

**INSTITUTIONAL GME POLICY— Harassment, Discrimination, and
Other Inappropriate Conduct**
Approved by GMEC 2009

**Prohibition Against Sexual and Other Forms of Harassment, Discrimination, and Other
Inappropriate Conduct**

a. Policy

HRP strictly prohibits any form of harassment or discrimination on the basis of sex, including gender identity or expression, race, color, national origin, ancestry, citizenship, religion, age, disability, marital status, domestic or sexual violence victim status, sexual orientation, veteran/military status, arrest and court record, genetic information, or any other protected characteristic. Sexual harassment is a form of sex discrimination and is prohibited by both state and federal laws.

Furthermore, HRP prohibits not only unlawful harassment and discrimination, but also any inappropriate conduct (including, but not limited to, rude, offensive, threatening, aggressive or unprofessional behavior) that occurs in the workplace, relates to work or the work environment, or that occurs while the resident is representing him/herself as a resident or as affiliated with HRP, even if the conduct does not rise to the level of unlawful harassment. HRP seeks to prohibit inappropriate conduct before it can rise to the level of unlawful harassment.

The prohibition on harassment, discrimination, and other inappropriate conduct applies to residents, other HRP employees, and non-employees with whom a resident interacts pursuant to his or her work duties (e.g., employees or physicians of any hospital or medical facility to which the resident is assigned, and patients of such institutions). Any HRP resident who is found, after appropriate investigation, to have engaged in harassment, discrimination, or other inappropriate conduct will be subject to appropriate disciplinary action, which may include dismissal and/or other sanctions. Depending on the circumstances, sexual harassment can also constitute a criminal offense and/or may subject the offender to monetary damages assessed by the appropriate federal or state agency or court of law. Any questions regarding this policy should be referred to the HRP Chief Executive Officer or the Human Resources Manager.

b. Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, or requests for sexual favors, or other physical or expressive behavior of a sexual nature when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational benefits or services;
- (2) submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting the individual;
- (3) the conduct has the purpose or effect of unreasonably interfering with an individual's professional or academic performance or creating an intimidating, hostile, or offensive working or educational environment; or

(4) such conduct is sufficiently severe or pervasive as to alter the conditions of an individual's employment and create an abusive working environment.

Sexual harassment may come from managers and supervisors, coworkers, peers, or even non-employees -- patients, service personnel or anyone else. HRP also prohibits the denial of an employment opportunity or benefit to a qualified person where the same opportunity or benefit was granted to another person because of the other person's submission to sexual advances or requests for sexual favors.

c. Complaint Procedure

(1) HRP

An HRP resident or non-resident employee who feels he/she has been subjected to any harassment, discrimination, or other inappropriate conduct or observes any harassment, discrimination, or other inappropriate conduct (even if not directed at him or her) should report it immediately to the Program Director, the HRP Human Resources Manager, or the HRP Chief Executive Officer. HRP also encourages you, but only to the extent you are comfortable doing so, to directly inform the person engaging in harassing, discriminatory, or inappropriate conduct that such conduct is offensive to you and must stop immediately.

No Resident or other HRP employee shall be subject to reprisal or retaliation for having filed a complaint under this policy; for otherwise opposing harassing, discriminatory or other inappropriate conduct; for having been a witness to such conduct; or for cooperating in an investigation of such conduct.

HRP has a responsibility to investigate promptly and thoroughly harassment and other complaints under this policy, and such investigation may require interviewing the individual charged as well as appropriate witnesses. To the extent reasonably possible, HRP will attempt to keep confidential the identity of the person reporting any complaint involving discrimination or harassment if so requested; however, in many cases, confidentiality may not be possible or appropriate depending on the nature and scope of the investigation required.

If the complaint is determined to have merit, immediate and appropriate corrective action will be taken to end the harassment, discrimination, or other inappropriate conduct; to make the victim whole by restoring lost employment or academic benefits or opportunities, if applicable; and to prevent the misconduct from recurring. Those involved shall be advised/reminded of this policy against sexual or other harassment and other inappropriate conduct and may be requested to undergo special training regarding harassment. Depending on the severity of the misconduct and all the surrounding circumstances, disciplinary action against the harasser could vary from education and training, to a warning, or to dismissal from the program. A resident may be dismissed from the program for a single harassing, discriminatory, or other inappropriate act in violation of the policy, even for the first offense.

(2) Affiliated Hospital/Institution

Residents may also seek information or file a complaint with the EEO Officer or personnel office of the hospital/facility where the resident is assigned. In such event, the resident

shall inform the Program Director, HRP Chief Executive Officer, or HRP Human Resources Manager of that complaint and provide a copy of the complaint, if so requested. HRP may participate in any inquiry to ensure prompt and proper resolution.

d. Examples of Prohibited Harassment

Examples of behavior which may constitute sexual harassment include, but are not limited to:

- Any sexual advance or propositioning an individual or repeatedly “asking out” or attempting to establish a relationship with a resident or other HRP employee, who by word or conduct in any way indicates that such action is unwelcome.
- Any unwelcome touching, such as patting, pinching, hugging or intentionally brushing up against the body of another.
- Remarks of a sexual nature about a person’s clothing or body.
- The posting of sexually offensive literature, pictures or cartoons.
- Suggestive or insulting sounds or gestures.

HRP also prohibits the making of any slurs, jokes, or similar type epithets based on race, ancestry, gender, sexual orientation, age or any other protected characteristic towards any employee or resident by a supervisor, coworker, patient or other person. The same procedures outlined above will be used to investigate claims of such harassment. Appropriate disciplinary action, up to dismissal from the program, will be taken against the offender if the claims appear to have merit following HRP’s investigation.