

Medical Education Policy: Harassment

Facility: CMC

Origin Date: 1992

Revision Date: January 2021

Sponsor: GMEC

1. PURPOSE:

The individuals comprising Carilion Medical Center (CMC) and its affiliates are the source of its success, knowledge, skill and compassion. In order to provide a professional, patient-centered work environment where individuals are treated with respect and dignity, CMC is committed to providing equal employment opportunity without discrimination or harassment based on race, color, religion, national origin, sex, sexual orientation, gender identity or expression, veteran's status, genetic information, age, disability status, or any other status protected by law. CMC will not tolerate discrimination or harassment in violation of this policy or federal or Virginia law.

2. SCOPE:

This Policy applies to all Accreditation Council for Graduate Medical Education (ACGME), Council on Podiatric Medical Education (CPME), and Commission on Dental Accreditation (CODA) accredited post-graduate training programs sponsored by Carilion Medical Center (CMC).

3. DEFINITIONS:

Many types of behavior may be considered inappropriate, but to fit into the category of illegal harassment, the behavior must be based on legally protected characteristics such as race, color, religion, national origin, sex, sexual orientation, gender identity or expression, veteran's status, genetic information, age, disability status. To constitute harassment the behaviors must be considered offensive, be unwanted, be unwelcome and, in most cases, be repeated. Harassment on the basis of any other characteristic protected by law, including but not limited to sexual harassment, is prohibited by CMC and this policy.

- A. For purposes of this policy, sexual harassment is defined, as found in the Equal Employment Opportunity Commission Guidelines, as:

Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature where:

- Submission to or cooperation with the conduct is explicitly or implicitly made a term or condition of the individual's employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may include subtle and/or overt behaviors and may be committed by individuals of the same or different gender. Although this **is not** an exhaustive listing of behaviors that may be considered sexual harassment, the following are examples that may be helpful in identifying behavior that may be considered sexual harassment:

Verbal: unwanted sexual advances or requests for sexual favors; sexual jokes or innuendoes; commentary about an individual's body, sexual prowess or sexual deficiencies; suggestive comments, insults, humor, abuse, threats and/or jokes about sex or gender-specific traits;

Non-Verbal: suggestive or insulting sounds; catcalls; leering; whistling; obscene gestures; and/or display or examination in the workplace of posters or other materials of a sexual nature;

Physical: touching; pinching; groping; brushing up against; coerced sexual relations; and/or assault.

- B. For purposes of this policy, harassment is defined as verbal, non-verbal or physical conduct that degrades or shows hostility or dislike toward an individual because of his/her race, color, religion, national origin, sex, sexual orientation, gender identity or expression, veteran's status, genetic information, age or disability, or any other status protected by law and that (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities. Although this **is not** a complete listing of behaviors that may be considered harassment, the following are examples that may be helpful in identifying behavior that may be considered harassment:

Verbal: epithets; slurs; degrading jokes or negative stereotyping;

Non-verbal: placement, distribution or discussion of any written or printed material that ridicules, degrades, insults, belittles or shows hostility or aversion toward the protected characteristic(s) of an individual or group;

Physical: threatening, intimidating, abusive or hostile acts based on the protected characteristics of an individual or group.

4. PROCEDURE:

Guidelines:

CMC expects and encourages the reporting of any and all perceived incident(s) of discrimination, harassment or retaliation.

A. Any individual who believes that he or she or someone with whom he or she works is a victim of harassment, sexual or otherwise, is encouraged to inform the harasser that the conduct is offensive and must stop and is expected to file a complaint as soon as possible after the incident occurs by:

1. Reporting the conduct to his or her immediate supervisor or Human Resources; or
2. Reporting the conduct to any Program Director, the Designated Institutional Official (DIO), the Administrative Director of Medical Education, any member of management or Human Resources if the conduct involves someone in the individual's direct line of management.

Each member of CMC management has a responsibility to maintain a positive workplace, free from harassment, whether sexual or based on any other characteristic protected by law. Any member of Carilion Human Resources or CMC management receiving a complaint of harassment or having knowledge that harassment has occurred is required to take steps to initiate a prompt investigation of the incident(s).

Investigations:

It is the responsibility of the leader receiving a report of potentially harassing conduct to partner with Human Resources to identify a qualified and objective party to conduct an investigation. The DIO, or the Administrative Director for Medical Education should be notified if appropriate. If Human Resources initially receives the complaint, the DIO, or Administrative Director for Medical

Education is notified if appropriate. The individual investigating the complaint, with the assistance of the DIO or designee, develops a written record.

B. Written Record

The investigating Human Resources representative, with the assistance of any other CMC representative who is involved in the investigation, develops a written record detailing dates and content of discussions and other activities related to the reporting, investigation and disposition of the matter. These written records are confidential and are maintained by the Office of Medical Education and the Human Resources Department. Due to confidentiality, these records are not maintained in personnel or standard academic files.

C. Decision and Response

Based on the results of the investigation, the Human Resources representative and an appropriate member of Medical Education management, in consultation with others as required, make conclusions as to the findings of the investigation and determine an appropriate response. A person who violates the terms of this policy or otherwise engages in inappropriate behavior is subject to remedial action, including but not limited to, removal from employment.

Retaliation

Retaliation against an individual for reporting or alleging harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination will be considered a serious violation of this policy and will not be tolerated.

Bad Faith

Individuals who make false and malicious complaints of harassment, discrimination, or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action.

Staff Education

During orientation and topical in-services, residents, students and faculty will review the CMC Medical Education Harassment policy.

Resources

- Carilion Code of Conduct

- Required in-service on Workplace Harassment in Cornerstone on Demand
- Disciplinary Action Policy

Name	Title	Dept./Committee	Date
Daniel Harrington, MD	DIO	GMEC	October 16, 2007
Daniel Harrington, MD	DIO	GMEC	January 1, 2011
Donald W. Kees, MD	DIO	GMEC	March 18, 2014
Donald W. Kees, MD	DIO	GMEC	November 18, 2014
Donald W. Kees, MD	DIO	GMEC	January 16, 2018
Donald W. Kees, MD	DIO	GMEC	January 19, 2021