

	MOREHOUSE SCHOOL OF MEDICINE GRADUATE MEDICAL EDUCATION POLICIES AND PROCEDURES	POLICY NUMBER	HR 1.03
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	SUBJECT DISCRIMINATION, HARASSMENT, AND RETALIATION POLICY	SUPERSEDES	05/1997 02/1997 03/1986

Discrimination, Harassment, and Retaliation Policy

I. **PURPOSE:**

- 1.1. Every Morehouse School of Medicine (“MSM” or “School”) employee, Resident, and student has the right to work and study in an environment free from discrimination and harassment and should be treated with dignity and respect.
- 1.2. 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 (sex), sexual orientation, age, religion, creed, disability¹, marital status, veteran status, political affiliation, genetic information, HIV/AIDS status, or any classification protected by local, state, or federal law.
- 1.3. MSM also prohibits retaliation against members of the MSM community raising concerns about discrimination and harassment.
- 1.4. MSM’s policy against 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. Any individual whose conduct violates the Policy will be subject to disciplinary action up to and including termination for employees and expulsion for students.

II. **APPLICABILITY:**

This policy applies to all students, Residents, faculty, staff, volunteers, patients, and all other persons on any premises subject to the control of MSM, including contractors, vendors, and those engaged to further the interests of MSM. This Policy applies to all areas of MSM programs and activities both on and off premises.

III. **POLICY:**

3.1. Discrimination Prohibited

- 3.1.1. MSM provides equal opportunities to all individuals without regard to their protected characteristics, including race, color, citizenship status, national origin, ancestry, gender (sex), sexual orientation, age, religion, creed, disability, marital status, veteran status, political affiliation, genetic information, HIV/AIDS status, or any classification protected by local, state, or federal law.

¹ In accordance with applicable federal and state law protecting qualified individuals with known disabilities, MSM will attempt to reasonably accommodate those individuals unless doing so would create an undue hardship on MSM’s business.

3.1.2. Consequently, all employment and academic decisions, including but not limited to the following practices, must be based on job-related or academic-related criteria:

- a) Recruitment
- b) Hiring
- c) Placement
- d) Compensation
- e) MSM-sponsored training
- f) Transfer
- g) Promotion
- h) Demotion
- i) Termination
- j) Other terms and conditions of employment

3.1.3. Making employment or academic decisions based on protected characteristics is strictly prohibited.

3.2. Harassment Prohibited

3.2.1. MSM abides by the principle that its faculty, Residents, staff, volunteers, and patients have a right to be free from unlawful harassment.

3.2.2. Harassment is the creation of a hostile or intimidating environment where verbal or physical conduct is directed at someone because of an individual's protected characteristics or beliefs and is severe or persistent enough to interfere significantly with an individual's work or education, or enjoyment of other School opportunities or activities.

3.2.3. Harassment also includes coercive or threatening behavior based on one's protected characteristics or beliefs.

3.3. Definition of Sexual Harassment

3.3.1. Sexual harassment—both overt and subtle—is a form of employee misconduct that is demeaning to others and undermines the integrity of the employment relationship and learning environment.

3.3.2. Sexual harassment consists of:

- a) Making sexual advances, requesting sexual favors, or engaging in other verbal or physical conduct of a sexual nature
- b) Conditioning any aspect of an individual's employment on his or her response to sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature
- c) Creating an intimidating, hostile or offensive working environment by sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

3.3.3. Sexual harassment is unlawful and prohibited regardless of whether it is between or among members of the same sex or opposite sex.

- 3.3.4.** Sexual harassment also may consist of inappropriate gender-based comments.
- 3.3.5.** The following non-exhaustive list sets forth examples of the conduct which violates MSM's Policy against sexual harassment:
- a) Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or other unwelcome physical contact (e.g., touching, pinching, patting, grabbing, rubbing, or brushing against someone's body)
 - b) Unwelcome sexual advances, propositions, or other sexual comments, such as sexually-oriented gestures, sounds, remarks, jokes, or comments about a person's sex, sexuality, or sexual experiences
 - c) Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct; or subjecting or threatening to subject an employee to more onerous terms or conditions of employment because of that employee's sex or rejection of sexual advances, propositions or comments
 - d) Sexual or discriminatory displays or publications anywhere in the workplace, such as displays of pictures, posters, calendars, graffiti, objects, books, or other materials that are sexually suggestive, demeaning, or pornographic
 - e) Making inappropriate gender-based comments (e.g., women cannot do "x"; all men are "y") or gender-based slurs

3.4. Definition of Other Forms of Harassment

- 3.4.1.** Unlawful harassment, other than sexual harassment, is conduct that denigrates or shows hostility or aversion to a person on the basis of a protected characteristic or belief (as listed above in Section I of this Policy) when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive environment for working, learning, or enjoying other MSM opportunities, programs, and activities
- 3.4.2.** However, harassing conduct can take many forms including, but not limited to:
- a) Epithets, slurs, derogatory remarks, jokes, gestures, pictures, cartoons, or other expressions whether communicated verbally, electronically or in writing
 - b) Hostile or intimidating gestures, expressions, or acts, such as demeaning pranks, mocking someone, or stalking someone
 - c) Negative stereotyping based on a protected characteristic
 - d) Excluding someone from common work-related activities, information, and assistance.

IV. DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURE:

- 4.1. Any member of the MSM community who believes that he or she has been subjected to discrimination or harassment in violation of this Policy may pursue redress through the appropriate complaint procedure.
- 4.2. This complaint procedure is provided for the prompt and equitable resolution of complaints alleging discrimination, harassment, or retaliation by members of the MSM community, including faculty, Residents, staff, students, and also other persons.
- 4.3. Any employee who feels that he or she has been subjected to or has witnessed unlawful discrimination or harassment in the workplace should immediately report the matter—preferably in writing—to the following designated individuals:
 - 4.3.1. **Student** complaints should be directed to any one of the following individuals:²
 - a) Associate Dean of Student Affairs (404) 752-1651
 - b) Senior Associate Dean for Educational and Faculty Affairs (404) 752-1881
 - c) Dean and Senior Vice President of Academic Affairs (404) 752-1728
 - d) Chief Compliance and Internal Audit Officer (404) 756-8919
 - e) Associate Vice President for Human Resources (404) 752-1713
 - 4.3.2. **Resident** complaints should be directed to any one of the following individuals:
 - a) Senior Associate Dean for Educational and Faculty Affairs (404) 752-1881
 - b) Director of Graduate Medical Office (404) 752-1011
 - c) Chief Compliance and Internal Audit Officer (404) 756-8919
 - d) Associate Vice President for Human Resources (404) 752-1713
 - 4.3.3. **Staff** complaints should be directed to any one of the following individuals:
 - a) Chief Compliance and Internal Audit Officer (404) 756-8919
 - b) Associate Vice President for Human Resources (404) 752-1713
 - 4.3.4. **Faculty** complaints should be directed to any one of the following individuals:
 - a) Dean and Senior Vice President of Academic Affairs (404) 752-1728
 - b) Senior Associate Dean for Educational and Faculty Affairs (404) 752-1881
 - c) Chief Compliance and Internal Audit Officer (404) 756-8919
 - d) Associate Vice President for Human Resources (404) 752-1713

² Claims of mistreatment that allege a violation of the law, like sexual harassment, certain forms of discrimination, or retaliation, are excluded from MSM's Mistreatment/Teacher-Learner Relationship Policy and will be handled in accordance with this Policy.

4.3.5. Students, Residents, staff, and faculty may also lodge complaints by contacting the Compliance Hotline at (888) 756-1364.

4.4. These individuals will work to promptly investigate the matter.

4.4.1. The investigation may include, but is not necessarily limited to, interviewing the complaining employee, the alleged harasser/discriminator/retaliator, managers, and other personnel, and to reviewing documentation or other information.

4.4.2. In all cases, the investigation will be conducted by the Office of Compliance and Internal Audit or the appropriate designee.

4.4.3. Confidentiality will be maintained to the extent it is consistent with MSM's obligation to conduct an appropriate investigation; however, MSM cannot guarantee complete confidentiality.

V. RETALIATION:

5.1. MSM's policy prohibits retaliation against anyone who lodges a good faith complaint of unlawful discrimination or harassment in the workplace, who files a charge regarding the same, or who participates in any related investigation or proceeding.

5.2. Conduct violating this policy can be based on behavior occurring inside or outside the MSM workplace and can include, but not be limited to, intimidation, threats, coercion, or other conduct directed against the person making the complaint and/or others supporting or participating in the complaint or investigation process.

5.3. Students, faculty, residents, and staff should use the complaint procedure referenced above to report incidents of alleged retaliation. The same guidelines will be followed in investigating and responding to such reports.

VI. FALSE ACCUSATIONS:

6.1. Anyone who knowingly makes a false accusation of discrimination, harassment, or retaliation will be subject to appropriate sanctions.

6.2. However, failure to prove a claim of discrimination, harassment, or retaliation does not, in and of itself, constitute proof of a knowing false accusation.

VII. ENFORCEMENT:

7.1. 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. To that end, there is a range of corrective actions and penalties available to the School for violations of this Policy.

7.2. Faculty, Residents, staff, or students who are found to have violated this Policy, following applicable disciplinary and other proceedings (if timely pursued), are subject to various penalties, including termination of employment and/or student (including Resident) expulsion from MSM.