

## ***Protocol for addressing incidents of discrimination, harassment, mistreatment and other unprofessional behaviour***

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**Approved by:** MD Program Curriculum Committee

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***Important: This protocol is NOT for emergency use.***

*Students concerned about impending harm to themselves or others should call 911 or seek immediate assistance from onsite security or other authorities. The student is asked to make a subsequent report as described in this protocol, only after safety is ensured.*

### **A. Preamble: Purpose and Scope**

The MD Program places the utmost importance on the safety and well-being of students, and their ability to learn in an environment of professionalism, collegiality, civility and respect.

All members of the MD Program community have a joint responsibility to protect the integrity of the learning environment and a right to appropriate treatment and response when the environment is compromised.

The purpose of this Protocol is to articulate procedures for University of Toronto medical students to disclose/report incidents of student discrimination, harassment, mistreatment and other incidents of unprofessionalism that they have experienced or witnessed, including how disclosed/reported incidents will be managed and tracked. This Protocol is informed and governed by the University of Toronto, Faculty of Medicine, regulatory body and government statements, policies, protocols, codes and standards listed in Appendix A. **This Protocol does not supersede powers and procedures set out in other policies of the University, the Faculty of Medicine or hospitals.** Where an existing University or Faculty policy applies, the procedure described in that document will be followed. Likewise, if a University or Faculty office or a clinical institution has jurisdiction in a given situation, its authority will be respected.

Medical students also have the option of reporting incidents of discrimination, harassment, mistreatment and unprofessionalism on course and teacher evaluation forms. While every effort is made to review evaluation forms in a timely manner, students should not assume that action will be taken quickly on the basis of a course or teacher evaluation.

The MD Program [Guidelines for the assessment of student professionalism](#) enables teachers, University staff members and hospital staff members to report unprofessional behaviour by medical students, including towards fellow medical students.

A disclosure/report of discrimination, harassment, mistreatment or other unprofessional behaviour is a serious accusation and will be treated as such by the MD Program. A complainant or witness found to have made a false, frivolous, vexatious, or malicious disclosure/report regarding an incident of discrimination, harassment or mistreatment may be subject to disciplinary action, in accordance with the appropriate statements, policies, protocols, codes and standards.

### **B. Definitions**

In general, student discrimination, harassment, mistreatment and unprofessionalism include incidents in which someone in the MD Program learning environment harms a student in some manner, including physically,

sexually, or emotionally. Any incidents involving harm to another person necessarily entail harm to the learning environment. For the purposes of this Protocol, the MD Program recognizes as harmful all of the behaviours and actions that are deemed unacceptable under one or more of the statements, policies, protocols, codes and standards listed in Appendix A. More specifically:

**i. Incidents of student discrimination, harassment and mistreatment**

“discrimination and discriminatory harassment”: As defined by the University of Toronto [Statement on Prohibited Discrimination and Discriminatory Harassment](#)

“sexual violence and sexual harassment”: As defined by the University of Toronto [Policy on Sexual Violence and Sexual Harassment](#)

“mistreatment”: Includes incidents that involve the intentional or unintentional mistreatment of a student that may or has compromised the learning environment, but which are not covered under the University of Toronto [Statement on Prohibited Discrimination and Discriminatory Harassment](#) or University of Toronto [Policy on Sexual Violence and Sexual Harassment](#). Examples of mistreatment include, but are not limited to,

- public humiliation;
- physical threats or harm;
- requiring a medical student to perform personal services;
- subjecting someone in the learning environment to offensive remarks or names;
- retaliation to disclosures, reports or investigations of discrimination, harassment or mistreatment;
- other behaviours that are demeaning, coercive, intimidating or threatening.

The Faculty of Medicine [Standards of professional behaviour for medical clinical faculty](#) also provides direction with behaviour or conduct that fall under that category of mistreatment, including examples of actions that are considered inconsistent with the standards of professional behaviour and ethical performance. It is recognized that while interpretations of mistreatment may differ, the perception of the student disclosing/reporting the incident is significant in determining whether an incident should be considered mistreatment and addressed as such.

**ii. Other incidents of unprofessionalism**

Other incidents of unprofessionalism are incidents in which the inappropriate conduct of a member of the MD Program community compromises the learning environment. This may include mistreatment of someone other than a student. The Faculty of Medicine [Standards of professional behaviour for medical clinical faculty](#), University of Toronto [Standards of Professional Practice Behaviour for all Health Professional Students](#), MD Program [Guidelines for the Assessment of Student Professionalism](#) and other statements, policies, protocols, codes and standards listed in Appendix A provide direction with respect to behaviour or conduct that is considered unprofessional.

“Micro-aggressions” are frequent, often unintentional, snubs, slights, put-downs, and gestures that demean or humiliate individuals belonging to certain marginalized groups identified by gender, race/ethnicity, sexual orientation, immigration status, or socioeconomic class.

It is recognized that while interpretations of unprofessionalism will differ, the perception of the student disclosing/reporting the incident is significant in defining whether the incident is of concern and should be addressed.

Students unsure about whether a disclosure/report is warranted should seek advice as described below.

### iii. Designated MD Program Leaders

The term “Designated MD Program Leader” is used in this protocol to refer to individuals who are officially designated to receive disclosures/reports of harmful incidents from students. They are as follows:

- For incidents of incidents of student discrimination, harassment and mistreatment: the Associate Dean, Health Professions Student Affairs (HPSA)
- For other incidents of unprofessional behaviour: the Academy Directors; Foundations Director; Clerkship Director; Faculty Lead, Ethics & Professionalism; course directors; Office of Health Professions Student Affairs counsellors; Associate Dean, HPSA

The Faculty of Medicine Diversity Strategist provides support both to students who would like to disclose/report an incident of discrimination or discriminatory harassment as well as MD Program leaders with respect to how to respond to such disclosures/reports and support complainants.

The University of Toronto [Sexual Violence Prevention and Support Centre](#) provides support both to students who would like disclose/report an incident of sexual violence or sexual harassment as well as MD Program leaders with respect to how to respond to such disclosures/reports and support complainants.

All MD Program leaders, teachers and administrative staff – designated or otherwise – are responsible for being aware of this Protocol and taking the steps necessary to ensure that harmful incidents are addressed in an appropriate and timely manner.

## C. Principles

This protocol is governed by two principles as follows:

### ***Principle 1 – multiple reporting options***

Students should have multiple options to disclose/report information about harmful incidents in the learning environment to individuals with the authority to assist the student and/or take corrective action. Such disclosure/reporting need not be direct in all instances. For example, a student may disclose/report an incident to an individual who does not have the authority to take corrective action, but who can convey the information to another individual who does have such authority. However, students should recognize that not all such options are equally effective. For this reason, this Protocol clearly identifies the preferred disclosure/reporting mechanisms adopted by the MD Program.

### ***Principle 2 – confidentiality***

Confidentiality will be upheld regardless of how or to whom the disclosure/report is made.

Except as may be required by law or University policy, any detailed communication about the event (including the reporting student’s identity) will only be made with the express consent of the student and only as necessary to provide assistance or care to the student, or to pursue an investigation or remedial action. Students must recognize that in most instances, at least some communication with another individual will be necessary to allow appropriate steps to be taken.

Although there is an option for anonymous disclosure of harmful incidents, anonymous disclosures cannot usually be investigated or acted upon. Students are strongly encouraged to make disclosures/reports that are not anonymous.

All disclosures/reports may be included in statistical analyses of aggregate data, and these analyses may be shared at the discretion of the MD Program leadership. All identifying information will be purged from the analyses for the protection of the reporting student and any other individuals involved in the incident.

## **D. MD Program Leaders Who Are Designated to Receive Reports**

### **i. Incidents of student discrimination, harassment and mistreatment**

If any person harms a student, including physically, sexually, or emotionally, students have the option to disclose/report the incident to any MD Program leader, teacher, or administrative staff member, according to personal comfort and preference. However, to ensure that such disclosures/reports are dealt with effectively, particularly if safety or well-being are at risk, **the MD Program recommends that students disclose/report incidents of discrimination, harassment and mistreatment to the Associate Dean, Health Professions Student Affairs (HPSA).**

If a student does choose to disclose/report student mistreatment to a leader, teacher or staff member instead of to the Associate Dean, HPSA, then that individual is strongly advised to obtain the student's permission to share the information with the Associate Dean, HPSA.

### **ii. Incidents of unprofessionalism (other than student discrimination, harassment and mistreatment)**

This section describes whom to contact when a student witnesses unprofessional behaviour committed by a member of the MD Program community that does not constitute student mistreatment, but does compromise the learning environment. For clarity, this category of unprofessional behaviour includes mistreatment of individuals other than students, including residents, faculty members, patients, administrative staff, other health professionals, etc.

Whenever possible, the student is encouraged to discuss the situation directly with the person whose behaviour seemed unprofessional. This approach recognizes the role of collegial conversation in the MD Program community, and emphasizes the principle of addressing problems locally wherever possible. In addition, students may wish to approach another trusted MD Program leader, teacher, or administrative staff member for advice.

If for any reason the student does not feel comfortable engaging in such a discussion, or if the result of such a discussion is not satisfactory, then the student can follow the disclosure/reporting procedures described below.

As with incidents of student discrimination, harassment and mistreatment, a student has the option to disclose/report an incident of unprofessional behaviour to any MD Program leader, teacher, or administrative staff member, according to personal comfort and preference. However, students should recognize that not all MD Program leaders, teachers, or staff members are equally well placed to provide assistance or other support in response to an incident of unprofessional behaviour, nor are they all equally capable of acting on the disclosure/report to effectively address the particular incident or the system as a whole. Students should disclose/report an incident of unprofessionalism to an individual with a suitable level of authority and knowledge of the context to address the situation appropriately.

The MD Program recommends that incidents of unprofessionalism be disclosed/reported to one of the following individuals. All of these "Designated MD Program Leaders" may assist with disclosures/reports of unprofessional behaviour in any context, but suggested reasons for choosing one individual over another are indicated:

- The student's Academy Director or the Academy Director at the site of the incident (especially if the incident occurs in a hospital environment)
- The course director (especially if the incident occurs in a non-hospital environment)
- The Foundations or Clerkship Director, as appropriate (especially if the incident involves a course director or an unresolved pattern of conduct)
- The Faculty Lead, Ethics & Professionalism
- Counsellors in the Office of Health Professions Student Affairs
- The Associate Dean, Health Professions Student Affairs (HPSA)

If a student chooses to disclose/report an incident of unprofessionalism to an individual not listed above, then that individual is strongly advised to obtain permission from the student who made the disclosure/report to share the information with one or more of the MD Program leaders in the list as dictated by the situation.

## **E. Procedure for Students to Disclose an Event to a Designated MD Program Leader**

### **i. Event Disclosure Form**

In order to provide students with a convenient, effective, and secure means to contact a designated MD Program leader regarding a harmful incident, an electronic [Event Disclosure Form](#) is available on the MD Program [Student mistreatment webpage](#).

The [Event Disclosure Form](#) is a confidential online tool that enables medical students to disclose to a designated MD Program Leader that they have experienced or witnessed student discrimination, harassment, mistreatment or other type of unprofessionalism. Students who provide their name and contact information on the Event Disclosure Form will be contacted by a designated MD Program Leader as soon as possible to discuss the event further, including possible next steps and supports.

Other individuals to whom a disclosure/report is made are encouraged to suggest that the student to also complete an Event Disclosure Form to ensure that all appropriate follow-up takes place.

### **ii. Other disclosure options**

All Designated MD Program Leaders will also accept disclosures of harmful incidents through more traditional communication, such as e-mail, telephone, and in-person communication.

However, as described in the next section, since the Event Disclosure Form facilitates tracking of harmful incidents, students should be aware that even if they use another option, they may be asked to complete an Event Disclosure Form. Alternatively, the Designated MD Program Leader may complete an Event Disclosure Form on the reporting student's behalf.

## **F. Procedure for Designated MD Program Leaders Following Submission by a Student**

- (1) All Event Disclosure Forms or written submissions will be personally reviewed as soon as possible by the Designated MD Program Leader who receives it, and always within 24 hours.
  - a. Written submissions (including by e-mail) should be clearly dated and labelled "Confidential report for the attention of Dr. \_\_\_\_\_" to ensure priority review
  - b. If the Designated MD Program Leader is away for a period exceeding 5 business days, the person responsible for assuming his/her duties may review the submission.
- (2) The Designated MD Program Leader will contact the student who made the submission to:
  - a. ascertain the reporting student's well-being and interest in receiving support.
  - b. clarify the details of the event.
  - c. discuss the severity of the event. In some instances, the student and Designated MD Program Leader may conclude that the event does not in fact require any further follow-up.
  - d. provide the student with information about University and Faculty policies, and what procedures arising from those policies will guide the response.
  - e. determine the student's willingness for other specific individuals to be made aware of the event in order to address the situation. (These individuals must be identified to the student.)
  - f. determine the student's interest in proceeding with an investigation into the event.

The Designated MD Program Leader will keep a summary of the discussion on file; a copy will be provided to the student on request.

If the student did not use the Event Disclosure Form, the Designated MD Program Leader may complete the Form himself/herself after the meeting to facilitate tracking and follow-up. The student will be provided with a copy of the Form.

- (3) The Designated MD Program Leader will consult with individuals in relevant positions as needed and will act as the student's liaison with the other offices or individuals who become involved in the case. All such individuals will be bound to strict confidentiality regarding all aspects of the event, including the identity of the reporting student, except where required by law.

If the results of the investigation of the event support the pursuit of a resolution mechanism (e.g. formal or informal mediation, tribunal, etc.), a decision will generally be made jointly by the student, the Designated MD Program Leader, and the other involved offices or leaders.

*Note: In egregious cases of inappropriate treatment, the MD Program, the Faculty of Medicine, and the University of Toronto reserve the right to pursue an investigation and recourse without the participation or consent of the reporting student.*

- (4) A reporting student has the right at any time to withdraw from further participation in any investigation or other action based on the report. *The investigation or action may continue without the participation of the student, depending on established policy, the recommendations of experts, the existence of related reports, and other contributing factors.* If a student declines further participation, he or she will forgo the right to be informed of subsequent developments in the case.

The student retains all rights to supportive follow-up independent of his or her participation in an investigation or action, but similarly has the right to request that the Designated MD Program Leader cease monitoring or facilitating supportive follow-up (e.g., counselling or medical care).

- (5) The Designated MD Program Leader will maintain a complete and confidential record of each case. He or she will also inform the Vice Dean, MD Program and the Associate Dean, Health Professions Student Affairs of any updates on new or previously received disclosures/reports on a regular basis. The Designated MD Program Leader will also supply to the Associate Dean, HPSA a summary of each disclosure/report on an annual basis or as requested. This summary will include details as determined by the Associate Dean, HPSA, which may include but are not limited to categories of individuals involved, location types, and nature of incidents.

#### **G. Procedure for Individuals Other than MD Program Leaders Who Receive a Submission from a Student**

If a student chooses to disclose an incident of discrimination, harassment, mistreatment or unprofessionalism to an individual in the MD Program other than a Designated MD Program Leader, the individual receiving the submission has certain responsibilities:

- (1) They must make the student aware of this Protocol.
- (2) They must clearly inform the student of any limitations on their authority or ability to respond.
- (3) They must inform the student that the preferred approach to dealing with incidents of student discrimination, harassment or mistreatment is to contact a Designated MD Program Leader. This approach helps ensure that the student has access to suitable support, that the applicable University,

Faculty, and hospital policies are followed, that investigations or other actions can be undertaken, and that the MD Program is able to monitor the learning environment effectively.

If the student agrees to the involvement of a Designated MD Program Leader, there are three options:

- Preferably, the student can fill out an [Event Disclosure Form](#).
- The student can contact a Designated MD Program Leader directly as described above.
- The recipient of the disclosure submission can contact a Designated MD Program Leader on behalf of the student. In this situation, the recipient of the disclosure submission must be absolutely clear on the information that he or she is permitted to share with Designated MD Program Leader, and on the student's expectations with regard to direct follow-up from that individual

- (4) For the protection of all involved, including the recipient of the disclosure submission himself or herself, the recipient of the disclosure submission must obtain the student's permission regarding the sharing of any potentially identifying information.

An individual who receives a disclosure submission is expected to make a secure, personal record of the submission, regardless of whether the student wishes to pursue any action or not. This record is for personal reference only and must be kept strictly confidential, unless the student in question provides express permission for its contents to be shared, or unless required by law.

MD Program teachers, administrative staff members, and leaders should be aware that although a student may make a "disclosure" to them in an apparently informal or offhand manner (e.g., in the course of regular conversation), it is important to clarify the student's intentions in raising the issue (e.g. disclosure, formal report, or both) and provide the appropriate support and direction, to the best of their ability.

- (5) In general, individuals who receive a disclosure submission regarding significant incidents of unprofessional behaviour (and especially student discrimination, harassment or mistreatment) are advised *not* to attempt or agree to intercede in such an incident by making contact with anyone, without the assistance of a Designated MD Program Leader.

*Special note regarding disclosures made in the context of an educational experience*

There are certain occasions in the MD Program curriculum, such as the Portfolio group sessions, during which students share personal experiences related to their training, with the expectation that the information that is shared will be kept confidential. Teachers who learn of an incident of inappropriate treatment in the course of a curricular session of this type are encouraged to privately and discreetly approach the student who described the incident, to make sure the student has received appropriate support and is aware of options available to them to disclosure and/or report the event. Students should be informed that describing the incident in a confidential classroom setting cannot be considered a formal report, and no action can be taken based on what was said in class. If the student wishes to pursue the matter, then the procedure described above should be followed.

## **H. Tracking, Analyzing, and Addressing Trends**

### **i. Individual responsibility**

All MD Program leaders, "Designated" or otherwise, are responsible for addressing incidents of student discrimination, harassment, mistreatment and unprofessionalism in accordance with this Protocol. This responsibility includes the expectation that all MD Program leaders monitor the number and content of the disclosures/reports that they receive, and look for emerging trends. Such trends should be brought to the immediate confidential attention of the Associate Dean, Health Professions Student Affairs (HPSA) and the Vice Dean, MD Program. The Associate Dean, HPSA and/or the Vice Dean, MD Program will then determine

what steps may be required and will implement measures as appropriate.

As directed by the Associate Dean, HPSA, MD Program leaders shall submit a summary of event disclosure/reports they have received during the timeframe in question to the Associate Dean, HPSA (see Institutional Responsibility, below).

**ii. Institutional responsibility**

The Associate Dean, Health Professions Student Affairs is responsible for oversight of this Protocol, and holds primary responsibility for the tracking of event disclosures/reports of all types of harmful incidents in the medical student learning environment. The Vice Dean, MD Program and the Associate Dean, HPSA are jointly responsible for actively addressing concerning rates or trends of harmful incidents in collaboration with partners such as curriculum leaders, University departments, clinical affiliates, the decanal team, and others.

The Associate Dean, HPSA will coordinate the production of an annual report that summarizes concerning rates or trends regarding incidents of discrimination, harassment and mistreatment disclosed and/or reported by medical students, including any steps taken to address the rates or trends identified. Any data included in the report will be conveyed in aggregate only and in such a way that no individuals involved in the incidents are identifiable. The Vice Dean, MD Program is responsible for determining the appropriate breadth of dissemination of the Associate Dean's reports.

**Relevant Statements, Policies, Protocols, Codes and Standards**

- [Ontario Human Rights Code](#)
- [Canadian Charter of Rights and Freedoms](#)
- University of Toronto:
  - [Statement on Human Rights](#)
  - [Statement on Prohibited Discrimination and Discriminatory Harassment](#)
  - [Policy on Sexual Violence and Sexual Harassment](#)
  - [Protocol with Health Care Institutions: Sexual Violence and Sexual Harassment Complaints involving Faculty Members and Students of the University of Toronto arising in Independent Research Institutions, Health Care Institutions and Teaching Agencies](#)
  - [Code of Student Conduct](#)
  - [Standards of Professional Practice Behaviour for all Health Professional Students](#)
  - [Policy with Respect to Workplace Harassment](#)
  - [Policy with Respect to Workplace Violence](#)
- Faculty of Medicine:
  - [Standards of professional behaviour for medical clinical faculty](#)
  - [Guidelines for ethics and professionalism in healthcare professional clinical training and teaching](#)
- MD Program:
  - [Guidelines for the Assessment of Student Professionalism](#)
- College of Physicians and Surgeons of Ontario (CPSO):
  - [Physician Behaviour in the Professional Environment](#)
  - [Professional Responsibilities in Postgraduate Medical Education](#)
  - [Professional Responsibilities in Undergraduate Medical Education](#)
- Canadian Medical Association (CMA)
  - [CMA Code of Ethics and Professionalism](#)
- Hospitals and research institutes affiliated with the University of Toronto:
  - Consult the policies on conduct of the appropriate affiliated hospital or research institute