

## *Faculty of Medicine*

### *Personal Harassment Policy for Medical Students and Residents*

#### **1.0 Purpose**

The Faculty of Medicine at Dalhousie University is committed to providing its students and residents with a learning environment that is free of harassment. All students, residents, faculty and staff within the Faculty of Medicine share responsibility for establishing and maintaining a climate of respect and for taking appropriate steps to seek advice and/or address harassment when it occurs.

The purpose of this Policy is to define personal harassment and to set out clear procedures to be followed in instances where a student or resident believes he or she has been personally harassed by a student, resident, faculty or staff member of the Faculty of Medicine.

#### **2.0 Application**

This Policy applies to all students, residents, faculty and staff within the Faculty of Medicine:

- a) where conduct occurs on the premises of Dalhousie University or any affiliated institutions;
- b) where conduct occurs elsewhere in the course of activities sponsored by Dalhousie University; or
- c) where the conduct is alleged to affect, disrupt or interfere with another person's reasonable participation in the Faculty of Medicine.

This Policy is administered by the Faculty of Medicine, through the appropriate Dean, as indicated below.

This Policy does not apply to complaints of sexual harassment, complaints of harassment based on any of the characteristics protected by applicable human rights legislation, or complaints of harassment by Dalhousie employees against other Dalhousie employees.

Complaints of sexual harassment should be addressed to the Office of Human Rights, Equity and Harassment Prevention in accordance with Dalhousie's "Sexual Harassment Policy".

Complaints of harassment based on any of the characteristics protected by human rights legislation are considered a form of discrimination and should be addressed to the Office of Human Rights, Equity and Harassment Prevention, in accordance with Dalhousie's "Statement on Prohibited Discrimination".

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Complaints of personal harassment by Dalhousie employees against other Dalhousie employees should be addressed to the Office of Human Rights, Equity and Harassment Prevention, in accordance with Dalhousie's Personal Harassment Policy.

### **3.0 Definitions**

For the purposes of this Policy:

3.1 "Dean" means:

- For an undergraduate medical student, the Assistant Dean of Student Affairs.
- For a postgraduate medical resident, the Associate Dean of Postgraduate Medical Education.

3.2 "Employee" means:

- a person employed by Dalhousie University in the Faculty of Medicine, or
- a person who holds an academic appointment to a Department in the Faculty of Medicine.

3.3 "Personal harassment" means: repeated or persistent patterns of abusive, vexatious or demeaning treatment of a Student(s) that is known or ought reasonably to be known to be unwelcome. A single incident, if sufficiently severe, may also constitute harassment. Harassment does not include appropriate supervision, instruction, feedback or evaluation.

3.4 "Investigation Committee" means: an *ad hoc* committee appointed pursuant to section 4.2.5.1 of this Policy.

3.5 "Respondent" means: an individual alleged to have engaged in harassing behaviour.

3.6 "Student/Resident" means: a person registered in the Faculty of Medicine as an undergraduate medical student or as a postgraduate medical resident.

### **4.0 Procedures for Complaints of Personal Harassment:**

A Student/Resident(s) who feel that he or she has been personally harassed by a Student/Resident(s) or Employee(s) may attempt to resolve the matter through the Informal Resolution Process and/or the Formal Complaint Process, described in more detail below. Reasonable attempts to explore informal resolution will be made before proceeding to the Formal Complaint Process.

The Advisor, Harassment Prevention/Conflict Management, in the Office of Human Rights, Equity and Harassment Prevention ("Advisor"), may be accessed by the

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Complainant, Respondent, Dean and/or the Investigation Committee as a resource with respect to the administration of this Policy.

#### **4.1 Informal Resolution Process**

If a Student/Resident(s) believes he or she is being personally harassed, he or she may discuss options to address the issue with his or her Clinical Supervisor, Program Director, the Dean, the Advisor, the PGME Ombudsperson and/or other appropriate resource people within the University.

Parties may be able to resolve the issue informally in a number of ways, including, but not limited to:

- Telling the other party(s) verbally that her/his behaviour is unwelcome and unwanted, and that the behaviour must stop immediately;
- Communicating concerns in writing to the other party(s) – describe the offending behaviour, the impact of the behaviour, and ask that the behaviour stop immediately;
- Requesting that the Dean or the Advisor arrange an informal mediation using a neutral party to help the parties reach a mutual resolution of the matter.

#### **4.2 Formal Complaint Process**

The Dean will ensure that reasonable attempts at informal resolution have been explored prior to commencing the formal complaint process. The parties may also resolve the matter at any point during the formal complaint process.

The formal complaint process is as follows:

- 4.2.1 The Student/Resident(s) (complainant(s)) must deliver the written complaint to the Dean. (Complaints against an Associate Dean or the Senior Associate Dean will be directed to the Senior Associate Dean or the Dean, respectively.) The complaint must include the name(s) of the Respondent(s) and a detailed description of the alleged conduct that forms the basis of the complaint.
- 4.2.2 If the allegations fall within this Policy and could result in a finding of personal harassment if proven true, the Dean will provide a copy of the complaint and a copy of this Policy to the Respondent(s) within 5 working days of receiving the complaint.
- 4.2.3 The Respondent(s) will have 10 working days to provide his or her response to the Dean in writing which will be provided to the complainant.
- 4.2.4 The Dean will appoint an Investigation Committee to investigate the matter.

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- 4.2.5.1 An Investigation Committee consists of 2 faculty members and one Student/Resident who will investigate a complaint under this Policy. In the case of a complaint by an undergraduate medical student, the student representative will be an undergraduate medical student. In the case of a complaint by a postgraduate medical resident, the student representative will be a postgraduate medical resident.
- 4.2.5.2 The Investigation Committee will make all reasonable efforts to complete its work within 60 working days of being appointed by the Dean to investigate the complaint.
- 4.2.6.1 After reviewing the complaint and response, the Investigation Committee will convene a meeting with the complainant(s) to give him or her an opportunity to present his or her complaint and to identify other relevant information and witnesses.
- 4.2.6.2 The Investigation Committee will then convene a meeting with the Respondent(s), to give him or her an opportunity to address the allegations in the complaint and to identify other relevant information and witnesses.
- 4.2.6.3 The Investigation Committee may convene meetings with witnesses who they deem relevant to the issues raised in the complaint.
- 4.2.6.4 The Investigation Committee may meet subsequently with the Complainant(s) and/or the Respondent(s) in light of information they have received in the course of the investigation.
- 4.2.7 The Investigation Committee will review all of the information gathered in the course of the investigation and will submit a report to the Dean that includes an opinion regarding the facts of the case and an opinion as to whether the Respondent has engaged in personal harassment.
- 4.2.8 The Dean will determine which portions of the report are appropriate to provide to the complainant(s) or Respondent(s), in accordance with Dalhousie's privacy obligations and any health and safety concerns.
- 4.2.9 The Dean will provide a copy of the report to the complainant(s) and Respondent(s) who will have 5 working days to provide written submissions on the report.
- 4.2.10 Upon reviewing the report and the submissions of the complainant(s) and Respondent(s), the Dean will make a decision as to whether the Respondent has engaged in personal harassment and the appropriate remedial or disciplinary action in the circumstances. Remedial or disciplinary action taken against any person under this Policy will be taken in accordance with applicable processes for Employees or Students/Residents, as appropriate.

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4.2.11 The Dean will advise the parties in writing of his or her decision regarding whether the Respondent has engaged in personal harassment.

4.2.12 The time limits in this section may be extended by the Dean in exceptional circumstances.

## **5.0 Confidentiality**

Any communication or information gathered in any case is confidential except to the extent that disclosure is necessary to effectively implement this Policy or to undertake any disciplinary or remedial steps arising from a decision made under this Policy.

## **6.0 False Accusations**

A complaint made in bad faith will constitute grounds for disciplinary action against the complainant, which will be commenced in accordance with applicable disciplinary processes. A bad faith complaint is a complaint that is made with a conscious design to mislead or deceive, or with a malicious or fraudulent intent.

## **7.0 Retaliation**

There will be no retaliation against any person on account of a complaint or an expressed intention to complain under this Policy or on account of evidence or assistance given with respect to a complaint or a proposed complaint under this Policy. Such retaliation will be grounds for a complaint under this Policy.

## **8.0 Limitations**

A complaint must be made within twelve months of the last alleged instance of the action or conduct. An additional period of not more than twelve months may be granted in exceptional circumstances by the Dean.

## **9.0 Annual Reporting**

At the end of each academic year, both Deans will provide a report to the Advisor, Harassment Prevention/Conflict Management, in the Office of Human Rights, Equity and Harassment Prevention. Each report will confirm the number of complaints made under this Policy, the number and nature of informal resolutions reached, and the number and nature of decisions made by the Deans with respect to the formal complaint process.

## **10.0 Other Proceedings**

This Policy does not affect the right of the complainant(s) or other parties from pursuing a complaint under any applicable legislation or from filing a grievance in accordance with any right to do so pursuant to a provision of an applicable collective agreement.

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If the Dean perceives an immediate threat to the physical safety of the complainant or any other member of the University community he or she will contact Security Services.

Conflicts involving criminal behaviour, physical violence or situations where an individual's personal safety and security is in danger must be reported immediately to Security Services at extension 4109, who will communicate with the Halifax Regional Police, where appropriate. This Policy does not replace this obligation.