



PROCESS TO RESPOND TO REPORTS OF MISTREATMENT OR UNPROFESSIONAL CONDUCT

This document describes the process for response to reports of learner mistreatment or unprofessional conduct that negatively affects learners and the learning environment.

1. EXPECTATIONS OF CONDUCT

- 1.1. The University has set expectations for conduct in the learning and working environment. Claims that there has been a failure to meet these expectations can be addressed through specific policies: Policy SC6 Scholarly Integrity; Policy SC3 Conflict of Interest and Conflict of Commitment; Policy SC17 Sexual Misconduct; and Policy SC7 Discrimination.
- 1.2. The University has also developed a Statement on Respectful Environment that identifies principles that support building an environment in which respect, civility, diversity, opportunity and inclusion are valued. Bullying, harassment, and intimidation are not acceptable in the University environment and will not be tolerated. Such conduct may lead to disciplinary action.
- 1.3. The Faculty of Medicine is committed to maintaining a learning and work environment that supports optimal education, research, and clinical care. The Faculty of Medicine has developed Professional Standards for Learners and Faculty Members that set expectations for the conduct of learners and faculty in its professional programs in both academic and clinical settings. These standards have been approved by Senate.
- 1.4. Professionalism is a required competency in most programs in the Faculty of Medicine and a learner's ability to meet the expected standards of professional conduct is assessed as a component of the assessment process required to complete their educational programs. Most breaches of professional standards by learners will be addressed through formative and summative feedback in the assessment and promotions processes.
- 1.5. Learners in the Faculty of Medicine include undergraduate students, graduate students, post- doctoral fellows, and postgraduate residents or clinical fellows, whether they are enrolled in full time or part time programs or are attending the University on a temporary basis as part of an elective or other program.

2. LEARNER MISTREATMENT AND UNPROFESSIONAL CONDUCT

- 2.1. Learner mistreatment is disrespectful conduct including making demeaning, offensive or belittling comments directed at a learner or group of learners, or engaging in bullying and harassment or other unprofessional conduct that has a negative effect on the learner or the learning environment.
- 2.2. Learner mistreatment and disrespectful and unprofessional conduct directed at patients,



colleagues or other health care professionals negatively affect the work and learning environment. All members of the Faculty of Medicine community are responsible for the learning and work environment and are encouraged to act when they witness mistreatment or unprofessional conduct whether it is directed at them or at others.

- 2.3.** Where it is appropriate and safe members of the Faculty of Medicine community are encouraged to attempt to resolve minor incidents of mistreatment or unprofessional conduct, directly and in the spirit of maintaining a supportive and respectful learning and work environment.
- 2.4.** All attempts to address learner mistreatment or unprofessional conduct should be respectful. Individuals who receive direct feedback about their conduct are expected to listen and to engage in civil and productive discussion and action to respond to the concern.
- 2.5.** Certain types of alleged misconduct must be managed pursuant to policies adopted by the University Board of Governors. The Faculty of Medicine Office of Professionalism or the faculty contacts listed on the Mistreatment Help website can assist learners in reporting concerns through the appropriate channels:
 - 2.5.1.** If the report involves a potential Equity/Human Rights issue it will be managed pursuant to University Policy SC7 under the direction of the Equity Office;
 - 2.5.2.** If the report involves sexual misconduct it will be managed pursuant to University Policy SC17;
 - 2.5.3.** If the report involves concerns about research or other matters of scholarly integrity it will be managed pursuant to University Policy SC6

3. REPORTING MISTREATMENT OR UNPROFESSIONAL CONDUCT

- 3.1.** It is not always possible to resolve, or even attempt to resolve, some incidents of mistreatment through direct discussion. Learners are encouraged to report their concerns or experiences under this process to the Faculty, even if they have not attempted to address the situation directly. Ordinarily learners are expected to report their concerns or experiences under this process within a 12-month period, in order to facilitate timely resolution of the concern.
- 3.2.** Learners have several options for reporting concerns or experiences of mistreatment. They may contact the Faculty of Medicine Office of Professionalism directly or through the on-line reporting tool on the Faculty of Medicine Learner Mistreatment website. Also, a number of individuals in the Faculty of Medicine have been identified who can provide initial support, advice and guidance to learners who experience mistreatment or unprofessional conduct. These contacts are listed on the Mistreatment Help website.
- 3.3.** The on-line reporting tool can be used to make anonymous or confidential reports. On-line reports are sent directly to the Office of Professionalism and remain in that office. The Office of Professionalism will contact the learner to discuss options and next steps.



- 3.4. Although anonymous reports may help the Faculty identify patterns of conduct, the ability of the Faculty of Medicine to address concerns reported anonymously and to remedy the behavior is in most cases limited. Learners are encouraged to make confidential reports and to discuss their concerns regarding confidentiality, their further participation in the process, or concerns about retaliation, at the time they make their report.
- 3.5. Under the UBC Statement on Respectful Environment primary responsibility and accountability for addressing respectful environment concerns lies with those in supervisory and leadership roles. The Office of Professionalism will provide guidance and support to those members of the Faculty of Medicine responsible for responding to these concerns (“Faculty Responders”).

4. OPTIONS TO ADDRESS MISTREATMENT AND UNPROFESSIONAL CONDUCT

- 4.1. Learners may be worried about the potential personal and professional costs associated with reporting mistreatment or unprofessional conduct. The Office of Professionalism and Faculty Responders will address reported concerns in ways that are sensitive to those anxieties and that are least disruptive to the learner.
- 4.2. Reporting mistreatment or unprofessional conduct does not mean that the learner must file a formal complaint or that a learner is required to take any particular steps after they have reported. Appropriate further steps will be discussed with the learner and the concerns will be addressed in the way that best meets the learner’s needs and may include:
 - 4.2.1. Discussion of the experience with the learner to provide feedback, guidance and support to assist the learner to manage the current situation or a similar situation in the future;
 - 4.2.2. Identification of resources within the Faculty of Medicine and the University that can provide immediate and ongoing support as needed;
 - 4.2.3. Triaging the concern to the appropriate academic or administrative head of department or program to address the concern with the individual or individuals involved;
 - 4.2.4. Undertaking an institutional inquiry where there are reports from multiple learners or there is evidence that the reported concerns may be part of a pattern of conduct and may be causing widespread mistreatment or disruption in the learning environment the Faculty. This can be done without requiring an individual learner to be identified as a complainant, and in most circumstances, without disclosing learners’ identities;
 - 4.2.5. Proceeding with a formal investigation. This option is available at the outset or following an attempt at informal resolution. A formal investigation requires disclosure of the learner’s identity and the details of the complaint; and
 - 4.2.6. Deciding not to take any further steps at this time. A learner who chooses not to proceed will still receive information and support and will be encouraged to contact the Office of Professionalism if the learner’s situation changes.



- 4.3. While a learner will not be required to participate in any follow up steps taken to address the mistreatment or unprofessional conduct the Faculty's ability to respond to a report may be limited in the absence of the learner's consent to disclose the learner's identity or without the learner's continued participation in the process.
- 4.4. All inquiries and investigations will be conducted in accordance with UBC Policy SC8 and the accompanying Guidelines for Responding to and Investigating Complaints:
<https://universitycounsel.ubc.ca/files/2017/06/policy95.pdf>

5. CONFIDENTIAL PROCESS

- 5.1. All individuals participating in either reporting or responding to reports of learner mistreatment or unprofessional conduct are expected to maintain confidentiality throughout the process.
- 5.2. Except as provided in section 5.6 the identity of a learner making a report will not be disclosed without the learner's consent. Any disclosure or potential disclosure of a learner's identity will be discussed with the learner before any steps are taken.
- 5.3. If a learner does not consent to identity disclosure or does not wish to further participate in the process other information related to the reported concern may be disclosed to Faculty Responders without disclosing the identity of the learner making the report. This will be discussed with the learner making the report.
- 5.4. If a learner decides to proceed with a formal investigation then the learner's identity and the details of the complaint will be disclosed to the Respondent in that process. Learners will be made aware of this requirement at the time a formal investigation is being discussed.
- 5.5. Learners may be asked to participate as witnesses in a formal investigation or in an institutional inquiry. Ordinarily it will not be necessary to disclose the identity of witnesses. In some circumstances information provided by a learner or learners may disclose information that may potentially disclose identity. This will be discussed with the learners before any information is disclosed and the information will not be disclosed without the consent of the learner except in extraordinary circumstances. Disclosure in these circumstances will be discussed with the learners.
- 5.6. A learner's identity may be disclosed in circumstances in which there is a potential risk to the safety and well-being of the learner or others. Disclosure will be limited to the minimum amount of information required to adequately address the situation and will be made to those who require the information in order to take appropriate steps to deal with the potential risk.
- 5.7. The principles of confidentiality and privacy related to the investigation process are set out in UBC Policy SC8.



6. REPRISAL AND RETALIATION

- 6.1. Learners may be reluctant to report mistreatment or unprofessional conduct because of fears of negative consequences. Reprisals or retaliation toward any learner reporting a concern, or otherwise participating in the process, will not be tolerated and will, if established, be a basis for disciplinary action.
- 6.2. Retaliation protection will be discussed with the learner at the time a report is made. Individuals whose conduct is the subject of a report will be advised of the prohibition against retaliation and cautioned against any contact with the learner making the report (if that learner's identity has been disclosed), or with any learner participating in the process.

7. BAD FAITH REPORTS

- 7.1. Reports of mistreatment, or of unprofessional conduct will be treated seriously and respectfully by the Faculty of Medicine. Making a report that is false, or ought reasonably to have been known to be false, or that is made for a malicious purpose constitutes misconduct. Appropriate action, including the imposition of disciplinary consequences, will be taken if there is evidence that a report has been made in bad faith and the matter will be documented in the learner's record.

8. RECORD KEEPING AND DISCLOSURE

- 8.1. All on-line reports are received by the Office of Professionalism and are kept in that office in accordance with University policies and privacy legislation. Records of steps taken to address mistreatment or unprofessional behaviour are kept by the Professionalism Office and by the Faculty Responders to track reports received and to document the Faculty response to the reported concerns. These records are confidential and do not form part of a learner's record.
- 8.2. Privacy legislation prohibits disclosure of personal information without consent including information related to any remedial or disciplinary action taken to resolve a reported concern. Requests for disclosure pursuant to the applicable legislation will be handled by the Office of University Counsel Access and Privacy Officer. Documents disclosed pursuant to a statutory process may be redacted on a number of bases including to protect personal information of third party participants.
- 8.3. The Office of Professionalism, the Dean's Executive Committee, the Faculty Executive Committee and other members of Faculty of Medicine leadership will review the anonymized data related to reports of mistreatment to identify patterns and to implement potential remedial action, including appropriate training and skill building initiatives.
- 8.4. The Office of Professionalism will keep statistics related to reports of mistreatment and concerns about the learning environment and may, from time to time, disclose information related to the Faculty response to these reports including, where appropriate and permissible, information related to interventions and outcomes. This information will be



anonymized.

9. Approval

- 9.1.** This version of the Process to Respond to Reports of Mistreatment or Unprofessional Conduct document has been approved by the Faculty Executive Committee on March 17, 2020