

# PROCESS TO ADDRESS COMPLAINTS OF MISTREATMENT OF LEARNERS OR CONCERNS ABOUT THE LEARNING ENVIRONMENT

## 1.0 INTRODUCTION

- 1.1 The University has adopted a number of policies that set expectations for conduct in the learning environment. Allegations that there has been a breach of these expectations can be addressed through specific policies: Policy #85 Scholarly Integrity; Policy #97 Conflict of Interest and Conflict of Commitment; Policy #131 Sexual Assault and Sexual Misconduct; and Policy #3 Discrimination and Harassment.
- 1.2 The University has also developed a Statement on Respectful Environment that provides guiding principles to support an environment in which respect, civility, diversity, opportunity and inclusion are valued. Bullying and harassment 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 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 The Faculty of Medicine is committed to creating a learning and work environment conducive to optimal education, research, and clinical care. To achieve this goal learners and faculty must commit to the highest level of professional and respectful conduct in their communications and interactions in all University-related activities.
- 1.5 Learners include undergraduate students, postgraduate learners, graduate students, post-doctoral fellows, residents and fellows whether they are enrolled full time or part time in programs offered by the University of British Columbia or whether they are attending the University on a temporary basis as part of an elective or other program.
- 1.6 The process set out in this document provides direction to learners who have personally experienced mistreatment due to the unprofessional or disrespectful conduct of faculty and to learners who have not personally experienced mistreatment but have experienced disruption to the learning environment due to unprofessional or disrespectful conduct.



- 1.7 The process applies to complaints about learner mistreatment or the learning environment contrary to the UBC Respectful Environment Statement and the Faculty of Medicine Professional Standards for Learners and Faculty Members that arise while faculty or learners are engaged in any University or Faculty of Medicine related activity. This process does not apply to conduct where there is no nexus to a University or Faculty of Medicine activity.
- 1.8 The primary purpose of this process is to promote mutually acceptable solutions where possible, to remediate conduct, and to ensure compliance with expectations related to the treatment of learners and standards of professionalism and respect in the learning environment.
- 1.9 Learners are encouraged to attempt to resolve most minor incidents of unprofessional or disrespectful conduct, including incidents of bullying and harassment, directly and in the spirit of maintaining a supportive and respectful learning and work environment. Learners should provide feedback about their concerns related to the alleged unprofessional or disrespectful conduct in a constructive remedial manner and in a confidential setting.
- 1.10 Faculty members are expected to listen respectfully to the learner's concerns and to engage in respectful discussion and action to resolve the concern. If the issue cannot be satisfactorily resolved through direct discussion the learner should report the alleged learner mistreatment or concern with unprofessional or disrespectful conduct in the learning environment at the earliest opportunity.

## **2.0 REPORTING MISTREATMENT OF LEARNERS OR CONCERNS WITH THE LEARNING ENVIRONMENT**

- 2.1 The Faculty of Medicine has an obligation to ensure mistreatment or unprofessional or disrespectful conduct is addressed in an effective and timely manner.
- 2.2 In circumstances in which a learner is unable to resolve a concern or complaint about mistreatment or unprofessional or disrespectful conduct through direct discussion with faculty the learner is encouraged to report the concern. Ordinarily learners are expected to proceed with a complaint of mistreatment or concern about the learning environment under this process within a 12-month period, in order to facilitate timely resolution of the concern.



- 2.3 A number of individuals in the Faculty of Medicine have been identified who can provide support, advice and guidance to learners as to how to best proceed <https://www.med.ubc.ca/current-learners/mistreatment-help/>. The Faculty of Medicine has also developed an on-line reporting system to assist learners to direct their concerns to the appropriate process.
- 2.4 All complaints about the mistreatment of learners or concerns about the learning environment, regardless of how they are received, will be triaged through the office of the Executive Associate Dean Clinical Partners and Professionalism (“EAD CPP”). The EAD CPP will provide guidance and oversight of resolution of complaints brought under this process. The EAD CPP will take steps necessary to ensure the health, safety and security of learners and faculty members involved in this process.
- 2.5 Under the UBC Statement on Respectful Environment primary responsibility and accountability for addressing respectful environment concerns lies with those in supervisory and leadership roles. Complaints or concerns about the conduct of faculty members will normally be investigated and addressed by the Department Head or Administrative Head of Unit. The EAD CPP will work closely with the appropriate academic leadership to manage the investigation and resolution of such complaints or concerns.
- 2.6 The EAD CPP works together with the appropriate academic leadership including Regional Associate Deans, Department and Division Heads, and Program Directors to provide support to learners and to effectively resolve complaints of learner mistreatment or concerns with respect to unprofessional or disrespectful conduct in the learning environment.
- 2.7 A learner may make an anonymous complaint of learner mistreatment or unprofessional or disrespectful conduct in the learning environment. However, the ability of the Faculty of Medicine to address such concerns and to remedy the behavior identified in an anonymous complaint is extremely limited. Learners are encouraged to make confidential reports and to discuss their concerns regarding disclosure of the learner’s identity or details of the complaint or concern with the EAD CPP, or designate.
- 2.8 Specific types of misconduct must be managed pursuant to policies adopted by the University Board of Governors:
  - a) If the complaint involves a potential Equity/Human Rights issue it will be managed pursuant to the University Policy #3 under the direction of the Equity Office; or
  - b) If the complaint involves sexual assault and/or other sexual misconduct it will be managed pursuant to University Policy #131 by the Director of Investigations.



### 3.0 LEARNERS AND PROFESSIONAL STANDARDS

- 3.1 Professionalism is a required competency in medical education. Learners are taught ethics and professional behavior in their training. A learner's ability to meet the expected standards of professional conduct is assessed as a component of the evaluations required to complete their educational program.
- 3.2 Most issues related to learner breaches of professionalism will be addressed through formative and summative feedback in the assessment and evaluation processes. Faculty are encouraged to provide remedial, constructive feedback in a respectful, confidential manner directly to the learner. Concerns should also be reported to the learner's supervisor. The intention is to teach and remediate within the educational environment.
- 3.3 However, in appropriate circumstances the EAD CPP may determine that issues related to the unprofessional or disrespectful conduct of learners should be addressed under this process.

### 4.0 OPTIONS TO RESOLVE COMPLAINTS OR CONCERNS

- 4.1 Learners may be worried about the potential personal and professional costs associated with reporting complaints of mistreatment of a learner or unprofessional or disrespectful conduct in the learning environment. The Office of the EADE CPP and academic leadership will attempt to resolve complaints or concerns through means sensitive to concerns about personal and professional costs and that are least disruptive to the learner.
- 4.2 Once a complaint or concern has been reported, the individual making the report will be contacted by the EAD CPP, or designate who will review options for addressing the complaint or concern<sup>1</sup> including:

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<sup>1</sup> In the Undergraduate Medical Program concerns about unprofessional or disrespectful conduct in the learning environment will be managed as outlined in Appendix A attached to this document. Investigation of concerns will be conducted in accordance with the principles set out in this document.



- 4.2.1 Discussion of available resources within the Faculty of Medicine and in the University and receive feedback regarding the situation, and to provide guidance and support to assist the learner to address or manage the situation;
  - 4.2.2 Attempting to resolve the complaint or concern informally with the assistance of the Office of the EAD CPP and the appropriate academic leadership. The faculty member(s) will be notified and provided with details of the concern or complaint. In most cases of concerns with unprofessional or disrespectful conduct in the learning environment it is not necessary to disclose personal information about the learner reporting the conduct. In the case of a complaint of learner mistreatment only personal information necessary to promote the resolution of the complaint will be disclosed;
  - 4.2.3 Proceeding with a formal investigation. This option is available at the outset or following an attempt at informal resolution. The formal investigation will be initiated by the EAD CPP, in consultation with the Department or Division Head; and
  - 4.2.4 Deciding not to proceed with resolution of the complaint or concern at the present time. If the learner chooses not to proceed, he or she will be provided information regarding available support and options in the future should the learner decide to proceed with resolution of the complaint or concern.
- 4.3 The informal resolution process is primarily remedial in focus but some breaches of the UBC Respectful Environment Statement or the Faculty of Medicine Standards of Professional Conduct, or a pattern of conduct that fails to meet the expectations set out in the statement or the standards, may result in more significant consequences including, in appropriate circumstances, disciplinary action. This would be done at the recommendation of the Department Head, in conjunction with the Dean's Office.
- 4.4 In some cases, such as when the same concerns have been reported by multiple learners, or the situation presents a risk to the safety and well-being of a learner or others, the EAD CPP, may recommend an institutional investigation through which the complaints or concerns are investigated in the absence of a formal complaint or an identified learner complainant. Ordinarily an institutional investigation will be conducted by the Department Head or Administrative Head of Unit. The EAD CPP and/or Faculty Affairs will provide support and guidance.
- 4.5 If there are circumstances in which the EAD CPP and Department Head determine the matter should not be addressed by the Department Head, the EAD CPP, or delegate, will conduct any inquiries or investigations required to resolve the matter. The EAD CPP or delegate will inform the Department Head of the outcome of those inquiries or investigation.



- 4.6 All investigations will be conducted in accordance with UBC Policy#95 and the accompanying Guidelines for Responding to and Investigating Complaints:  
<https://universitycounsel.ubc.ca/files/2017/06/policy95.pdf>

## **5.0 CONFIDENTIAL PROCESS**

- 5.1 All faculty members and learners participating in reporting or resolving allegations of learner mistreatment or of unprofessional or disrespectful conduct in the learning environment are expected to maintain confidentiality related to the complaint or concern throughout the process.
- 5.2 Ordinarily there will not be disclosure of the learner's identity or other identifying information unless the learner has decided to proceed to either informal or formal resolution. In those circumstances a fair process requires that the identity of the learner and the details of the allegations be disclosed to the respondent.
- 5.3 In situations where similar concerns or multiple concerns about a single faculty member are reported by multiple learners and the EAD CPP recommends that an institutional investigation is necessary, learners may be interviewed as witnesses. Ordinarily it is not necessary to identify witnesses. In some circumstances information provided by a learner may identify the learner. This will be discussed with the learner before any information is disclosed and the information will not be disclosed without the consent of the learner except in extraordinary circumstances which will be discussed with the learner.
- 5.4 Also, there may be disclosure in circumstances where there is a potential a risk to the safety and well-being of the learner or others is identified. 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.
- 5.5 **The principles of confidentiality and privacy related to the investigation process are set out in UBC Policy #95.**



## 6.0 REPRISAL AND RETALIATION

6.1 Learners often fail to report incidents of mistreatment of learners or concerns with the learning environment because of fears of negative consequences. Reprisals or retaliation toward any learner bringing forward a complaint or concern will not be tolerated and may, if established, be subject to disciplinary action. Retaliation protection will be discussed with learners who report learner mistreatment or a concern with the learning environment. In cases where a complaint of mistreatment of a learner or concern about the learning environment proceeds through informal resolution or formal investigation the faculty member about whom the complaint is made will be advised of the prohibition against retaliation and cautioned against any unilateral contact with the learner.

## 7.0 BAD FAITH COMPLAINTS

7.1 Allegations of mistreatment of a learner or unprofessional or disrespectful conduct in the learning environment will be treated seriously and respectfully by the Faculty of Medicine. Making a complaint, or raising a concern, that is false, or ought reasonably to have been known to be false, or that is brought for a malicious purpose is a breach of professionalism. Appropriate action, including the imposition of disciplinary consequences, will be taken if there is evidence that a complaint or concern has been made in bad faith.

## 8.0 RECORD KEEPING AND DISCLOSURE

8.1 Records are kept to document the steps taken to address complaints or concerns. These records are confidential and do not form part of the learner's record unless there is a positive finding of bad faith.

8.2 A record of a substantiated complaint of mistreatment of a learner or of unprofessional or disrespectful conduct in the learning environment may become part of a faculty member's employment record.

8.3 Privacy legislation prohibits disclosure of personal information including information of any remedial or disciplinary action taken to resolve a complaint. 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.



- 8.4 The Office of the EAD CPP, the Dean’s Executive Committee, the Faculty Executive Committee and other Faculty of Medicine leadership will review complaints of mistreatment of learners and concerns with the learning environment to identify patterns and potential remedial action.
- 8.5 The Office of the EAD CPP will keep statistics related to the reporting and resolution of complaints of mistreatment of learners and concerns about the learning environment and may from time to time disclose information related to these complaints and concerns, including where appropriate and permissible information related to intervention or remediation. This information will be anonymized.

## **9.0 Approval**

This version of the Process to Address Complaints of Mistreatment of Learners or Concerns about the Learning Environment document has been approved by the Faculty Executive Committee on November 20, 2018.

## **10.0 Version History**

- Approved by Faculty Executive on November 20, 2018