

	<b>Graduate Medical Education</b>	
	GMEC Approval Date:	06/06/2023
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Policy Title: <b>Resident Services – Sexual and Other Unlawful Harassment</b>		
ACGME Institutional Requirement: <b>IV.I.3.</b>		Page 1 of 2

**I. Purpose**

To assure residents and fellows are entitled to work in a professional, dignified environment, and right to work in an environment free from any type of discrimination, including harassment. Additionally, this policy assures that residents/fellows access to processes to raise and resolve complaints in a safe and non-punitive environment and in a timely manner, consistent with applicable laws and regulations.

**II. Policy**

- A. This policy statement is meant to ensure all residents/fellows that, under no circumstances, will LECOM tolerate any form of harassment, which includes, but is not limited to: threatening, offensive or intimidating behavior or remarks; demands for sexual favors; or behavior which creates a hostile or intimidating atmosphere, because of someone’s race, color, religion, gender, national origin, ancestry, ethnicity, citizenship, age, genetic characteristics, disability, familial status, sexual orientation or any other characteristic protected by applicable law.
- B. Harassment of another person (including patients, visitors or vendors) will result in disciplinary action, up to and including dismissal from LECOM Health Millcreek Community Hospital, against any resident/fellow who is found, upon investigation, to have engaged in such conduct.
- C. While all forms of harassment are prohibited, sexual harassment is sometimes less easily understood. For that reason, it is discussed specifically below. NOTE, HOWEVER, THAT ALL FORMS OF HARASSMENT WILL BE DEALT WITH FOLLOWING THE SAME PROCEDURES THAT ARE SET FORTH FOR SEXUAL HARASSMENT.

Sexual Harassment

- D. Sexual harassment is a form of unlawful discrimination under state and federal law. It may consist of actual or threatened sexual contact which is not mutually agreeable to both parties (or unwanted by at least one party), continued or repeated verbal abuse of a sexual nature, a threat or insinuation that a lack of submissiveness will adversely affect the victim’s employment, standing or other vital circumstances.
- E. Examples of sexual harassment include, but are not limited to: pressure, subtle or overt, for sexual favors, accompanied by implied or overt threats concerning one’s job, or merit, inappropriate display of sexually suggestive objects or pictures, touching, pinching, patting, leering, or the brushing against another’s body, use of sexually abusive language (including remarks about a person’s clothing, body or bodily movement or sexual activities). In addition, any acts or words of a denigrating nature based on someone’s sex constitute sexual harassment. Any member of the LECOM community may resist such harassment and/or complain about such harassment without fear of retaliation.
- F. Moreover, LECOM will not tolerate any client, guest or visitor engaging in any of the aforesaid types of harassment against any of its employees. Appropriate remedial action will be taken against any such non-employee who sexually harasses an employee of LECOM Health Millcreek Community Hospital.

### **III. Reporting Procedure**

- A. LECOM will not tolerate harassment by any member of its community. Any concerns or complaints regarding harassment, sexual or otherwise, should be brought to the attention of the persons designated below who will promptly, fully, and objectively investigate the complaints to determine their merits:
- B. In the case of an offending employee, the report should be made to the employee's immediate supervisor. If the supervisor is unavailable or if the complainant believes it would be inappropriate to contact that person, the complainant should immediately contact the Director of Human Resources, the Corporate Compliance Officer (or Corporate Compliance Hotline), Program Director or DIO
- C. In the case of an offending resident/fellow, the report should be made to the resident's/fellow's program director. If the program director is unavailable or if the complainant believes it would be inappropriate to contact that person, the complainant should immediately contact the Director of Human Resources, the Corporate Compliance Officer (or Corporate Compliance Hotline) or DIO.
- D. No individual will be retaliated against on the basis of having asserted a complaint of harassment in good faith pursuant to this policy. Following an investigation, LECOM will take the appropriate measures as soon as possible to redress the harms done. Anyone who is determined to have engaged in sexual or other unlawful harassment will be subject to disciplinary action, up to and including, termination of employment.