

## Procedure for Addressing Anonymous Disclosures of Learner Mistreatment in the Faculty of Medicine

<b>Office of Accountability:</b>	Office of Learner Well-Being and Success
<b>Office of Administrative Responsibility:</b>	Office of Learner Well-Being and Success
<b>Approver:</b>	Senior Executive Committee
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### Definitions

<b>Anonymous</b>	Unnamed and unidentified.
<b>Bystander</b>	<p>A member of the Faculty of Medicine (FoM) who is not the subject of mistreatment but who has witnessed or is otherwise aware of an incident(s) of Learner Mistreatment</p> <p>A bystander can report but cannot be a complainant in the procedure process.</p>
<b>Bullying</b>	Repeated, unreasonable, habitual and unwelcome behaviour directed to a person or a group e.g. sabotaging work equipment, interfering with someone's ability to perform their duties, exclusionary practices, cyber bullying, etc.
<b>Complaint</b>	Written statement outlining Mistreatment by a Complainant seeking recourse in accordance with this Policy.
<b>Complainant</b>	A Learner who considers themselves to have been subjected to any/all forms of Mistreatment and who has chosen to bring forward a Concern or Complaint against a member of the FoM in accordance with this policy.

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<b>Concern</b>	<ul style="list-style-type: none"> <li>• A situation which is of Concern to a Complainant regarding Mistreatment that requires consultation and is normally resolved informally in accordance with this Policy.</li> <li>• A situation which is of Concern to a Bystander regarding Mistreatment that they wish to report to the Office of Learner Well-Being and Success.</li> </ul>
<b>Coordinator, Learner Well-Being and Success</b>	Staff position within the Office of Learner Well-Being and Success that is responsible for overseeing the operations of the office.
<b>Day</b>	A day other than a Saturday, Sunday, statutory holiday, or other holidays as declared by the university for all administrative, technical and technical support staff. For the purpose of this policy a day does not include the Christmas break being December 25 – January 2.
<b>Director, Learner Well-Being and Success</b>	Faculty position within the Office of Learner Well-Being and Success that oversees activities that assist undergraduate and postgraduate medical learners in the areas of mentorship, career advising and well-being.
<b>Disclosure</b>	For this procedure, the term disclosure refers to a concern of Learner Mistreatment that is brought forward via the MIMS Mistreatment Disclosure Form.
<b>Faculty</b>	An individual with a Faculty appointment with the FoM.
<b>Learner</b>	Individuals currently or previously enrolled within the last 30 days within the undergraduate or post graduate medical education at Memorial University's (Memorial) Faculty of Medicine (FoM). This also includes a learner(s) from another medical school completing a clinical elective at Memorial.
<b>Member of the Faculty of Medicine</b>	All Learners, as well as faculty and staff employed in the FoM at Memorial University. This includes individuals who conduct research and former learners, faculty and staff while they were

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	<p>still members of the FoM if reported incidents of mistreatment occurred within the time limits set out in this Policy.</p>
<p><b>Mistreatment</b></p>	<p>Comments or conduct that involve objectionable behaviours which are abusive, offensive, demeaning or vexatious that are known or ought reasonably to be known to be unwelcome which may be intended or unintended. Mistreatment includes <b>Personal Harassment</b> and <b>Harassment based on Prohibited Grounds of Discrimination</b> which include race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex (including pregnancy), sexual orientation, gender identity, gender expression, marital status, family status, source of income and political opinion.</p> <p>Issues related to sexual harassment and sexual assault shall first be addressed by the Memorial Sexual Harassment Office in accordance with the <a href="#">Sexual Harassment and Sexual Assault Policy</a>.</p> <p>Examples of Mistreatment include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Verbal abuse, yelling, and/or making threats;</li> <li>• Making degrading or offensive comments, gestures, or jokes;</li> <li>• Belittlement/humiliation;</li> <li>• Spreading malicious gossip or rumours;</li> <li>• Inappropriate communication through social media, e-mail, or instant messaging;</li> <li>• Actual or threatened physical contact or assault;</li> <li>• Bullying or intimidation;</li> <li>• Pressuring Learners to exceed established restrictions on work or duty hours;</li> <li>• Threats made or implied about a recommendation, your grade, or your career.</li> </ul> <p>Mistreatment may occur during a single incident or a series of single incidents. Whether or not a single incident constitutes</p>

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	<p>Mistreatment will depend on the nature and type of incident(s). Mistreatment, for example, does not include:</p> <ol style="list-style-type: none"> <li>a. Interpersonal conflict or disagreement, which is expressed in a respectful manner; or</li> <li>b. Performance feedback, which is expressed in a respectful and appropriate manner.</li> <li>c. Discipline or remediation conducted in a respectful and appropriate manner.</li> </ol>
<p><b>Retaliation</b> (as per the Memorial <a href="#">Sexual Harassment and Sexual Assault Policy</a>)</p>	<p>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 Complaint including the following:</p> <ol style="list-style-type: none"> <li>a. Having invoked this policy;</li> <li>b. Having participated or cooperated in any investigation under this policy; or</li> <li>c. Having been associated with an individual who has invoked this Policy or participated in these procedures.</li> </ol>
<p><b>Staff</b></p>	<p>An employee or internal or external contractor of the FoM who is not faculty.</p>
<p><b>Vexatious</b></p>	<p>To internationally annoy, embarrass, harass or harm</p>

### Overview

The accreditation standards for Canadian undergraduate and postgraduate medical training programs indicate the need for effective mechanisms to be in place for reporting Learner Mistreatment and addressing instances of Learner Mistreatment that prevent fear of retaliation. It can be difficult for Learners to bring concerns of Mistreatment forward given the power differentials that exist in medicine and fear of reprisal. Accordingly, the Faculty of Medicine (FoM) has modified the already existing Memorial's Incident Management System (MIMS) to provide Learners with a secure, confidential online tool to disclose their concerns of Learner Mistreatment in the learning and work environment with the option to remain Anonymous.

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It is important to note that the scope of the FoM's inquiries or efforts to address Anonymous Disclosures of Mistreatment is limited given that anonymous Disclosures cannot usually be investigated. The FoM has a responsibility to uphold the principles of natural justice and due process – meaning the person(s) against whom an allegation of Mistreatment has been made has a right to know who made the allegation and the right to respond. Consequently, the FoM is limited in its capacity to act upon Anonymous Disclosures of Learner Mistreatment; however, Anonymous Disclosures can still result in positive changes to the learning and work environment.

### **Purpose**

To outline how Anonymous Disclosures of Learner Mistreatment submitted via the MIMS Mistreatment Disclosure Form will be addressed and monitored in the FoM, as per the [Policy for the Prevention and Resolution of Learner Mistreatment in the Faculty of Medicine](#) and the [Procedure for the Resolution of Incidents of Learner Mistreatment in the Faculty of Medicine](#).

### **Scope**

The FoM at Memorial University of Newfoundland (Memorial).

Only Learners in the FoM may access and complete the MIMS Mistreatment Disclosure Form. Anonymous Disclosures of Learner Mistreatment may pertain to Learners, staff, and faculty members in the FoM, as well as Regional Health Authority employees and clinic staff members.

### **Procedure**

- A.0 Learner completes and submits the MIMS Mistreatment Disclosure Form (Form) available here: [D3 eAlert \(mun.ca\)](#)
- B.0 The submitted Form is accessed by the Coordinator, Office of Learner Well-Being and Success, or delegate.
  - B.1. Data collected through the Form will be accessible only by those who are designated FoM MIMS administrators. No other Memorial MIMS administrators will have access to the data obtained through the Form.

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- B.2. Use of MIMS to collect Learner Mistreatment data is governed by the provisions outlined in the MIMS Terms of Use and the MIMS Confidentiality Statement.
- C.0 All submitted Forms will be reviewed within five (5) days of the form being submitted.
- D.0 Anonymous Data
  - D.1. The nature of the Mistreatment concern will be reviewed by the Coordinator, Learner Well-Being and Success or delegate and a Director, Learner Well-Being and Success.
  - D.2. The Administrative Head (e.g. Discipline Chair; Associate Dean; Supervisor) of the subject of the Mistreatment concern will be notified of the disclosure, in writing, by the Associate Dean, Learner Well-Being and Success.
    - D.2.1. There may be a time lapse, not exceeding six (6) months, in bringing the concern forward to the Administrative Head to ensure the anonymity of the Learner.
  - D.3. Within five (5) days of receiving the Mistreatment concern, the Administrative Head will meet with the individual who is the subject of the concern to bring the Mistreatment concern to their attention and to discuss the disclosed behaviour.
  - D.4. Within thirty (30) days of receiving the Mistreatment concern, the Administrative Head will send a letter to the Associate Dean, Learner Well-Being and Success, indicating that the concern has been raised and discussed with the individual.
  - D.5. If the concerns of Learner Mistreatment are the same or similar to other concerns that have been received about the same individual or situation, the Associate Dean, Learner Well-Being and Success, may make further inquiries into the situation described, including informing the Associate Dean, UGME/PGME.
- E.0 Privacy, Record Keeping and Retention of Data

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- E.1. All data will be handled and protected in accordance with this Procedure and the Access to Information and Protection of Privacy Act, 2015.
- E.2. A non-identifying account of Mistreatment concerns and outcomes will be retained for identifying professional development needs among faculty, staff and learners as well as for statistical purposes. The Dean, Faculty of Medicine, will receive a summary report at least annually.
- ~~E.3.~~ Retention of Mistreatment concerns and reports from the data collected by the Form fall under the Campus Security Reporting Classification and Retention Schedule.

### **Related Links**

[Policy for the Prevention and Resolution of Learner Mistreatment in the Faculty of Medicine](#)

[Procedure for the Resolution of Incidents of Learner Mistreatment in the Faculty of Medicine](#)

[Sexual Harassment and Sexual Assault](#)

[University-Wide Procedures for Sexual Harassment and Sexual Assault Concerns and Complaints](#)