



Faculty of Medicine

Respectful Learning Environment for Medical Education - Procedure

Overview

The Faculty of Medicine (FoM) strives to maintain both supportive and respectful workplaces and learning environments that are free from conflict and disrespectful behaviour but recognizes that such can occur.

This document provides the procedures to have conflict or disrespectful behaviour concerns and complaints addressed and eliminated from the learning environment and works in conjunction with the Respectful Learning Environment for Medical Education policy (the “Policy”).

Learners may attempt to resolve conflicts or disrespectful behaviour issues through the processes outlined in this document. Alternatively, Learners may attempt to seek resolution through other means including but not limited to ones established by the applicable discipline or health care authority.

In situations where a Learner believes that his/her personal safety or the safety of others is an issue, the Learner may report the situation immediately to appropriate campus security officials on campus or the police.

A Concern or Complaint should be brought forward in a timely fashion, normally within six months of the date of the alleged offensive behavior or the date of the last incident of any alleged harassment, or within 6 months of when the Complainant became aware of any alleged harassment.

Purpose

To outline the procedures that are available in the event of behaviour that the Learner believes is in violation of the Policy.



Respectful Learning Environment for Medical Education - Procedure

Definitions

Advisor*	An individual from whom the Learner seeks advice regarding harassment and/or intimidation. Learners in the Undergraduate Medical Education (UGME) program would contact the Student Wellness Consultant with Student Affairs (SA); Learners in the Postgraduate Medical Education (PGME) program would contact a Postgraduate Counsellor.
Affiliation Agreement	A contract between the FoM and a facility where the FoM sends Learners for course-related and graduate required off-campus fieldwork experience.
Complainant	Any Learner who believes that he/she has been subjected to disrespectful behaviour and who seeks recourse pursuant to the Policy.
Complaint	A declaration concerning alleged disrespectful behaviour made by a Complainant seeking recourse pursuant to the Policy.
Concern	A disrespectful behaviour issue that affects a Learner but which the Learner wishes to resolve informally and expeditiously.
Faculty*	Physicians or others holding full-time or part-time faculty or academic staff appointments with the Faculty of Medicine.
Harassment* (as per the university definition in Respectful Workplace , as may be amended from time-to-time)	<p>Comments or conduct which are abusive, offensive, demeaning or vexatious that are known or ought reasonably to be known to be unwelcome and which may be intended or unintended. Types of harassment include Harassment based on Prohibited Grounds of Discrimination and Personal Harassment.</p> <p>Harassment may occur during a single incident or a series of single incidents. Whether or not a single incident constitutes harassment will depend on the nature and type of incident(s).</p>

Respectful Learning Environment for Medical Education - Procedure

	<p>Harassment, for example, does not include:</p> <ol style="list-style-type: none"> 1. Interpersonal conflict or disagreement, which is expressed in a respectful manner; or 2. Performance management, attendance management or workplace discipline, which is expressed in a respectful and appropriate manner.
Investigative Report	The confidential written document produced by the Investigator that contains the summary of the evidence, any conclusions reached, and the finding with respect to the Complaint.
Learning Environment*	The learning environment includes both formal learning activities and the attitudes, values, and informal "lessons" conveyed by individuals who interact with the Learners ¹ .
Medical Education Learner*	Individual enrolled in the UGME program (medical student) or the PGME program (resident).
Respondent*	The individual for whom the complaint is about.
Staff*	A non-academic employee of Memorial University.
Working Day	A weekday when Memorial University is open for the transaction of administrative business.

*as per the Faculty of Medicine [Respectful Learning Environment for Medical Education](#) policy.

¹ <http://www.lcme.org/publications/functions.pdf>



Faculty of Medicine

Respectful Learning Environment for Medical Education - Procedure

Procedure

A.0 Respondent is Faculty or Staff with Memorial University, or is a Learner

There are two methods for addressing issues under this Policy: an Early Resolution of Concerns (ERC) and the Complaint Process (CP).

The ERC involves dealing with issues as they arise and working to address them through a variety of mechanisms. Every effort is made to resolve the issue early with open communication and in a co-operative manner. Every reasonable attempt should be made to resolve the Concern at this stage, prior to invoking alternate mechanisms.

In the event the ERC is not successful or not appropriate, or the behaviour continues or recurs, a Learner may request the CP.

A.1. Procedure for Early Resolution of a Concern

A.1.1. A Learner may communicate a Concern to an Advisor.

A.1.1.1. The Concern may be, but is not required to be, in writing.

A.1.2. Every reasonable attempt should be made to resolve the Concern prior to moving to alternate mechanisms. Normally, the early resolution process will not exceed one (1) month.

A.1.3. A Learner may be accompanied by another person of his/her choice.

A.1.4. The Advisor will consider whether other Memorial University policies, such as Sexual Harassment and Conflict of Interest, apply. See Related Links section. All matters that are sexual in nature must be referred to Memorial University's Sexual Harassment Advisor.

A.1.4.1. If Memorial University's Sexual Harassment Advisor believes, after consultation with relevant parties, that a Concern based on Sex, Sexual Orientation, Gender Identity or Gender Expression would be better handled under this Procedure, Memorial University's Sexual Harassment Advisor will so advise the Advisor.

Respectful Learning Environment for Medical Education - Procedure

A.1.5. Following an examination of the Concern, the Advisor may determine that the conduct or behaviour described falls within the parameters of the Respectful Learning Environment Policy.

A.1.5.1. If it is determined that the matter does not fall within the parameters of the Respectful Learning Environment Policy, the Learner raising the Concern will be so advised.

A.1.5.2. If it is determined that the matter falls within the parameters of the Respectful Learning Environment Policy, the Advisor will discuss the Concern with the parties involved, either individually or together, depending upon the wishes of the parties, with the goal of reaching a mutually acceptable resolution.

A.1.6. It may be necessary that interim measures be taken while a Concern is being resolved. Such measures will be precautionary, not disciplinary. The Advisor hearing the Concern may initiate interim measures. In situations where a Learner believes that his/her personal safety or the safety of others is an issue, the Learner shall report the situation immediately to appropriate campus enforcement or security officials on the respective learning location or legal authorities.

A.2. Procedure for Resolution of a Formal Complaint

A Learner may file a formal Respectful Learning Environment Complaint in accordance with the procedures indicated below.

A.2.1. The Complaint shall:

A.2.1.1. be in writing, indicating that it is a Complaint;

A.2.1.2. set out the particulars of the allegations, including the dates, times and nature of the allegations and the names of any witnesses to the alleged behaviour;

A.2.1.3. be signed and dated; and

A.2.1.4. be submitted to the appropriate Advisor.

Respectful Learning Environment for Medical Education - Procedure

A.2.2. Upon receipt of the Complaint, the Advisor shall initially review the Complaint, and within ten (10) Working days:

A.2.2.1. Determine whether other Memorial University policies, such as [Sexual Harassment](#) and [Conflict of Interest](#), apply. See Related Links section. All matters that are sexual in nature must be referred to Memorial University's Sexual Harassment Advisor.

A.2.2.1.1. If Memorial University's Sexual Harassment Advisor believes, after consultation with relevant parties, that a Complaint based on Sex, Sexual Orientation, Gender Identity or Gender Expression would be better handled under this Procedure, Memorial University's Sexual Harassment Advisor will so advise the Advisor.

A.2.2.2. Determine whether the Complainant should be advised that the Complaint is more appropriately addressed initially under the Procedure for Early Resolution of Respectful Learning Environment Concern (see Section A.1 of this document).

A.2.2.3. Decide not to proceed where in his/her opinion the Complaint:

A.2.2.3.1. is not within the jurisdiction of the Respectful Learning Environment Policy, or

A.2.2.3.2. is frivolous and/or vexatious, or

A.2.2.3.3. is made outside the prescribed time limits, or

A.2.2.3.4. is being or has been addressed by a grievance under a collective agreement, another complaints process or the [Newfoundland and Labrador Human Rights](#) process or some other legal process.

In cases where the Advisor determines not to proceed, the Advisor will advise the Complainant, in writing.

Respectful Learning Environment for Medical Education - Procedure

In making these determinations, the Advisor may seek advice, as appropriate.

- A.2.3. Normally, the Complaint requires an investigation. There may be circumstances where the Complainant and the Respondent agree to an informal resolution without proceeding to an investigation. An investigation results in a determination of whether or not the Respectful Learning Environment Policy has been violated. During the investigation process, the Complainant and the Respondent may be accompanied by another person of his/her choice.
- A.2.4. The Dean, FoM, as appropriate, appoints an investigator. Any person who has been involved in the Concern or Complaint shall not be the investigator. The investigator may be internally or externally appointed. No person shall be selected where there is a real or perceived conflict of interest or reasonable apprehension of bias.
- A.2.5. Where the Dean, FoM, is absent or unable to act, a senior officer of the FoM, such as the Vice-Dean, may act on behalf of the Dean, FoM.
- A.2.6. Within ten (10) Working Days following a determination to proceed, the Advisor shall deliver a copy of the statement of Complaint and a copy of the Respectful Learning Environment Policy and Procedures to the Respondent(s). If the Respondent(s) chooses to respond, the response must be in writing and submitted within ten (10) Working Days.
- A.2.7. The investigator will undertake an investigation and submit a written investigative report within forty (40) Working days from the date the Respondent received a copy of the Complaint. The report will contain the summary of the evidence, any conclusions reached, and the finding with respect to Harassment. The investigative report is provided to the Dean, FoM, and who within five (5) Working Days will provide copies to the Complainant and to the Respondent.
- A.2.8. The investigative report is confidential and shall not be communicated verbally, duplicated, or circulated. However, the Complainant and the Respondent may share the report with their duly appointed representative(s).

Respectful Learning Environment for Medical Education - Procedure

- A.2.9. Upon receipt of the investigative report, both the Complainant and the Respondent will receive a copy of the report, by a means through which proof of delivery can be obtained. The Complainant and Respondent may choose to respond to the investigative report. Any response must be in writing, must be confined to responding to the contents of the report (not raising new issues) and must be submitted to the Dean, FoM, within five (5) Working Days of receiving the report.
- A.2.10. The Dean, FoM, as appropriate, shall decide, based on the investigative report and the responses, if any, from the Complainant and the Respondent, whether Harassment has or has not occurred. The Dean, FoM, may seek advice, as appropriate.
- A.2.11. The Dean, FoM, shall provide the Complainant and the Respondent with a written decision within an additional five (5) Working days of receiving their responses to the investigative report. The written decision will also indicate whether or not any action will be taken. If discipline is to be imposed, the Respondent will also be notified at that time.
- A.2.12. The Dean, FoM, shall consult with the applicable line authority before implementing a recommendation or taking other remedial, preventative, or disciplinary action.
- A.2.13. Any imposed discipline shall be taken in accordance with the [Memorial University Staff Handbook for Non-Bargaining Unit Learners](#), applicable collective agreements, or Student Code of Conduct.

B.0 Respondent is Associated with an Affiliation Agreement

For situations where the Respondent is Faculty, Section A.0 of this document shall be followed.

- B.1. The Learner communicates a Concern to an Advisor.
- B.1.1. The Concern may be, but is not required to be, in writing.
- B.2. The Advisor evaluates the Concern to determine if the conduct or behaviour described falls within the parameters of the Policy.

Respectful Learning Environment for Medical Education - Procedure

- B.2.1. If it is not determined that the matter falls within the parameters of the Respectful Learning Environment policy, the Learner is so advised.
- B.2.2. If it is determined that the matter falls within the parameters of the Respectful Learning Environment policy:
 - B.2.2.1. the Advisor reviews the appropriate Affiliation Agreement before implementing a recommendation or taking any other action; and,
 - B.2.2.2. advises the Learner of the options available, which may include, but not limited to:
 - B.2.2.2.1. the Learner working with the Respondent to come to a mutually acceptable resolution; or,
 - B.2.2.2.2. requiring the Learner to submit a Complaint if the Learner prefers the Advisor intervene on his/her behalf.
- B.3. If a Learner prefers that the Advisor intervene on his/her behalf:
 - B.3.1. The Learner (now a Complainant):
 - B.3.1.1. submits the Complaint in writing, indicating that it is a formal Complaint;
 - B.3.1.2. sets out the particulars of the allegations, including the dates, times and nature of the allegations and the names of any witnesses to the alleged behaviour;
 - B.3.1.3. signs and dates the document; and
 - B.3.1.4. submits it to the appropriate Advisor.
 - B.3.2. Upon receipt of the Complaint, the Advisor, in conjunction with the Associate Dean, Postgraduate Medical Education or the Associate Dean,

Respectful Learning Environment for Medical Education - Procedure

Undergraduate Medical Education, reviews the Complaint, and within ten (10) working days:

- B.3.2.1. determines that the conduct or behaviour described falls within the parameters of the Respectful Learning Environment Policy; or,
- B.3.2.2. decides not to proceed where in his/her opinion the Complaint:
 - B.3.2.2.1. is frivolous, vexatious and/or malicious, or
 - B.3.2.2.2. is made outside the prescribed time limits, or
 - B.3.2.2.3. is being or has been addressed by a grievance under a collective agreement, another complaints process or the *Newfoundland and Labrador Human Rights* process or some other legal process.

In cases where the Advisor determines not to proceed, the Advisor will notify the Complainant, in writing.

In making these determinations, the Advisor may seek advice, as appropriate.

- B.3.3. Within ten (10) Working Days following a determination to proceed, the Advisor refers to the appropriate leaders within each Faculty of Medicine Education Program and relevant Health Authority.

C.0 Record Keeping

- C.1. Advisors
 - C.1.1. Makes notes regarding Concerns/Complaints.
 - C.1.2. Reviews the data to identify possible problem areas.
- C.2. Records will be kept pursuant to any applicable relevant legislation and/or Memorial University policy and procedure.



Faculty of Medicine

Respectful Learning Environment for Medical Education - Procedure

Related Links

[Conflict of Interest Policy](#)

[Respectful Learning Environment for Medical Education Policy](#)

[Sexual Harassment Policy](#)