

CONFLICT RESOLUTION POLICY

Students, trainees, faculty and support staff of the Faculty of Medicine require a well-advertised readily accessible process within the Faculty to help resolve conflicts. Such a mechanism would deal with conflicts in the areas of sexual harassment, non-sexual harassment or intimidation and scientific misconduct or misappropriation of intellectual property. Recently, the College of Family Physicians of Canada Working Group on Intimidation in Postgraduate Medical Education has outlined the problem of intimidation for residents and the Provincial Association of Interns and Residents of Ontario have suggested an internal Faculty process to deal with cases of intimidation and harassment. The process outlined here was designed to accommodate suggestions made in these reports. This policy applies to all students and trainees which includes undergraduate, graduate and postgraduate students and residents, fellows and other trainees, support staff and faculty, it being understood that APUO members are covered by their Collective Agreement. In addition, all members of the faculty must be aware of existing University policies which apply in these cases, and the process outlined below was designed to be consistent with these existing policies. The Office of Gender and Equity Issues is available for consultation and clarification of procedures to be followed.

Outline of University of Ottawa Policies and the Context of Conflict Resolution Policy:

1. As members of the University, the Faculty to Policy No. 67 dealing with sexual harassment, and has a Faculty Policy on Sexual Harassment (October 1993). APUO members are covered by the provisions of the Collective Agreement. These policies cover the definition of sexual harassment and all formal procedures to deal with complaints. In cases of sexual harassment complaints the Faculty Conflict Resolution Policy is intended to provide a voluntary informal resolution of such complaints. Complainants will be informed of the University Sexual Harassment Policy and may choose to address their complaints directly to and consult and work with the University of Ottawa Sexual Harassment Officer who does provide use of both informal and formal complaint resolution procedures. Should the Faculty's informal conflict resolution process fail to address the complaint to the satisfaction of those involved, the complainant may proceed to lodge a complaint to the University Sexual Harassment Officer in accordance with Policy No. 67 and the Collective Agreement, the latter applying when the complaint is against an APUO member.
2. For purposes of complaints in the case of non-sexual harassment or intimidation, scientific fraud or misconduct, procedures are set out in the Collective Agreement for APUO members. Support staff is governed by Policy No. 32 which describes the grievance process. Policy No. 32 does not define harassment or intimidation. Policy No. 32 provides for an informal settlement step followed by four levels of decisions. Graduate students are governed by Policy No. 110 "Policy on Treatment of Graduate

3. Students on Non-Academic Matters”, which describes discrimination, employment, treatment of graduate students on non-academic matters and the grievance procedure. In cases not covered by the above policies, grievances can be filed with the Dean. None of these policies provide a defined process for local informal resolution of complaints. The Faculty Conflict Resolution policy is intended to provide a defined process for this informal settlement.

Definitions:

Harassment involves engaging in vexatious comment or conduct that is known or ought to be known to be unwelcome. Intimidation occurs when words or actions disparage or humiliate another individual and cause the individual to undertake a course of action against their will, or refrain from undertaking an activity that, except for harassment, would be undertaken.

There are numerous types of unacceptable harassing or intimidating behaviours including, but not limited to (adapted from the Professional Association of Interns and Residents of Ontario (PAIRO) April 1997):

1. Verbal intimidation/harassment, e.g. shouting, swearing, belittling, disparaging remarks of a racial, sexist, religious, homophobic, or otherwise discriminatory nature.
2. Physical intimidation/harassment, e.g. pushing, punching, slapping, threatening gestures, or throwing objects at an individual.
3. Education/service imbalance, particularly for postgraduate medical trainees, e.g. contractual infractions, inadequate supervision, excessive service load or service assignment without educational merit.
4. Reprisal or threat of reprisal for negative feedback of staff, program or service, including the lodging of a complaint or grievance.

Harassment and intimidation create a hostile and stressful environment that interferes with academic and work performance. The Faculty is committed to a policy of zero tolerance for any form of harassment or intimidation, and is committed to providing an exemplary working and learning environment for all members of the Faculty community.

Scientific fraud or misconduct is described in the Academic Regulations of the Faculty of Medicine and in the Collective Agreement and includes, but is not limited to: misrepresentation or falsification of data; lack of honesty in the collection and interpretation of data; assisting or colluding with colleagues in committing scientific misconduct; conducting clinical trials and evaluation of drugs, medical devices or other diagnostic and therapeutic modalities where the investigator has a real or perceived conflict of interest, or takes undue financial or other advantage from or by reporting on such studies.

Informal Conflict Resolution Process:

Preamble

All participants in the conflict resolution process are to maintain strict confidentiality except where disclosure, with the permission of the complainant, may be required to discreetly gather information to support a complainant or respondent, to implement the resolution of a complaint or to monitor terms of resolution. At any stage of the process, the complainant, respondent, or other participants may consult with the University of Ottawa Sexual Harassment Officer and/or the Faculty Office of Gender and Equity Issues, as necessary, for advice and assistance in these matters. The process described here is intended to resolve the matter informally.

Step One: Initiation of Complaint

Support staff, students, trainees and Faculty members are encouraged to deal with conflicts by reporting and discussing the issue with someone at the next highest level, e.g. division head, department head, graduate or postgraduate supervisor, residency program director, mentor or designated divisional or departmental ombudsman. The individual approached would speak with the complainant, and to those involved in the incident(s) and seek a resolution with them. When step one is not feasible (in cases where there may be conflict of interest or in which the most appropriate individual to approach is the alleged perpetrator), or after such discussion(s) does not lead to satisfactory resolution, the complainant may proceed to step two of informal resolution.

At step one, the complainant should record the details of circumstance(s) of the intimidation or harassment and of the attempts to resolve the issue. A limit of fourteen (14) days is placed on resolution of the conflict at step one.

Step Two: Informal Resolution

This step will involve one or more of four individuals identified by the Faculty as having recognized conciliation and dispute resolution skills, representing different sectors of the Faculty; i.e. a basic scientist, a clinician-educator, a clinician-scientist and an administrator or member of the support staff. These four individuals (hereafter referred to as the Complaints Officers) will be permanently appointed. Complainants will have the opportunity to seek advice from any one of the Complaints Officers and to initiate the informal resolution process. The Complaints Officer approached will seek out the facts of the complaint and with the permission of the Complainant, will involve expert assistance as necessary. A limit of one month is placed on resolution of the conflict at this step.

Should the informal resolution process fail to address the complaint to the satisfaction of any of the parties involved, the following applies:

1. In the case of a complaint of sexual harassment, the complainant may proceed to the Sexual Harassment Officer;
2. In the case of non-sexual harassment or intimidation or scientific fraud or misconduct the complainant may proceed to file an official grievance in accordance with the Collective Agreement (APUO members) or University policies. If the situation is not covered under these policies, the complaint may be filed with the Dean.

In summary, this policy provides for a voluntary informal internal conflict resolution process to deal rapidly and sensitively with complaints of sexual harassment, other forms of harassment and intimidation and complaints of scientific misconduct which may arise within the Faculty of Medicine. The policy is consistent with existing formal University of Ottawa and APUO policies pertaining to these complaints. Moreover, complainants are free to address their complaints directly to the University Sexual Harassment Office, or to avail themselves immediately of the grievance procedures provided for in the applicable University policies or the Collective Agreement.