

**RUSH UNIVERSITY MEDICAL CENTER
POLICY AND PROCEDURES CONCERNING SEXUAL AND OTHER HARASSMENT**

I. Policy Against Harassment

The harassment of any member of the Rush University Medical Center community (i.e., employee, faculty, house staff, or student) because of race, color, sex, sexual orientation, religion, national origin, ancestry, age, marital or parental status, or disability is prohibited and will not be tolerated.

A. Sexual Harassment

As part of this policy, sexual harassment of any person in the Medical Center community is prohibited and will not be tolerated. Any unwelcome verbal or written comments of a sexual nature (e.g., jokes, innuendoes, or slurs), physical conduct (e.g., touching or gesturing), sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature shall be considered sexual harassment which violates this policy and shall subject the offender to disciplinary action when:

1. Submission to such conduct is made either explicitly or implicitly a condition of an individual's employment or education;
2. Submission to or rejection of such conduct by an individual is used as a factor in any decision affecting the individual's employment, education, or faculty status, including but not limited to any decision related to admission, advancement, performance assessment, compensation, assignments, schedules, discipline, and termination; or
3. Such conduct unreasonably interferes with an individual's employment or educational performance or creates an intimidating, hostile, or offensive employment or educational environment.

B. Other Forms of Harassment

It is also the Medical Center's policy that any unwelcome verbal or written comments or physical conduct of a hostile or offensive nature based on a person's race, color, religion, sexual orientation, national origin, ancestry, age, marital or parental status, or disability shall also be considered harassment which violates this policy and shall subject the offender to disciplinary action.

- C. The Medical Center has established procedures for the investigation and redress of complaints of harassment. Those complaints arising **outside** of the academic and clinical setting of Rush University shall be governed by the procedures in the Medical Center's Human Resources Policies and Procedures on Harassment. Those complaints arising **within** the academic and clinical setting of Rush University shall be governed by the procedures set forth below. With respect to complaints and controversies that do not fall squarely within the purview of one of these settings, the Associate Vice President for Equal Opportunity and the Assistant Vice President of Human Resources or his/her designee will confer and determine which procedure should be followed.
- D. These procedures are intended to protect the rights of both the complainant and the accused. Thus, a person who believes he/she has been accused of harassment in bad faith also may file a complaint under these procedures, recognizing that a false accusation of harassment can have a significant impact on the accused.
- E. Any retaliation or threat of retaliation against an individual for submitting a complaint of harassment or for participating in an investigation is prohibited and shall be treated as a separate violation, which shall be handled in the same manner and subject to the same procedures as the complaint itself.

II. Receipt and Resolution of Harassment Complaints - Rush University

- A. The following procedures apply to any complaint of harassment brought by a member of the University community against any other member of the Rush University community (or brought by a third party having contact with Rush University), regardless of whether the alleged harassment occurred in an academic or a clinical setting.
1. Each of the University procedures set forth below shall be equally applicable and available to the accused to redress what he/she believes to be an accusation of harassment made in bad faith.
 2. An individual choosing to invoke the University procedures may not utilize contemporaneously or subsequently the Medical Center's Human Resources Policies and Procedures to investigate and redress the same matter.
- B. All complaints and related information under these procedures will be treated as confidential. However, disclosure of otherwise confidential information may be made where necessary to protect the health, safety or well-being of the complainant or others, to comply with the legal obligations of the Medical Center, or where, in the judgment of the Associate Vice President for Equal Opportunity, certain disclosure would be in the best interest of the parties or the Medical Center. Ordinarily, the complainant will be notified before disclosure to others.
- C. A complaint of harassment may be submitted either orally or in writing to the Associate Vice President for Equal Opportunity by an individual who claims to have been harassed ("the complainant") or by a faculty advisor, a member of the administration, or another person authorized by the complainant to act on his/her behalf. The complaint should be submitted within 180 days after the alleged harassment occurs. However submitted, the complainant's name and specific allegations must be provided for further processing to occur.
- D. If the complaint of harassment is submitted by someone other than the complainant, the individual submitting the complaint shall be informed of the policies against harassment and retaliation and shall be advised that:
1. The complaint cannot be processed further without the complainant's specific consent; and
 2. The complainant should contact the Associate Vice President for Equal Opportunity if he/she wants to proceed.
- E. In every case where the complainant wants to proceed with a complaint, the Associate Vice President for Equal Opportunity shall inform the complainant of the policies against harassment and retaliation and shall advise the complainant of the following options to promote internal resolution of a complaint:
1. Informal Resolution

The Associate Vice President for Equal Opportunity or his/her designee will attempt to resolve the complaint through informal methods, including but not limited to discussion with the accused (with or without identifying the complainant) and appropriate administrative staff; discussion with the complainant; and/or, if all parties agree, mediation of the complaint involving the participation of the complainant, accused, and appropriate administrators. No

complaint may be terminated through informal methods without the voluntary consent of the complainant.

2. Formal Investigation and Resolution

In the event the complaint is not resolved informally and the complainant wishes to proceed, the Associate Vice President for Equal Opportunity or his/her designee will investigate the complaint by obtaining relevant information from the complainant, interviewing witnesses and potential witnesses, reviewing any other evidence, and meeting with the accused to obtain his/her response. The investigation will be handled confidentially to the extent possible, but the Office of Legal Affairs shall be kept advised.

3. The complainant may withdraw the complaint at any time provided, however, that the Medical Center reserves the right to investigate a complaint of harassment without the complainant's consent in appropriate circumstances.

F. Should an investigation ensue, it shall be commenced and completed as soon as practicable, and a written report shall be submitted to the Dean of the accused's College. The Dean, in consultation with other administration members, shall review the written report and may, if circumstances warrant, implement remedial action or may refer the matter to an appropriate College committee for further consideration.

1. Remedial action may include, but is not limited to, providing make-whole relief to the complainant and taking disciplinary action against the accused, up to and including dismissal from the College and/or termination of employment.

2. The findings and results of the investigation shall be disclosed only to persons with a need to know, including the complainant and accused, except that the investigation findings may be made available to any Medical Center person or committee empowered to review a disciplinary decision rendered under this policy. Individuals disciplined pursuant to these policies and procedures may seek review pursuant to the grievance appeals procedures of their respective Colleges.

3. Nothing herein confers the right of either the complainant nor the accused to have a third party participate in any meeting or investigation held under this policy.

G. Nothing herein is intended to create any contractual obligations. However, it is the Medical Center's intent to follow these policies and procedures. They shall be harmonized to the extent possible with other rules, by-laws, policies, or procedures which may be applicable to members of the University community.

Originally adopted by the Management Committee on
February 14, 1984 with revisions approved on May 27, 1997

DEPARTMENT OF HUMAN RESOURCES POLICIES AND PROCEDURES

Grievance Procedure for Claims of Sexual
and Other Harassment

- a. **STEP ONE.** The employee should present his/her claim to the Assistant Vice President of Human Resources or designee. The claim will be promptly reviewed, investigated and the complaining party will be advised of the recommended disposition of the claim upon completion of the investigation.

- b. **STEP TWO.** If the complaining party is not satisfied with the resolution of the claim in Step One, he or she may appeal to the Senior Vice President for Hospital Affairs who will formally review the facts and present his/her finding for adjudication. A response to the complainant will be made in writing within ten (10) working days of such appeal.

Other provisions for the Informal Resolution and Formal Investigation of Complaints are similar to those in the Rush University Procedures. A copy of the complete document is available from the Department of Human Resources.