons.

If the concern does fall within the parameters, the Associate Dean, LWS will assign a Director, LWS to facilitate the resolution of the concern. The Director, LWS will work with the parties, individually or together, with the goal of reaching a mutually acceptable resolution. The Director, LWS may consult with others to achieve a resolution.

This process will not exceed thirty (30) days from the day the concern was brought forward, but the time frame may be extended as appropriate.

If an acceptable resolution is not achieved, the Director, LWS will discuss options with the Complainant.

## **Formal Resolutions**

If you have experienced mistreatment, you are encouraged to meet with the Coordinator, LWS to discuss your options. The Coordinator, LWS can answer your questions and provide guidance to ensure you make informed decisions.

To request the formal process, the learner who has experienced mistreatment (Complainant) shall complete and sign the Mistreatment Complaint form and submit it to the Coordinator, LWS, or delegate. This is normally done within 12 months of the incident or within 12 months of when the Complainant reasonably became aware of the incident. Events prior to the 12-month period can be referenced if they are relevant and part of a series of incidences that show a pattern of harassment. The Coordinator, LWS will provide the complaint to the Associate Dean, LWS or others as may be required, to review to determine if it falls within the parameters of the policy.

If the concern does not fall within the policy, the Complainant will be notified in writing and provided with the reasons.

### **Interim Measures**

When deemed appropriate, the Associate Dean, LWS or delegate may recommend to the appropriate leadership (Associate Dean, UGME, Associate Dean, PGME, Assistant Dean, Faculty Wellness, Equity and Professionalism) that interim measures be implemented as may be necessary in exceptional circumstances. Any measures would be implemented to protect the well-being, safety and security of the Complainant, Respondent, or both, or to protect other members of the FoM community while a situation is being resolved, investigated, or decided. These measures would be precautionary, not disciplinary and do not indicate a finding of fact.

### **Formal Procedure**

If it is determined to proceed with the formal procedure, the Associate Dean, LWS or delegate, will send to the Respondent the following:

- Copy of the Mistreatment Complaint form;
- Copy of the Policy for the Prevention and Resolution of Learner Mistreatment in the Faculty of Medicine;
- Written notice of the complaint and contact information for the Office of LWS;
- Written notice that they may respond in writing and that a copy of their response will be provided to the Complainant and the Associate Dean, LWS;
- Written notice of any interim measures imposed, where applicable.

The Associate Dean, LWS or delegate, will review the response and make a determination whether to proceed with an investigation.

To proceed with an investigation, the Complainant, Respondent and Vice Dean, Education and Faculty Affairs will be notified in writing, providing the following information:

- Copies of relevant documentation including the complaint form with any attachments, the response, and any other relevant information;
- Contact information for support resources available to the Complainant and Respondent including counselling, EAP, etc;
- Written notice that the Complainant and Respondent can be accompanied by a support person. Support persons will be required to sign a Consent Form for a Support Person to attend Consultation/Interview Form. The support person is permitted to speak on behalf of the Complainant or Respondent. The name of the support person must be given to the investigator in advance of the first meeting/interview.

Both parties can agree, in writing, to change to the informal process without proceeding with the formal investigation.

The Vice Dean, Education and Faculty Affairs, or delegate, will appoint an investigator who will undertake a thorough investigation to ascertain the facts of the complaint. The investigation will be conducted in an impartial, fair and objective manner. The investigator will prepare an investigative report within 40 days of their appointment. Any person referenced in the report will be named. The report will contain the summary of the evidence, any conclusions reached, and the finding with respect to mistreatment. The report will be provided to the Vice Dean, Education and Faculty Affairs who will provide copies to the Complainant, Respondent, Coordinator, LWS and Associate Dean, LWS.

The report is confidential and shall not be communicated verbally, duplicated or circulated. The Complainant and Respondent can discuss the report with their support person.

The Complainant and Respondent can respond, in writing, to the investigative report. This response cannot raise new issues and must be submitted to the Vice Dean Education and Faculty Affairs within 5 days.

Based on the investigative report and the responses, the Vice Dean Education and Faculty Affairs, or delegate, shall decide whether or not mistreatment has occurred. The Vice Dean shall consult the applicable Administrative Head and General/Legal Counsel before imposing any action. The Vice Dean may impose fair and reasonable penalties, subject to the applicable handbooks, collective agreements or code of conduct. Discipline will follow the concept of progressive discipline.

# Appeals

The Complainant or the Respondent may only appeal the decision on one or more of the following grounds:

- Evidence of a conflict of interest;
- Significant error in process;
- The result is patently unreasonable;
- There is significant new evidence that was not available at the time of the decision which has the potential to change the outcome of the matter.

Appeals are made to the Dean, Faculty of Medicine, within 15 days of notification. The Dean is bound by all applicable collective agreements and University guidelines.



## Forms

1. [Mistreatment Complaint Form](#)
2. [Consent Form for Support person to attend Consultation](#)
3. [MIMS Anonymous Disclosure Report](#)

## **Record Retention**

All records are handled in accordance with the University's Information Management policy, the Privacy policy, the Access to Information and Protection of Privacy Act, and other applicable legislation.

The Coordinator, LWS keeps a confidential record of consultations, any advice given and any outcome achieved. Reports generated will be statistical only and include only non-identifying information.

## **Anonymous Disclosures of Learner Mistreatment**

Undergraduate and Postgraduate Learners may access and complete the MIMS Anonymous Disclosure form. Learners must be currently enrolled or previously enrolled within the last 30 days. Learners from another medical school completing an elective at Memorial are also included.

Learner completes and submits the MIMS Anonymous Disclosure Report which is accessed by the Coordinator, LWS or delegate and reviewed with a Director, LWS. The Administrative Head of the subject of the concern will be notified of the disclosure, in writing, by the Associate Dean, LWS. To maintain the anonymity of the learner, this may be done within a 6 month period. The Administrative Head will meet with the individual who is the subject of the concern to bring it to their attention and discuss the disclosed behavior. The Administrative Head will notify the Associate Dean, LWS, in writing, that the concern was raised and discussed.

If concerns that are the same or similar to other concerns that have been received about the same individual or situation, the Associate Dean, LWS may make further inquiries including informing the Associate Dean UGME / PGME.

Non-identifying information will be retained for identifying professional development needs among faculty, staff and learners. The information will also be used for statistical purposes. A summary report will be prepared yearly.

All information will be handled in accordance with this Procedure and with the Access to Information and Protection of Privacy Act, 2015.

Retention of concerns and reports from the data fall under the Campus Security Reporting Classification and Retention Schedule.