



Anti-Harassment, Discrimination, and Other Inappropriate Conduct

Prohibition Against Sex-based and Other Forms of Harassment, Discrimination, and Other Inappropriate Conduct

A. Policy

The University of Hawai'i John A. Burns School of Medicine (JABSOM), as the Sponsoring Institution and employer of the faculty, and Hawaii Residency Programs, Inc. (HRP), Hawaii Pacific Health Medical Group, and Queen's University Medical Group (other employers), as employers of residents and fellows strictly prohibit any form of harassment or discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, parental status, sexual orientation, gender identity or expression, race, color, national origin, ancestry, citizenship, religion, age, disability, marital status, domestic or sexual violence victim status, 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, JABSOM, HRP, and other employers prohibit 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, online, or that occurs while the resident/fellow/faculty is representing themselves as a resident/fellow/faculty even if the conduct does not rise to the level of unlawful harassment. JABSOM and other employers seek to prohibit inappropriate conduct before it can rise to the level of unlawful harassment or discrimination.

The prohibition on harassment, discrimination, and other inappropriate conduct applies to residents, fellows, faculty, other employees, and non-employees with whom a resident/fellow/faculty interacts pursuant to their 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 resident/fellow/faculty found, after appropriate investigation, to have engaged in harassment, discrimination, or other inappropriate conduct will be subject to appropriate disciplinary action, including formal sanction and/or dismissal. 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 Human Resources Manager of their employer(s).

B. Prohibited Behavior

The University of Hawai'i and other employers prohibit the following conduct:

- Title IX Sexual Harassment is defined as conduct based on sex that satisfies one or more of the following:
 - An employee or learner of the University of Hawai'i conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

- Unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity (which includes all JABSOM GME programs);
- Sexual Assault, including forcible and non-forcible sex offenses
- Dating Violence
- Domestic Violence
- Stalking, including online or via electronic means
- Discrimination on the basis of sexual orientation or gender identity.

**Refer to the University of Hawai'i's Title IX Policy and Administrative Procedures documents for additional details: <https://www.hawaii.edu/titleix/policy/current-tix-pp/>*

Additional examples of prohibited behavior 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/fellow or other 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.

JABSOM and the other employers also prohibit 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 investigation.

Sexual harassment may come from managers and supervisors, coworkers, peers, or even non-employees -- patients, service personnel, or anyone else. JABSOM and other employers also prohibit 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.

For additional information, refer to HRP Resident Handbook, The Queen's Medical Center Anti-Harassment Policy 616-21-075, Hawai'i Pacific Health Harassment Policy, and University of Hawai'i policies EP 1.204, EP 1.202 and EP 7.208.**

C. Complaint Procedures and Non-Retaliation Policies

JABSOM / University of Hawai'i

A JABSOM learner or employee who feels they may have been subject to sexual harassment or observed sexual harassment of another UH learner or employee may contact the UH Confidential Resource to first discuss the situation and explore options for safety and supportive

measures and the discuss the option of reporting. A report to a JABSOM faculty (i.e., Program Director or member of the JABSOM Office of the Designated Institutional Official (DIO) or Dean's Office) will initiate discussion with as few people as possible, on a need-to-know basis, with the UH Title IX Office, as well as the respective employer and those who have control over the learner's educational schedule.

For any complaints of other forms of harassment or discrimination, JABSOM, as the academic institution, will coordinate fact-finding and investigation, with HRP and the affiliated hospital/institution as applicable.

The University prohibits and will not tolerate retaliation. Retaliation includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by law or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and its accompanying procedure.

A retaliation complaint, allegation, or report will be reviewed as a separate offense; that is, a person can be found responsible for retaliation even if not found to be responsible for the underlying reported sexual harassment.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator for appropriate action.

Complaints of retaliation under this policy must be filed within the time limits specified in the UH EP 1.204-2 and will generally be addressed using the procedures outlined in UH AP 9.920; however, depending upon the circumstances, including the timing of the allegations, the Title IX Coordinator may combine allegations of retaliation with a formal complaint of Title IX sexual harassment and process the combined allegations under AP 1.204.

HRP

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

No Resident/Fellow 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 fact-find and investigate harassment and other complaints promptly and thoroughly under this policy, and such fact-finding or investigation may require interviewing the individual charged as well as appropriate witnesses. To the extent reasonably possible, HRP will coordinate fact-findings and investigations, if warranted, with JABSOM and

an affiliated hospital/institution as applicable. 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 has 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/fellow may be dismissed from the program for a single harassing, discriminatory, or other inappropriate act violating the policy, even for the first offense.

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 or the Fellows are employed, as applicable. In such an event, the resident/fellow shall inform the Program Director (who will notify a member of the JABSOM Office of the DIO), HRP Executive Director, or HRP Human Resources Manager of that complaint and provide a copy of the complaint, if so requested. To the extent reasonably possible, HRP, JABSOM, and the affiliated hospital/institution will coordinate fact-finding and investigation, as applicable. The joint approach will facilitate efficient processes, ensure due diligence for all parties, and ensure proper resolution.

**The policies and/or procedures referenced herein of the University of Hawai'i or other employers shall include such respective policies and/or procedures as they may be updated from time to time.