



February 18, 2010

## **SEXUAL HARASSMENT: PREVENTION AND REPORTING**

### **I. Purpose:**

The purpose of this policy is to establish Graduate Medical Education Office guidelines for the prevention and reporting of sexual harassment. This University of Missouri policy aims for an increased awareness regarding sexual harassment by making available information, education and guidance on the subject for the University community.

### **II. Policy Statement:**

The Graduate Medical Education Office of the UMKC School of Medicine supports in total the University of Missouri policy. It is the policy of the University of Missouri, in accord with providing a positive, discrimination-free environment, that sexual harassment in the work place or educational environment is unacceptable conduct. Sexual harassment is subject to discipline, up to and including separation from the institution.

### **III. Responsibilities:**

#### **A. Resident:**

All residents (UMKC employees) must be aware of the guidelines in this policy and refrain from all forms of sexually-oriented behavior. Residents have the responsibility to advise offenders that their behavior is unacceptable and must cease. If it continues, residents must report the situation to the GME Office and their Program Director. In doing so, the resident may choose to initiate an informal resolution procedure or may choose to file a formal complaint or grievance (Residents are directed to Section 370.010, "Academic Grievance Procedure"). Pursuing a complaint or informal resolution procedure does not compromise one's rights to initiate a grievance or seek redress under state or federal laws.

#### **B. Program Director:**

All Program Directors have the responsibility to inform their staff that sexual harassment is prohibited and that incidents of such harassment must be reported. Program Directors will report all instances to the GME Office upon learning of the allegation.

### **C. Graduate Medical Education Office**

The GME Office has the responsibility of reporting all allegations of sexual harassment to the UMKC Equal Opportunity/Affirmative Action Officer and ensuring that due processes are followed.

### **IV. Definition:** Sexual harassment is defined for this policy as either

- A. Unwelcome sexual advances or requests for sexual activity by a University employee in a position of power or authority to a University employee or a member of the student body, or
- B. Other unwelcome verbal or physical conduct of a sexual nature by a University employee or a member of the student body to a University employee or a member of the student body, when:

1. Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
2. The purpose or effect of such conduct is to interfere unreasonably with the work or academic performance of the person being harassed; or
3. The purpose or effect of such conduct, to a reasonable person, is to create an intimidating, hostile, or offensive environment.
4. Other examples of unacceptable workplace conduct include:
  - a. Producing or displaying letters, e-mail messages and telephone calls of a sexual nature or content.
  - b. Deliberately touching, brushing, cornering, pinching or leaning over a person.
  - c. Suggestive looks, winks, gestures or whistles
  - d. Unwelcome pressure for dates
  - e. Graphic or degrading comments about an individual or the individual's appearance
  - f. The display of sexually suggestive objects or pictures
  - g. Repeated sexual flirtation, advances or propositions

### **V. Categories of Sexual Harassment:**

Although sexual harassment can take a variety of forms, three distinct categories are consistently recognized. They are Quid Pro Quo Sexual Harassment, Sexual Favoritism, and Hostile Working environment.

- A. Quid Pro Quo Sexual Harassment - A category of Sexual Harassment that occurs when a supervisor seeks sexual favors from a subordinate employee for return of job security, benefits or opportunities, such as receiving a favorable performance evaluation or being selected for promotion. It usually occurs when submission is made a term or condition of an individual's employment; or when the submission to or the rejection of such conduct is used as the basis for employment decisions affecting the individual. A supervisor who uses coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee is engaging in sexual harassment. Similarly, an employee of an agency who behaves in this manner in the workplace is also engaging in sexual harassment.

- B. Sexual Favoritism - A category of Sexual Harassment that occurs when a supervisor passes over otherwise qualified persons in order to give employment opportunities or benefits to employees who submit to the supervisor's sexual advances or requests for sexual favors.

Hostile Work Environment - A category of Sexual Harassment that occurs when a general pattern of workplace behavior contains sexual comments or conduct which interferes with job performance and creates an intimidating, hostile or offensive work environment.

**VI. Non-Retaliation:**

This policy also prohibits retaliation against any person who brings an accusation of discrimination or sexual harassment or who assists with the investigation of sexual harassment. Notwithstanding this provision, the University may discipline an employee or student who has been determined to have brought accusation of sexual harassment in bad faith.

**VI. Discipline:**

Upon receiving a charge of sexual harassment against a member of faculty, staff, or student body, the University will investigate and, if substantiated, will initiate the appropriate disciplinary procedures. There is a five year limitation period from the date of occurrence for filing a charge that may lead to discipline. An individual who makes an accusation of sexual harassment will be informed:

- A. At the close of the investigation, whether or not disciplinary procedures will be initiated; and,
- B. At the end of any disciplinary procedures, of the discipline imposed, if any.

**References:**

- 1. UMKC Policy on Sexual Harassment, HR 510

**Follow-up Responsibility:** Director, Graduate Medical Education Operations.

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