

UNIVERSITY OF MARYLAND MEDICAL CENTER POLICY AND PROCEDURE MANUAL	PAGE: 1 OF 4	PROCEDURE NO: GMS-L
	EFFECTIVE DATE: 7/26/01	
SUBJECT: SEXUAL AND OTHER HARASSMENT		
APPROVALS: Graduate Medical Education Committee: 7/26/02		

1. Purpose

The University of Maryland Medical Center (UMMC) is committed to maintaining a work environment in which all individuals are treated with mutual respect and dignity. Each individual has the right to work in an environment free from unwanted sexual attention and sexual pressure and in an atmosphere which promotes equal opportunities and prohibits discriminatory practices. At the University of Maryland Medical Center, sexual harassment and other harassment, whether verbal, physical or arising out of the work environment in the office, at work assignments outside the office or at office-sponsored social functions, is unacceptable and will not be tolerated.

2. Scope

The policy of the University of Maryland Medical Center (UMMC) is to provide and maintain a workplace for all residents that is free of sexual and other harassment. Sexual and other harassment between persons of the same or opposite sex will not be tolerated and may subject a resident to disciplinary action up to and including discharge. All Program Directors are responsible for implementing and monitoring compliance with this policy.

3. Definition:

3.1 UMMC adopts the sexual harassment definition as used by the United States Equal Employment Opportunity Commission. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

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- 3.1.1 UMMC recognizes that in order to provide quality patient care, it is usually necessary to physically examine a patient during the course of treatment. If either the resident or patient is uncomfortable with potential physical contact, it is recommended that the resident request a third party observer to be present during the examination.
- 3.1.2 The following are representative but not exhaustive examples of sexual harassment behaviors which are considered inappropriate and a violation of this policy:
- Harassment through public or private insult, sexually suggestive comments concerning a person's body or behavior, and sexual demands.
 - Subtle or overt pressure to comply with sexual demands.
 - Remarks about another person's clothing, body, sexual activities, sexual preferences, or sexual orientation; flirting, teasing, jokes, or gestures that are sexual in nature.
 - Unwarranted physical contact including touching, pinching, patting, or exposure of another person's body of the type that would not be considered part of a routine physical exam.
 - Inappropriate staring at another person's body.
 - Unwanted communications of a sexual nature in writing, by telephone, by electronic communication, including e-mail, the Internet, the Intranet or by other means.
 - Requests or demand for sexual favors accompanied by implied or overt threats about the workplace, including assignments, promotion, discipline references, etc.
 - Repetition of unwanted invitations for dates.
 - Physical assault of a sexual nature, up to and including attempted or actual rape.
- 3.2 Other Harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age or disability and that:

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- Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- Has the purpose or effect of unreasonably interfering with an individual’s work performance; or
- Has the purpose or effect of unreasonably interfering with an individual’s employment opportunities.

Harassing conduct includes, but is not limited to:

- Epithets, slurs, negative stereotyping, threatening, intimidating or hostile acts that relate to race, color, religion, gender, sexual orientation, national origin, age, or disability.
- Written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, religion, gender, sexual orientation, national origin, age, or disability, and that is visually displayed on the UMMC premises and property or circulated in the workplace or at any UMMC sponsored event or residency training program.

Harassment may be actionable only if the conduct in question would have adversely affected the work performance or well being of not only the complainant but also a “reasonable man or woman.” The standard of what a “reasonable man or woman” would think is “out of bounds” and interferes with work.

4. Procedure

Residents who believe they are being subjected to or witness sexual or other harassment should demand that the harassment stop and immediately discuss the situation with their Program Director or their Human Resources Manager/Generalist. Since privacy is of utmost importance in harassment cases, Program Directors must assure residents that complaints will be handled in a timely, proactive and sensitive manner.

Any resident who informs his or her program Director, other management official or Human Resources representative, of an incident of possible sexual harassment is assured that no retaliation for reporting the incident will be tolerated.

A Program Director who becomes aware of harassment or receives allegations of harassment from a resident must immediately advise a Human Resources Manager and assist as requested in any subsequent investigation. All activities related to the complaint will be held in confidence to the extent possible, and any investigation will be conducted in such a manner as to protect the privacy interest of all concerned, with allegations made available only to those with a need to know.

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Upon completing the investigation of a complaint, the Program Director and the Human Resources Manager will review the findings and determine the appropriate action. The Department of Human Resources will communicate the findings and intended resolution to the complainant and alleged harasser.

If either party directly involved in a sexual or other harassment or a retaliation investigation is dissatisfied with the outcome or resolution based on facts of the investigation, that individual has the right to appeal the decision through the internal grievance procedure, to file the complaint externally with the Equal Employment Opportunity Commission or the Maryland Commission on Human Rights or to take legal action in a court of appropriate jurisdiction (see Resident Policy on Due Process, GMS #C)

5. Disciplinary/Remedial Action

Individuals found to have engaged in misconduct constituting sexual or other harassment or retaliation will be disciplined, up to and including discharge. Appropriate sanctions will be determined by the Program Director and Human Resources Manager. In addressing incidents of sexual or other harassment, the Medical Center's response will include a written record of the investigation and appropriate disciplinary action or other remedial measures as warranted.

6. False Accusations

If an investigation results in a finding that the complainant falsely and maliciously accused another individual(s) of sexual harassment or retaliation, the complainant will be subject to appropriate discipline, as described above.

7. Orientation and Training

All residents will receive a briefing and a copy of this policy document at the Resident Orientation session. Current residents will receive a copy of this policy document and be briefed by the appropriate personnel on its contents.