



**NATIONAL COUNCIL
OF CANADIAN MUSLIMS**

Your Voice. Your Future.



Committee on Accreditation of Canadian Medical Schools
2733 Lancaster Road
Ottawa, ON K1B 0A9

May 19, 2021

RE: Memorial University Faculty of Medicine & Disciplinary Action Against Students

Dear Dr. Xhignesse:

We hope this letter finds you well.

We are writing to inquire about the procedures of the CACMS, the AFMC, the CFPC and the Royal College as they relate to concerns about disciplinary action being brought against medical students at the Faculty of Medicine at the Memorial University of Newfoundland (“MUN”). These concerns relate to the fact that an investigation (with the potential for disciplinary action) has allegedly been brought against students at MUN. These students had allegedly brought to light offensive statements made by resident physician, Dr. Zachary Kuehner on social media.

Background and Context

On June 9, 2020, a CBC article entitled, “MUN students pen letter of complaint against self-professed ‘Islamophobe’ doctor” noted that Dr. Kuehner described himself as an “Islamophobe” on his personal social media account. When concerns were raised in this regard, Dr. Kuehner wrote that he “was a racist...and a sexist...likely an ableist too”. He then further stated, “Well, I already admitted somewhere else that I am a racist so what else would you expect?”.

Ultimately, Dr. Kuehner’s statements led to a group of undergraduate medical students writing a letter of complaint to the dean of medicine, Dr. Margaret Steele. It is in relation to these students [“the Students”] that this letter is concerned.

It is important to note that Dr. Kuehner has begun litigation against the CBC and an author of the original CBC piece, as Dr. Kuehner argues that the article unfairly painted him as a racist. We further note that Dr. Kuehner penned a letter of apology addressed to the National Council of Canadian Muslims, which attempted to further contextualize his statements on social media.

Our Underlying Concern

We do not write this letter to consider whether Dr. Kuehner was unfairly castigated as a racist when he posted on social media. That is a matter that is now before the courts, and we will not make further mention of the factual basis of the matter in this letter.

Rather, our concern has to do with the fact that according to a recent article in the *Toronto Star*, the Students at MUN are allegedly the subject of a countercomplaint after blowing the whistle in relation to their allegations. While Dr. Steele has declined to confirm the existence of the countercomplaint on the basis of confidentiality, NCCM has confirmed that there is indeed a case that has been launched against the Students; in fact, we are administering a legal defence fund for the Students. Dr. Steele wrote in a recent statement that the Faculty of Medicine has not made a complaint against the students; however, it seems clear that the students are still facing a disciplinary investigation.

The simple reality is that the Students who raised *bona fide* concerns about allegedly racist conduct of a colleague should fundamentally not be drawn into a potentially career-ending investigation under the Medical Student Code of Conduct.

Specifically, we draw your attention to section 9 of MUN's Medical Student Code of Conduct [italics added]:

9. Criticism of Colleagues

It is unethical and harmful for a student to disparage, without good evidence, the professional competence, knowledge, qualifications, or services of a colleague, to a review (judicial) body, staff, students, or a patient. It is also unethical to imply in word, gesture, or deed that a patient has been poorly managed, or mistreated by a colleague, without demonstrable evidence. Professional relations among all members of the medical community should be marked with civility. Thus, scholarly contributions should be acknowledged, slanderous comments and acts should be avoided, and each person should recognize and facilitate the contributions of others to the community. The medical student will deal with all members of the health team in a co-operative and considerate manner.

In theory, of course, few would deny the dangers of a world in which medical school classmates could unfairly disparage each other with baseless accusations.

However, we would submit there are numerous circumstances under which an investigation should *very rarely or never* be brought in the context of students raising concerns about personal safety, harassment, violence, or racist conduct of medical practitioners.

A broad interpretation of the above would allow for students to potentially face an investigation for:

- Raising a concern about a student being sexually harassed by a colleague;
- Letting others know that a professor used the “n-word” or another slur;
- Raising a concern to the Dean of Medicine that a colleague had self-described himself as an Islamophobe on his social media account.

Indeed, it is the latter example that has led to us writing our letter to you today.

Such a policy of targeting students who raise concerns around harassment, violence, or racist conduct could create a chilling effect, where students, physicians, and other staff are taught to be afraid, and where raising concerns could result in significant professional repercussions.

MUN and a History of Intimidation and Harassment

In 2016, following a review from the Royal College of Physicians and Surgeons of Canada (RCPSC), MUN received a notice of intent to withdraw accreditation from its internal medicine program in late April, following a review it conducted in the fall of 2016. The college also noted issues that remain involving harassment and intimidation between faculty members and residents.

In May 2018, Sandra LeFort, a former director of MUN's School of Nursing, authored a report that found signs of intimidation and harassment in some parts of the faculty of medicine.

One of the issues raised in the report was that some students did not feel comfortable reporting harassment. Lefort noted in her report that a professional staff member with a permanent job told her "because of the power differential in the FOM, it would be 'career suicide' to put in a formal complaint about a faculty member."

Three physicians interviewed in the report noted that their work environments displayed a culture of harassment and intimidation. One physician stated that intimidation was not present every day, but that it was used as a tool to get decisions made and conflicts resolved. The medical school culture was described as hierarchical with rigid structures that support gender bias. Another physician felt that a culture of silence and secrecy underpins a culture of harassment. Another physician felt that there was possible "closet" racism and gender discrimination in certain areas.

Secrecy. Intimidation. Closeted racism. A culture of silence. These concerns, raised in the LeFort report, are precisely what are at issue in the disciplinary action now being brought against the students.

Clarification on Policies

The point of this letter is to understand how the Committee on Accreditation of Canadian Medical Schools, the AFMC, the CFPC and the Royal College proceeds in such a circumstance, where the precise concerns raised in the notice of intent to withdraw accreditation are being raised in this circumstance again. We further ask if an independent investigation into the circumstances facing the students is appropriate.

We thank you for your consideration.

Regards,

Mustafa Farooq, JD, LLM
Chief Executive Officer
The National Council of Canadian Muslims

Dr. Michelle Cohen
Advocacy Co-Chair
Canadian Women in Medicine

cc:

The Muslim Association of Newfoundland and Labrador
Addressing Islamophobia Newfoundland
The Royal College of Physicians and Surgeons of Canada
The College of Physicians and Surgeons of Newfoundland and Labrador
College of Family Physician of Canada (CFPC)
Association of Faculties of Medicine of Canada (AFMC)