

	MOREHOUSE SCHOOL OF MEDICINE	POLICY NUMBER	
		EFFECTIVE DATE	9-27-2012
	Nondiscrimination and Anti-Harassment Policy	PAGE (S)	6
		SUPERSEDES	6-22-2009

I. POLICY

Every Morehouse School of Medicine (“MSM” or “School”) employee, resident, student, and applicant has the right to apply for opportunities, work, and study in an environment free from discrimination and harassment and should be treated with dignity and respect. MSM prohibits discrimination and harassment against applicants, students, residents and employees on the basis of protected characteristics, including race, color, citizenship status, national origin, ancestry, gender, gender identity, sexual orientation, age, disability, religion, creed, marital status, veteran status, political affiliation, genetic information or any other factor protected by law. MSM also prohibits retaliation against members of the MSM community raising concerns about discrimination and harassment.

MSM’s policy against unlawful discrimination, harassment and retaliation incorporates protections afforded under local, state and federal laws, including Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (including ADAAA amendments), and the Age Discrimination Act of 1975. Any individual whose conduct violates the Policy will be subject to disciplinary action up to and including termination for employees and expulsion for students and residents.

II. APPLICABILITY

MSM’s Non-Discrimination and Anti-Harassment Policy applies to conduct by and perpetrated against all faculty, staff, administration, supervisors, employees, residents, students, applicants, volunteers, patients and visitors to campus, including guests, patrons, independent contractors or clients of MSM (“Person(s)”). This Policy prohibits unlawful discrimination, harassment and retaliation in any education program or activity, which means all academic, educational, extracurricular, and other programs.

Non-MSM visitors, guests, patrons, independent contractors, or clients who fail to address or report discrimination, harassment and/or retaliation allegedly perpetrated by MSM administrators, faculty, staff, supervisors, volunteers, students or employees of which they know or should have known, may be subjected to whatever sanctions the relationship with the organization permits.

III. DEFINITIONS

- A. **Discrimination** is adverse treatment of any Person based on that Person’s protected characteristics (identified above), rather than on the basis of his/her individual merit or other lawful considerations. Decisions made with respect to the terms, conditions, or privileges of employment and education including, but

not limited to hiring, firing, promoting, disciplining, scheduling, training, or deciding how to compensate an employee, resident, student, or applicant must be made without consideration of an individual's protected characteristics (identified above).

- B. Harassment** is unwelcome verbal or physical conduct prohibited by law and directed toward, or differential treatment of, a Person because of his/her membership in any protected group or on any other prohibited basis (e.g., race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, pregnancy, genetic information, marital status or citizenship status).

Examples of such conduct based on protected characteristics (defined above) include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;
- Racial slurs, derogatory remarks about a Person's accent, or display of racially offensive symbols;
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets or demands;
- Physical assault or stalking;
- Displays or electronic transmission of derogatory, demeaning or hostile materials; and
- Unwillingness to train, evaluate, assist, or work with a Person.

A **hostile work environment** results from harassing conduct that has the purpose or effect of unreasonably interfering with work or academic performance, or creates an intimidating, hostile or offensive working or academic environment.

- C. Sexual harassment** is a form of misconduct that is demeaning to others and undermines the integrity of the employment relationship and learning environment. Sexual harassment consists of: (1) making unwelcome sexual advances, propositions or other sexual or gender-based comments, such as sexual or gender-oriented gestures, sounds, remarks, jokes or comments about a Person's gender, sex, sexuality or sexual experiences, (2) requesting sexual favors, or engaging in other verbal or physical conduct of a sexual nature, (3) conditioning any aspect of an individual's employment or academic participation on his or her response to sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, or (4) creating an intimidating, hostile or offensive working or academic environment by sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment is unlawful and prohibited regardless of whether it is between or among members of the same sex or opposite sex. Sexual harassment also may consist of inappropriate gender-based comments.

- D. **Sexual assault** is a sexual act against the will and without the consent of the individual (alleged victim) and would be considered criminal under the State of Georgia Criminal Code.
- E. **Retaliation** is any adverse action taken against an individual because he or she filed a charge of discrimination (including harassment), complained to the School or a government agency about discrimination and/or harassment on the job or in an academic setting, or participated in an employment or student discrimination proceeding (such as an internal investigation or lawsuit), including as a witness. Retaliation also includes adverse action taken against someone who is associated with the individual opposing the perceived discrimination or harassment, such as a family member.

Examples of retaliation include termination, dismissal, demotion, refusal to promote, or any other adverse action involving a term, condition, or privilege of employment or academic opportunity.

- F. **Title IX of the Education Amendments of 1972** states that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”
- G. The **Title IX Coordinator** is responsible for investigating complaints of unlawful discrimination and harassment based on all protected characteristics (not just gender), monitoring the overall implementation of Title IX for MSM, and coordinating the School’s compliance with Title IX, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (including ADA Amendments Act), and the Age Discrimination Act of 1975. The major responsibility of the Title IX Coordinator is the prevention of unlawful discrimination, harassment, and retaliation. The Title IX Coordinator is also responsible for investigation and disposition of all complaints of discrimination, harassment and retaliation involving Persons under this Policy.

Discrimination, harassment, retaliation, and sexual assault are unacceptable. Certain behavior violates MSM’s policy even when it does not constitute a violation of law.

IV. PROCEDURES FOR REPORTING DISCRIMINATION AND HARASSMENT COMPLAINTS

If a complainant is able and feels safe, he or she should clearly explain to the alleged offender that the behavior is objectionable and request that it cease. If the complainant is not able or does not feel safe confronting the alleged offender, or the behavior does not stop, or if the complainant believes some adverse employment or educational consequences may result from the discussion, he or she should contact MSM’s Title IX Coordinator or the Deputy Title IX Coordinator to report a complaint. The Title IX Coordinator or the Deputy Title IX Coordinator may be contacted as follows:

Ms. Marla Thompson
Title IX Coordinator
Morehouse School of Medicine
720 Westview Drive, SW
Harris Building
Atlanta, GA 30310
Direct Dial: (404) 752-1871
Fax: (404) 752-1639
Email: mthompson@msm.edu

Ms. Linda Poteat-Brown
Deputy Title IX Coordinator
Morehouse School of Medicine
720 Westview Drive, SW
Harris Building
Atlanta, GA 30310
Direct Dial: (404) 752-1606
Fax: (404) 752-1639
Email: lpbrown@msm.edu

The Title IX Coordinator (or Deputy Title IX Coordinator) must be contacted in order to initiate a complaint. The complaint should be brought as soon as possible after the most recent incident.

No Person should assume that an official of MSM knows about a particular situation. The School encourages any individual who feels he or she has been discriminated against or harassed to promptly report the incident to the Title IX Coordinator. Any Person who knows of, or receives a complaint of discrimination or harassment should report the information or complaint to the Title IX Coordinator.

V. INVESTIGATION AND DISPOSITION OF COMPLAINTS

All reports and complaints of discrimination and harassment will be promptly investigated and appropriate action will be taken as expeditiously as possible. The parties to the complaint will each have an opportunity to be heard during the investigation, and to provide witnesses and other evidence to an impartial investigator. MSM will make reasonable efforts to protect the rights of both the complainant and the respondent. MSM will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses in a manner consistent with the School's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations required by law.

MSM reserves the right to investigate and resolve a complaint or report of discrimination and/or harassment regardless of whether the complainant ultimately desires the School to pursue the complaint. In such cases, the parties shall be informed of the status of the investigation at reasonable times until the School's final disposition of the investigation.

The amount of time needed to conduct an investigation will depend in part on the nature of the allegation(s) and the evidence to be investigated (e.g., the number and/or availability of

witnesses involved). Within 60 days of receipt of the complaint, the Title IX Coordinator will provide notice of the outcome of the investigation or will advise the parties of the additional estimated amount of time needed for the investigation. Upon conclusion, the Title IX Coordinator will notify the complainant and respondent, as appropriate in writing, of the results of the investigation within 10 business days after completing the investigation. In the event the investigation reveals that harassment, discrimination (or other inappropriate or unprofessional conduct even if not unlawful), or retaliation has occurred, disciplinary action may be taken by MSM. Written notice to the appropriate parties relating to discipline, resolutions, and/or final dispositions is deemed to be official correspondence from the School. Disciplinary sanctions imposed may be appealed through the appropriate appeals process depending on the status of the alleged policy violator. MSM will take the appropriate remedial action based on results of the investigation and will follow up as appropriate to ensure that the remedial action is effective. Complainants are encouraged to report any reoccurrences of conduct that were found to violate this policy or any other related concerns.

VI. PROHIBITION AGAINST RETALIATION

Anyone who, in good faith, reports what s/he believes to be discrimination or harassment, who participates or cooperates in any investigation, or who otherwise opposes unlawful conduct believed to be in violation of this policy will not be subjected to retaliation. Anyone who believes he or she has been the victim of retaliation for reporting discrimination or harassment, participating or cooperating in an investigation or otherwise opposing unlawful conduct believed to be in violation of this policy should immediately contact the Title IX Coordinator or the Deputy Title IX Coordinator, who have authority to investigate all such claims. Any individual found to have retaliated against another individual who engaged in conduct consistent with the protections afforded under this Policy will be in violation of this policy and will be subject to disciplinary action.

VII. SEXUAL ASSAULT

The medical, emotional, and legal needs of a sexual assault victim may differ from those of other harassment complainants. Sexual assault victims, therefore, in addition to filing a complaint under this policy, are encouraged to report the assault to MSM's Department of Public Safety and may pursue counseling and other services available at MSM. Students may consult Counseling Services at (404) 752-1789 for guidance on medical and counseling services. Employees should consult the Care 24 at 1-888-887-4114 for guidance on medical and counseling service referrals.

VIII. FALSE ACCUSATIONS

Anyone who knowingly makes a false accusation of discrimination, harassment, or retaliation will be subject to appropriate sanctions. However, failure to prove a claim of discrimination, harassment, or retaliation does not, in and of itself, constitute proof of a knowing false accusation.

IX. ENFORCEMENT

In instances where an allegation of unlawful discrimination, harassment or retaliation is made, ,

MSM will notify the Person of MSM's policy against discrimination, harassment and retaliation, and take such other action as may be appropriate under the circumstances. While all conduct reported under this policy may not rise to the level of discrimination, harassment or retaliation, it may still constitute inappropriate behavior warranting discipline.