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ACKNOWLEDGEMENT

Thank you to the Toronto Academic Health Science Network (TAHSN) for developing the document that informed this policy. We also acknowledge the TAHSN Education Committee and the Toronto Hospital Education Table for reviewing this work.

Learner Mistreatment by Others Working Group

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PURPOSE:

The Michener Institute of Education at UHN (referred to as Michener hereinafter) is committed to maintaining a safe, respectful, inclusive, and supportive learning environment. This policy establishes formal processes for addressing and responding to learner mistreatment in academic and clinical settings, and reinforces Michener's commitment to professionalism, dignity, and learner well-being.

The information in this policy is intended to support Michener learners in addressing learner mistreatment.

This document provides guidance but is not to be presumed or construed as complete or exhaustive. Some options may not be appropriate for, or applicable, to every situation. A senior leader will need to assess each situation individually and to identify the best course of action in accordance with the Michener's policies.

SCOPE:

This policy applies to all Michener Clinical students. It applies to conduct involving faculty, staff, administrators, preceptors, clinical educators, healthcare teams, peers, patients, and visitors, whether on campus or in affiliated clinical settings.

DEFINITIONS:

Learner Mistreatment: Conduct that shows disrespect for the dignity of others and unreasonably interferes with the learning process. Examples include bullying, harassment, discrimination, humiliation, intimidation, abuse of authority, exclusion, or retaliation.

Discussion: An informal conversation to seek advice, coaching, or clarification without initiating formal action.

Disclosure: Sharing information to access supports, safety planning, or accommodations without initiating a formal investigation.

Report: A request for formal review or investigation of alleged mistreatment.

Retaliation: Any adverse action taken against an individual for raising a concern in good faith.

GUIDING PRINCIPLES:

1. All parties will maintain confidentiality wherever possible
2. Only individuals pertinent to each step of the process will be involved
3. Work collaboratively with the clinical partner throughout the process
4. Ensure a fair and transparent process for all involved
5. Ensure privacy and secure documentation of learner mistreatment disclosure and reports
6. Encourage timely reporting of incidents, but acknowledge that there is no time limit to disclosing or reporting mistreatment
7. Prioritize safety, trust and empowerment and create a psychologically safe space of the learner to share their experience, offering non-judgmental and compassionate support

RESPONDING TO MISTREATMENT:

There are multiple ways learner mistreatment can be brought forward.

Incidents of mistreatment may be reported by any individual, which includes but is not limited to the following: Learner (reporting on behalf of themselves or as a witness), a member of the clinical education team at the clinical site, patient, etc.

Promoting the growth of Learners as professionals requires helping them develop skills to support themselves in the moment when mistreatment occurs, as challenging and uncomfortable as this might be. Learners should be oriented to know that if they do not feel psychologically or physically safe at any point in care interaction, they are allowed to remove themselves.

Learners will have access to Learner Mistreatment policies and procedures at their clinical site (if available) or may report mistreatment to Michener directly.

INCIDENT OF MISTREATMENT BROUGHT TO A MICHENER STAFF/FACULTY ATTENTION

If you are a witness to learner mistreatment, it is best to encourage the person directly involved to connect with the Education leadership team within the clinical site, or the relevant office with expertise at the academic partner and seek advice. If a learner prefers, they may report directly to Michener.

Depending on the nature of what has been witnessed, this will dictate the options available to the learner or the witness.

The first point of contact for a learner discussing/disclosing/reporting mistreatment is critical in terms of helping the learner understand their rights, the process, their options, and next steps. The script in appendix A may help the first points of contact to support the learner using a trauma informed approach. The script includes “must-say statements” for the individual reporting to capture accurate information and resources, and to ensure the learner feels safe and heard through the process.

ESCALATING REPORTS OF MISTREATMENT:

If an incident of Learner mistreatment is witnessed or if a Learner discloses an incident of mistreatment to any Michener person, the Learner should be offered the opportunity to speak with a Michener Leader. If the Learner chooses to proceed, the person should:

- Give options for who is available to meet with the Learner (See Appendix A).
- With the Learner’s consent, relay the date and time of the incident and the name and contact information of Learner to the identified Leader.
- Request a meeting either immediately (if possible) or scheduled at a time of the Learner’s choosing (ideally in the next three business days).
- If the Learner chooses not to proceed beyond this conversation, no further action is required.
- If the Learner seems harmed or distraught, stay with the Learner and help them to access medical assistance, security/police, or other crisis resources as required.
- From a trauma information approach, minimizing the number of times a learner shares their story is critical.

Important note: If the Learner’s complaint suggests that the mistreatment may be of a sexual/physical harassment nature, then it must be processed as a formal report and as a first step, with applicable policies on Sexual Assault and Violence are adhered to, along with relevant supports / resources for affected learners.

If the Learner chooses to continue in this process and speak with a Michener Leader, who will support them with their report/disclosure, it is that leader’s responsibility to ensure that the learner is thoroughly informed of the potential implications and outcomes of their decision/action during these processes. The leader also needs to be aware of, and review, the appropriate institutional and academic policies.

During the initial discussion with a Learner:

- ensure the Learner is aware of the academic policies and processes to address harassment and discrimination, and all supports available to them.
- explain the discussion/disclosure/reporting options available including limits of confidentiality.
- share the Institute’s legal obligations to report any form of sexual/physical harassment due to the nature and severity of the claim. In addition, depending on the nature of the complaint, formal investigation may be required due to the obligations under respective legislation.
- remind the Learner of expectations of, and commitments to, confidentiality regularly throughout the process of reporting, investigating, and managing.

The Leader will use an Intake Form (Appendix C) during the initial meeting and conversation to document the learner’s report/disclosure/discussion. At the completion of the initial meeting, the leader will send a summary email referencing any/all policies and possible next steps.

The leader will work to create a plan to support resolution and will flag all mistreatment reports to all relevant stakeholders. The leader will track/document the steps, impressions, and outcomes of the interactions/investigations that result from a complaint.

THREE OPTIONS TO RESPOND TO MISTREATMENT

Learners can choose from three options available: **Discuss, Disclose, Report**. Except for reports involving any form of sexual/physical harassment (described above), the learner can select any of the options for response/resolution and is able to change their mind during the process.

DISCUSS

This process primarily gives the Learner an opportunity to have a private discussion or informal conversation with the leader without disclosing any information to outside parties, notifying the alleged individual(s), or taking corrective action with the hopes that:

- The Learner will feel relieved, reassured, and supported by the leader just by having an avenue to communicate their concerns.
- The leader, through empathic listening, can encourage and empower the Learner to create solutions for themselves based on mutual respect and consensus.
- Depending on the nature of the complaint, the Learner can wait until they have completed their placement/rotation to proceed with a Disclosure or Report in collaboration with Michener.
- To appropriately support the Learner, the leader will give individual supplemental tips and advice on conflict resolution and how to approach difficult conversations. Notes will be taken for internal record keeping purposes.

Leader may suggest the Learner seeks further advice and/or support – i.e., from the Student Success Network's Coaching and Counselling team.

It is important to keep all documentation of the advice and meetings, in case the Learner decides to proceed with a Disclosure or Report.

DISCLOSE

Disclosure involves discussion with a Learner with the aim of assisting the Learner to access safety, support, or accommodations where required

The leader, in conjunction with any other required parties will determine if there is a mandatory reporting requirement met (due to an imminent safety risk or legal or regulatory reporting requirement). The goal is to collaborate in supporting the Learner.

Note: level of disclosure of outcome will depend on situation and institutional policy/process and/or legislation.

REPORT

Reporting involves a Learner disclosing and consenting for the concerns to be formally reviewed and addressed. This may or may not involve an investigation.

Ensure all individuals involved in the reporting process understand Institutional policies and processes

Contact the respective parties involved:

- Office of the Vice Principal Academic and Vice Principal Students
- Contact People and Culture if complaint involves a staff member

The Michener leadership team, in collaboration with People and Culture where appropriate, will investigate formal complaints. An investigation may be internal or external, and may involve some of the following actions:

- Collecting evidence (e.g., emails, texts, social media) involved with complaints.
- Ensuring that documents (e.g., forms) completed on a learner's report about the subject are kept in a secure location
- Conducting interviews with all persons involved in the reported incident, first interviewing the complainant, then witnesses, then the respondent.
- Respondents should be apprised of allegations against them, be reminded of their right to bring a support person to any interview, be afforded the opportunity to tell their side of the story and be connected with supports and resources.
- If a staff member is involved, People and Culture will support interview and investigation process.
- Timelines will be communicated to the extent possible, recognizing the complexity of clinical collaboration cases.

Recommendations will be created which could consist of but not limited to: corrective action in the form of (but not limited to) an apology, switching preceptors/supervisors, counselling, education/training, and/or disciplinary outcome

GUIDING PRINCIPLES

- Allow the Learner to make a decision about how they would like to proceed.
- Ensure the Learner is aware of the policies and procedures at the clinical placement site and Michener to address harassment and discrimination, and how to access supports available to them.
- Document a summary of the discussion and securely store the recorded information

If the Learner chooses to Disclose, in addition to above, the Education Leader will:

- Notify the Clinical Partner or other required parties, involving only those essential to accessing the desired supports or accommodations.
- Ensure follow-up with the Learner.

If the Learner chooses to Report, or if mandatory reporting is required, the Leader will:

Ensure that the Clinical Partner has been consulted to understand the jurisdiction for review.

- Ensure all individuals involved in the reporting process understand organizational policies and processes

- Contact the Vice Principal Academic, the Vice Principal Students and the Director, Clinical Placements.

The Leadership Team, in collaboration with key Michener stakeholders, will investigate reports if it is within their jurisdiction to do so. They will collaborate with People & Culture where employees are involved, and with the Clinical Partner to create recommendations and lead the process going forward.

REFERENCES

Toronto Academic Health Sciences Network. (2023). Responding to Learner Mistreatment from Faculty, Staff, and Other Learners. <https://tahsn.ca/documents-resources>

Toronto Academic Health Sciences Network. (2023). TAHSN Guideline for Responding to Learner Mistreatment Arising from Patients, Families or Visitors (Guide for Faculty, Supervisors and Learners). <https://tahsn.ca/documents-resources>.

APPENDIX A: SAMPLE SCRIPT FOR FIRST CONTACT

Seek to understand as fully as possible and assess the situation based on what the learner is sharing: If the learner seems harmed or distraught, recommend them to go straight to the police, seek further medical assistance, or access crisis resources as required. Offer to stay with the learner while they call the police.

Overview of script

- ❖ Thank the Learner for sharing while acknowledging that it was brave to come forward.
- ❖ Express that you are sorry that this has been their experience.
- ❖ Remind the learner that the organization is committed to providing a work environment that is safe and free from Inappropriate conduct, Bullying and/or Harassment so they are doing the right thing by bringing this forward.
- ❖ Explain the process and next steps:
 - Learner can talk to a leader immediately (if available) or book an appointment; they can also be connected with relevant supports and resources, if indicated.
 - The leader will listen to their concerns and/or experiences confidentially (where able- in the case of physical/sexual harassment there is a duty to proceed with a Report)
 - The leader will explain available options for proceeding with a Discussion, Disclosure or Report
- ❖ Ask for their contact information and consent to share with an appropriate leader.
- ❖ Direct learner to Michener's wellness resources through the Student Success Network and through U of T if the student is in Medical Radiation Sciences.

Script

Thank you, we really appreciate you reaching out to us about this situation. We acknowledge that it is a very brave thing to come forward and talk about any type of issue that can happen during your time with us. We are sorry you experienced this, and we will do our best to work with you through the process. Our leaders are trained to help support difficult situations like yours. They are here first and foremost for you and have worked with many different types of learners for multiple years. I am going to give you a few options and then you can decide how to proceed.

The leader will listen to you about your experience (judgment-free) and then explain the options in further detail. Would you like to speak to a leader now?

Could I please have your contact information (name, email, phone number)? I will give you the contact information for the leader or I can also help direct you to your school resources e.g., SSN and crisis helplines. Our leadership team will collaborate with the clinical partner where required so that you don't have to tell your story multiple times as we know this can be very difficult.

APPENDIX B: LEARNER MISTREATMENT INTAKE FORM

Learner's name:

Learner's program:

Where the Learner was placed when the incident occurred:

Name of alleged individual(s), job title(s), and contact information, if available:

Details of the mistreatment

Please describe in as much detail as possible the bullying and harassment incident(s), including:
(a) the names of the parties involved;

(b) any witnesses to the incident(s);

(c) the location, date and time of the incident(s);

(d) details about the incident(s) (behaviour and/or words used);

REVISION HISTORY

THIS INFORMATION IS REQUIRED FOR REVIEW AS WELL AS FOR EACH NEW VERSION OF THIS DOCUMENT.

DATE	REVIEWER(S)	CHANGE(S) MADE