



## Max Rady College of Medicine Policy

<b>Policy Name:</b>	Conscience-Based Exemptions
<b>Application/Scope:</b>	Learners in the Max Rady College of Medicine
<b>Approved (Date):</b>	June 26, 2019
<b>Review Date:</b>	Two years from the review date (will lapse two years from June 26, 2019)
<b>Revised (Date):</b>	
<b>Approved By:</b>	College Executive Council, Max Rady College of Medicine: August 21, 2018 Faculty of Graduate Studies: December 13, 2018 Senate: June 26, 2019

### 1. PURPOSE

- 1.1 To ensure the health and safety of patients through timely and acceptable medical care notwithstanding any Conscience-Based Objections or Conscience-Based Exemptions;
- 1.2 To accommodate the Conscience-Based Objections of Learners in the Max Rady College of Medicine;
- 1.3 To ensure Learners meet the Program Objectives of their medical education program;
- 1.4 To set out a process for approval and administration of Conscience-Based Exemptions.

### 2. DEFINITIONS

- 2.1 Learners: registrants in the programs offered by The University of Manitoba's Max Rady College of Medicine (e.g., undergraduate, postgraduate, and physician assistant programs).
- 2.2 Conscience-Based Objection: An objection, by a Learner, to participation in certain health care activities related to their medical education program, based on ethical, religious or core moral beliefs.
- 2.3 Conscience-Based Exemption: An approved exemption, for a Learner, based on ethical, religious or core moral beliefs from:
  - (a) participation in certain health care activities;
  - (b) a personal offer of specific information about it; and/or
  - (c) referral of the patient to a physician who will provide the health care activities.

- 2.4 Program Objectives: The bona-fide academic requirements and/or essential competency requirements of a medical education program of the Max Rady College of Medicine, including core goals, objectives and competencies required to meet the current standard of care requirements.

### **3. POLICY STATEMENTS**

- 3.1 A Conscience-Based Objection shall be accommodated by granting a Conscience-Based Exemption, subject to the provisions of this Policy.
- 3.2 A Conscience-Based Exemption shall be granted if:
- (a) the Conscience-Based Objection is in compliance with the University of Manitoba's Respectful Work and Learning Environment Policy, *The Human Rights Code* (Manitoba) and the Code of Ethics of the College of Physicians and Surgeons of Manitoba taking into consideration the College of Physicians and Surgeons policy on Conscience-Based Objections; and
  - (b) the Learner continues to be able to meet the Program Objectives.
- 3.3 Any Learner unable to meet the Program Objectives due to a Conscience-Based Objection for which a Conscience-Based Exemption is denied may be required to withdraw from the program or may be dismissed in accordance with applicable promotion and failure requirements. The Learner may appeal to the College Academic Appeals Committee.
- 3.4 A Learner who is granted a Conscience-Based Exemption must provide timely information to the Learner's clinical preceptor or supervising physician so as to ensure that all patients continue to have all available information relating to their treatment options and health care needs, notwithstanding the Learner's Conscience Based Objection.
- 3.5 A Learner must not promote his or her ethical, religious or core moral beliefs respecting the Conscience-Based Objection when interacting with patients.
- 3.6 A Conscience-Based Exemption does not relieve a Learner from his or her professional responsibilities, including:
- (a) To meet the Program Objectives including the current standard of timely and acceptable medical care;
  - (b) To meet the standards of practice, the Code of Ethics, and Practice Directions of the College of Physicians and Surgeons of Manitoba;
  - (c) To engage in professional behavior;
  - (d) To meet the general standards of the medical profession.
- 3.7 Notwithstanding a Conscience-Based Exemption, a Learner is responsible to learn and, through standard evaluative practices, demonstrate knowledge of indications, contraindications, benefits and risk pertaining to the procedure or service to which the Learner's Conscience-Based Objection relates.

- 3.8 When a Conscience-Based Exemption prevents a Learner from participation in regular Program learning activities, the Max Rady College of Medicine will make reasonable efforts to provide alternative learning opportunities to the Learner to ensure all Program Objectives are met.

#### 4 **PROCEDURE STATEMENTS**

- 4.1 A Learner requesting a Conscience-Based Exemption shall submit the request to their program director, or, if applicable, to the Associate Dean, Student Affairs of the Learner's program. Other College representatives may also be consulted (e.g., the Associate Dean of the Learner's program (e.g., UGME; PGME) and/or the College's Associate Dean of Professionalism.
- 4.2 If the request for a Conscience-Based Exemption cannot be addressed by the Learner's program director in consultation with College Associate Deans as applicable, College of Medicine shall establish an ad hoc committee ("Committee") from its membership to receive and review the unresolved request from the Learner for consideration of a Conscience-Based Exemption.
- (a) The Committee shall consist of, at a minimum,
    - a. a Clinician;
    - b. an Individual with training in medical ethics; and
    - c. a Learner.
  - (b) The Committee shall have the authority to grant or deny a Conscience-Based Exemption based on the Conscience-Based Objection.
  - (c) The Committee shall advise the Learner's program director (and Associate Dean as applicable) regarding the granting of a Conscience-Based Exemption.
- 4.3 If a Conscience-Based Exemption is denied by the Committee, or otherwise, the Learner may appeal to the College Academic Appeals Committee.
- 4.4 No Learner shall be subject to intimidation, harassment or discrimination based on any Conscience-Based Objection or Conscience-Based Exemption.
- 4.5 The Max Rady College of Medicine shall inform the applicable Health Authority if a postgraduate Learner has been granted a Conscience-Based Exemption.

#### 5. **REFERENCES**

- 5.1 Max Rady College of Medicine Academic Appeals Committee Policy  
[http://umanitoba.ca/faculties/health\\_sciences/medicine/media/AcademicAppealsPolicy-ApprovalCEC\\_October\\_2016.pdf](http://umanitoba.ca/faculties/health_sciences/medicine/media/AcademicAppealsPolicy-ApprovalCEC_October_2016.pdf)
- 5.2 The University of Manitoba Respectful Work and Learning Environment Policy  
[http://www.umanitoba.ca/governance/governing\\_documents/community/230.html](http://www.umanitoba.ca/governance/governing_documents/community/230.html)
- 5.3 *The Human Rights Code* (Manitoba)  
<http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>

- 5.4 College of Physicians and Surgeons of Manitoba, Practice Directions  
<https://cpsm.mb.ca/about-the-college/practice-directions>
- 5.5 College of Physicians and Surgeons of Manitoba, Code of Ethics  
<https://cpsm.mb.ca/cjj39alckF30a/wp-content/uploads/ByLaws/Code%20of%20Ethics.pdf>
- 5.6 College of Physicians and Surgeons of Manitoba, Standards of Practice  
<https://cpsm.mb.ca/about-the-college/standards-of-practice-of-medicine>

**6. POLICY CONTACT**

Please contact the Associate Dean, Professionalism with questions respecting this policy.