

APPENDIX C

Sexual Harassment Policy

A Statement by the President

Sexual harassment is illegal. It is also offensive and demeaning. It can create an inhospitable employment or academic environment and can seriously interfere with an individual's work or scholarly pursuits. Such behavior subverts the mission of the Medical College of Georgia and threatens the careers, educational experience and well-being of students, faculty and staff. The Medical College of Georgia is committed to maintaining our academic community as a place of work and study for staff, faculty and students, free of sexual harassment and all forms of sexual intimidation and exploitation.

Statement of Policy

Sexual harassment will not be tolerated at the Medical College of Georgia. We are prepared to take action to prevent and correct such behavior, and individuals who engage in such behavior are subject to discipline. To foster mutual respect and courtesy among all members of the academic community, and to discourage sexual harassment from occurring on our campus, every student, faculty member and staff member is expected to become aware of and support this policy. In addition to students, faculty and staff, this policy also applies to all non-employee professionals, consultants, independent contractors and their employees and employees of contract services.

What is prohibited?

It is a violation of MCG policy for any member of the MCG community to engage in sexual harassment, or to retaliate against any member of the MCG community

- for raising an allegation of sexual harassment
- for filing a complaint alleging sexual harassment, or
- for participating in a proceeding to determine if sexual harassment has occurred.

Such retaliation shall be considered a serious violation of this policy and shall be independent of whether a charge or informal complaint is substantiated. Encouraging others to retaliate also violates this policy. Examples of retaliation include, but are not limited to, unfair grading, unfair evaluation, public or private ridicule, threats of any kind. MCG prohibits sexually harassing behavior, including that made unlawful by Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972.

What exactly does it mean to sexually harass someone?

Sexual harassment can take many forms, but it generally falls into three categories: verbal, written/pictorial or physical. Defining characteristics of sexual harassment are that the behavior is unwanted and tends to be repetitive in nature. Under MCG policy sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature. Such conduct constitutes sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
- submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting an individual; or
- such conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile or offensive working or academic environment.

Examples of sexual harassment include, but are not limited to, the following:

Slurs, epithets, threats, derogatory comments and unwelcome jokes that would make a reasonable woman or man experiencing such harassment or conduct uncomfortable in the work or academic environment or which would interfere with a person's job or academic performance; verbal or physical conduct of a sexual nature by an employee, supervisor, manager or other person including sexual advances, requests for sexual favors, or other conduct such as uninvited touching and sexually related comments that tend to create an intimidating, hostile or offensive environment. More specific behaviors might also include: physical assault; threats or insinuations which cause the victim to believe that sexual submission or rejection will affect his/her reputation, education, employment, advancement or any conditions which concern the victim's standing at the University; direct propositions of a sexual nature; subtle pressure for sexual activity, an element of which may be conduct such as unwelcome sexual leering; conduct (not legitimately related to the subject matter of the work, course, program or activity in which one is involved) intending to or having the effect of discomforting and/or humiliating a reasonable woman or man at whom the conduct is directed. This may include, but is not limited to, comments of a sexual nature or sexually explicit statements, questions, jokes or anecdotes, and unnecessary touching, patting, hugging or brushing against a person's body.

Depending upon the circumstances, any of the above types of conduct may be sexual harassment and subject to disciplinary action, even if that conduct only occurs once.

When can sexual harassment occur?

Sexual harassment can occur in all types of circumstances and relationships including those; between or among individuals of different sexes or of the same sex; in relationships of unequal power (for example, between supervisor and employee, faculty member and student, employee and job applicant); and in relationships of equal power (for example, between fellow employees or fellow students).

What can you do about sexual harassment?

To report incidents of sexual harassment or retaliation, faculty members should contact the Provost; classified employees may contact the EEO/AA Officer or the Division of Human Resources; and students may contact the Director of Student Affairs. All members of the MCG community are required to cooperate in any investigation of a sexual harassment complaint. In any case, a complainant need not report directly to his/her immediate supervisor but may report the situation directly to the appropriate individual named above.

Specific Responsibilities of Management

Each dean, director, department/section chair, department manager, or other person with supervisory responsibility is required to report any complaint of sexual harassment to the appropriate individual named above. Supervisors and managers shall take no disciplinary action, no contract action, nor shall they remove a person from an MCG sponsored activity with regard to an alleged violation of this policy prior to consultation with the Division of Human Resources or the Legal Office. In situations where a supervisor reasonably believes there is imminent danger of serious bodily harm, the supervisor should take immediate and appropriate action, including separating the complainant and the alleged harasser and/or notifying MCG Public Safety.

Will this information remain confidential?

To the extent permitted by law, the confidentiality of each party involved in a sexual harassment investigation, complaint or charge will be observed, provided it does not interfere with MCG's ability to investigate the allegations or take corrective action.