



Protocol for UME students to report mistreatment and other kinds of unprofessional behaviour

Approved by: Undergraduate Medical Education 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.

Undergraduate Medical Education (UME) places the utmost importance on the safety and well-being of students, and their ability to learn in an environment of professionalism, collegiality, and respect.

All members of the UME community have a joint responsibility to protect the integrity of the learning environment and a right to appropriate treatment and to appropriate response when the environment is compromised. This protocol specifically addresses mechanisms for students to report harm to themselves or other students, and to report other unprofessional behaviour that they believe has had a negative effect on the learning environment.

Note: The University of Toronto has set out a number of policies and procedures that detail the recourse available for specific breaches of the expected standards of the learning environment. The purpose of this protocol is to **supplement** the University's documents where gaps exist, and to make explicit **how** harmful incidents should be reported by students and how they will be tracked. **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.

A. DEFINITIONS

i. Harmful incident

UME defines a harmful incident broadly as an incident in which one person's behaviour or actions cause harm to UME students or the UME community. Harmful incidents fall into two categories:

- **"Incidents of student mistreatment"**
are incidents in which someone in the UME 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 as well.
 - **"Other incidents of unprofessionalism"**
are incidents in which the inappropriate conduct of a member of the UME community compromises the learning environment. (This may include mistreatment of someone other than a student.) A student who
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witnesses or experiences an incident of unprofessional behaviour and is considering making a report should first determine whether he or she considers the incident to be minor or major:

- **Minor** incidents of unprofessionalism are single, apparently isolated events that are troubling to the student who witnesses or experiences them, but for which a formal report may seem unwarranted.
- **Major** incidents of unprofessionalism are those behaviours and actions that are either repeated or so severe as to have a significant negative effect on the learning environment. Major incidents are sufficiently troubling to the student who witnesses or experiences them that they warrant formal reporting.

It is recognized that interpretations of harm will differ. Students unsure about whether a report is warranted should seek advice as described below.

ii. Unacceptable conduct leading to harmful incidents

For the purposes of this protocol, UME recognizes as harmful all of the behaviours and actions that are deemed unacceptable under one or more of:

- the [Ontario Human Rights Code](#),
- the [Canadian Charter of Rights and Freedoms](#),
- policies of the University of Toronto
 - [Code of Behaviour on Academic Matters](#) (applies to students and teachers)
 - [Code of Student Conduct](#) (applies to students)
 - [Human Resources Guideline on Civil Conduct](#) (applies to faculty and staff)
 - [Policy with Respect to Workplace Harassment](#) (applies to faculty and staff)
 - [Policy with Respect to Workplace Violence](#) (applies to faculty and staff)
 - [Sexual Harassment: Policy and Procedures](#) (applies to students, faculty, and staff)
 - [Standards of Professional Practice Behaviour for all Health Professional Students](#) (applies to students)
 - [Statement on Prohibited Discrimination and Discriminatory Harassment](#) (applies to students, faculty, and staff)
- policies of the Faculty of Medicine
 - [Guidelines for Ethics & Professionalism in Healthcare Professional Clinical Training and Teaching](#) (applies to students and teachers)
 - [Standards of Professional Behaviour for Medical Clinical Faculty](#) (applies to clinical faculty)
- policies of the College of Physicians and Surgeons of Ontario,
 - [Physician Behaviour in the Professional Environment](#) (applies to registered MDs)
 - [Professional Responsibilities in Postgraduate Medical Education](#) (applies to registered MDs)
 - [Professional Responsibilities in Undergraduate Medical Education](#) (applies to registered MDs)
- policies of hospitals and research institutes affiliated with the University of Toronto.
 - Consult the policies on conduct of the appropriate affiliated hospital or research institute.

Wherever such behaviours or actions deemed unacceptable by one or more of the sources listed above take place in the context of the UME learning environment or between members of the UME community, a report should be made as described in this protocol.

Note: A report of any of the behaviours named in the documents above is a serious accusation against another individual or a group of individuals, and UME will give serious weight to any such accusation. **Making a false, frivolous, vexatious, or malicious report will be considered as a professional lapse and the usual procedures used by UME for lapses in professionalism will be pursued.**

iii. Designated UME Leaders

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

- For incidents of **student mistreatment**: the Associate Dean Health Professions Students Affairs
- For **other** incidents of major unprofessional behaviour: the Academy Directors, Preclerkship Director, Clerkship Director, Faculty Lead for Ethics & Professionalism, course directors, counsellors of the Office of Health Professions Student Affairs, Associate Dean Health Professions Student Affairs, and Associate Dean Equity & Professionalism

B. PRINCIPLES

This protocol is governed by two principles as follows:

Principle 1 – multiple reporting options

Students should have multiple options to report information about harmful incidents in the learning environment to individuals with the authority to assist the student and/or take corrective action. Such reporting need not be direct in all instances. (For example, a student may 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 reporting mechanisms adopted by UME.

Principle 2 – confidentiality

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

Except as may be required by law or University policy, any detailed communication about the report (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 reporting of harmful incidents, anonymous reports cannot usually be investigated or acted upon. Students are strongly encouraged to make reports that are not anonymous.

All reports may be included in statistical analyses of aggregate data, and these analyses may be shared at the discretion of the UME 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.

C. UME LEADERS WHO ARE DESIGNATED TO RECEIVE REPORTS OF HARMFUL INCIDENTS FROM STUDENTS

i. Incidents of student mistreatment

If any person harms a student, including physically, sexually, or emotionally, students have the option to make a report of the incident to any UME teacher, leader,¹ or administrative staff member of their choice. However, to ensure that such reports are dealt with effectively, particularly if safety or well-being are at risk, UME recommends that students report incidents of **harm to themselves or other students** to the **Associate Dean, Health Professions Student Affairs (HPSA)**.

Note: If a student does choose to report student mistreatment to a teacher, leader, 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 major unprofessionalism (other than student mistreatment)

This section describes whom to contact when a student witnesses unprofessional behaviour committed by a member of the UME 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.)

Major incidents of unprofessional behaviour are typically very severe or repeated, and have a significant negative effect on the learning environment. Major incidents are sufficiently troubling to the student who witnesses or experiences them that they warrant formal reporting.

As with incidents of student mistreatment, a student has the option to make a report of an incident of unprofessional behaviour to any UME teacher, leader,² or administrative staff member, according to personal comfort and preference.

However, students should recognize that not all UME teachers, leaders, 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 report to effectively address the particular incident or the system as a whole.

Students should report a *major* incident of unprofessionalism to an individual with a suitable level of authority and knowledge of the context to address the situation appropriately. UME therefore recommends that major incidents of unprofessionalism be reported to ONE of the following individuals. All of these “Designated UME Leaders” may assist with 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 Preclerkship or Clerkship Director, as appropriate
(*especially if the incident involves a course director or an unresolved pattern of conduct*)
- The Faculty Lead for Ethics & Professionalism
- Counsellors in the Office of Health Professions Student Affairs
- The Associate Dean Health Professions Student Affairs
- The Associate Dean Equity & Professionalism

¹ UME leaders include the Vice-Dean, the Associate Deans, the Academy Directors, the Preclerkship and Clerkship Directors, the course directors, the thematic faculty leads, and the Faculty Registrar.

² UME leaders include the Vice-Dean, the Associate Deans, the Academy Directors, the Preclerkship and Clerkship Directors, the course directors, the thematic faculty leads, and the Faculty Registrar.

Note: If a student chooses to 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 report to share the information with one or more of the UME leaders in the list as dictated by the situation.

iii. Incidents of minor unprofessionalism

Minor incidents of unprofessionalism are typically single, apparently isolated events that are troubling to the student who witnesses or experiences them, but for which a formal report may seem unwarranted.

Whenever possible, the student is instead encouraged to discuss the situation directly with the person whose behaviour seemed unprofessional. This approach recognizes the role of collegial conversation in the UME community, and emphasizes the principle of addressing problems locally wherever possible. In addition, students may wish to approach another trusted UME teacher, leader, 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 reporting procedure described under “Incidents of major unprofessionalism.”

Student may always report incidents on a teacher’s evaluation form or a course evaluation form. *Note: 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 evaluation.*

D. PROCEDURE FOR STUDENTS TO REPORT A HARMFUL INCIDENT TO A DESIGNATED UME LEADER

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.

i. Incident Report Form

In order to provide students with a convenient, effective, and secure means to make a report of a harmful incident, an electronic “**Incident Report Form**” (IRF) has been created and is available online, with links from the Blackboard Portal, MedSIS, and the “Red Button” on the UME website.

Students are strongly encouraged to register their reports of student mistreatment or major unprofessionalism through the IRF. The IRF generates reports for exclusive review by the Designated UME Leader to whom it is submitted; no one else has access to these reports, and any sharing of the information in the reports (outside of the system) is governed by the principle of confidentiality.

Other individuals to whom a report is made are encouraged to suggest that the student to also complete an IRF online to ensure that all appropriate follow-up takes place.

ii. Other reporting options

All Designated UME Leaders will also accept reports 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 IRF facilitates tracking of harmful incidents, students should be aware that even if they use another reporting option, they may be asked to complete an IRF. Alternatively, the Designated UME Leader may complete an IRF on the reporting student's behalf. (Recording incidents through the IRF is mandatory in cases of student mistreatment.)

E. PROCEDURE FOR DESIGNATED UME LEADERS FOLLOWING SUBMISSION OF A REPORT BY A STUDENT

- (1) All Incident Report Forms or written reports will be personally reviewed as soon as possible by the Designated UME Leader who receives it, and always within 14 days.

NOTE:

- a. Reports submitted in writing (including e-mail) should be clearly dated and labelled "Confidential report for the attention of Dr. ____" to ensure priority review
- b. If the Designated UME Leader is away for a period exceeding 14 days, the person responsible for assuming his/her duties may review the report.

- (2) The Designated UME Leader will contact the student who made the report to:
- a. ascertain the reporting student's well-being and interest in receiving support.
 - b. clarify the details of the incident as reported.
 - c. discuss the severity of the incident. In some instances, the student and Designated UME Leader may conclude that the incident 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 incident 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 incident.

The Designated UME 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 IRF, the Designated UME Leader may complete an Incident Report Form himself/herself after the meeting to facilitate tracking and follow-up. The student will be provided with a copy of the IRF

Note: For instances of student mistreatment, recording of the report via IRF is mandatory, **either** by the reporting student or by the Associate Dean HPSA.

- (3) The Designated UME 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 case, including the identity of the reporting student, except where required by law.

If the results of the investigation of the incident 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 UME Leader, and the other involved offices or leaders..

Note: In egregious cases of inappropriate treatment, UME, 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 UME Leader cease monitoring or facilitating supportive follow-up (e.g., counselling or medical care)..

- (5) The Designated UME Leader will maintain a complete and confidential record of each case. He or she will also inform the Vice-Dean UME and the Associate Dean Equity & Professionalism (E&P) of any updates on new or previously received reports on a regular basis. The Designated UME Leader will also supply to the Associate Dean E&P a summary of each report on an annual basis or as requested. This summary will include such details as the Associate Dean E&P may request, including but not limited to type of location, the categories of individuals involved (preclerkship students, clinical clerks, faculty, residents, etc.), and the nature of the incident.

F. PROCEDURE FOR ANY OTHER INDIVIDUALS WHO RECEIVE A REPORT OF A HARMFUL INCIDENT FROM A STUDENT

If a student chooses to report an incident of mistreatment or major unprofessionalism to an individual in UME other than a Designated UME Leader (see “Definitions” section), the individual receiving the report (the “report recipient”) 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 mistreatment is to contact a Designated UME 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 UME is able to monitor the learning environment effectively.

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

- Preferably, the student can fill out an Incident Report Form online.
- The student can contact a Designated UME Leader directly as described above.
- The report recipient can contact a Designated UME Leader on behalf of the student. In this situation, the report recipient must be absolutely clear on the information that he or she is permitted to share with Designated UME 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 report recipient himself or herself, the report recipient must obtain the student’s permission regarding the sharing of any potentially identifying information.

An individual who receives a report of student mistreatment is expected to make a secure, personal record of the report, regardless of whether the reporting 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.

Note: UME teachers, administrative staff members, and leaders should be aware that although a student may make a “report” to them in an apparently informal or offhand manner (e.g., in the course of regular conversation), by the very nature of these individuals’ status vis-à-vis the University and its medical students,

it is generally safest to assume that in fact the report was intended to be a formal notification. In case of doubt, an individual who is made aware of an incident by a student should clarify the student's intentions in raising the issue with them.

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

Special note regarding reports made in the context of an educational experience

There are certain occasions in the UME 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 report such an incident. Students should be informed that describing the incident in a confidential classroom setting cannot be considered a 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.

G. TRACKING, ANALYZING, AND ADDRESSING TRENDS IN HARMFUL INCIDENTS

i. Individual responsibility

All UME leaders, whether “designated” or otherwise, are expected to monitor the number and content of the reports that they receive, and to look for emerging trends. Such trends should be brought to the immediate confidential attention of the Associate Dean Equity & Professionalism (E&P) and the Vice-Dean UME. The Associate Dean E&P and/or the Vice-Dean UME will then determine what steps may be required and will implement measures as appropriate (see below).

In particular, the Associate Dean Health Professions Student Affairs, as the sole designated recipient of reports on mistreatment of students, will regularly review the statistical reports available through the Incident Report Form (IRF) system, and provide a regular update to the Associate Dean E&P and the Vice-Dean UME.

At least once per year, or as directed by the Associate Dean E&P, every UME leader shall submit a summary of the harmful incident reports that they have received during that timeframe to the Associate Dean E&P (see Institutional Responsibility, below).

ii. Institutional responsibility

The Associate Dean Equity & Professionalism (E&P) holds primary responsibility for the tracking of reports of all types of harmful incidents in the medical student learning environment. The Vice-Dean UME and the Associate Dean E&P are jointly responsible for actively addressing concerning rates or trends of harmful incidents through the UME portfolio and in collaboration with partners such as the clinical affiliates, the University Departments, the decanal team, and others.

At least once per year, the Associate Dean E&P will produce a report for the attention of the Vice-Dean UME summarizing the harmful incidents that have been recorded in the UME learning environment. The data will be conveyed in aggregate only and in such a way that no individuals involved in the incidents are identifiable. The report should indicate the number and variety of incidents reported, identify sites or groups of sites of concern, summarize the status (student, faculty, residents, administrative staff) of both persons making complaints and those about whom complaints were made, and summarize overall disposition of reports

The Vice-Dean UME is responsible for determining the appropriate breadth of dissemination of the Associate Dean's reports of harmful incidents.