

Harassment Policy

I. STATEMENT OF PURPOSE

Harassment has become an increasingly prominent national concern in the workplace and in academic institutions. The Icahn School of Medicine at Mount Sinai (the “School”) regards any behavior that is harassing, discriminatory, or abusive as a violation of the standards of conduct required of all persons associated with the academic mission of the institution. The ideal of American medical, graduate and postgraduate education is to create an environment that nurtures respect and collegiality between educator and student. In the teacher-student relationship, each party has certain legitimate expectations of the other. For example, the learner can expect that the teacher will provide instruction, guidance, inspiration, and leadership in learning. The teacher expects the learner to make an appropriate professional investment of energy and intellect to acquire the knowledge and skills necessary to become an effective physician or scientist. The social relationships required in the achievement of this academic ideal—mentor, peer, professional, staff—require the active trust of partnership, not the dependence of authoritarian dominance and submission.

Icahn School of Medicine at Mount Sinai is responsible for providing a work and academic environment free of harassment, discrimination and abuse. The institution may pursue any complaint of harassment, discrimination or abuse known to it in order to achieve this goal. A Grievance Committee (the “Committee”) was established in 1992 to serve as an educational resource to the School community on issues relevant to harassment and to address complaints of harassment, discrimination and abuse, as defined below.

Complaints about sexual harassment or any sexual misconduct are addressed under the School’s Sexual Misconduct Policy, and are not within the purview of the Committee. Complaints about implementation of school policies concerning appointment, promotion, and distribution of resources, including notification requirements associated with these policies, will not be addressed by this Committee unless they involve, in addition to those complaints, an allegation of harassment, discrimination or abuse as defined below. The Committee (and an appointed Investigative and Hearing Board (the “Board”) under Paragraph IV.C.2. below, if any) may only consider complaints of harassment, discrimination and abuse brought by any faculty member, medical or graduate student, house staff or postdoctoral fellow against any other such member of the School community. Complaints by and against other employees of Icahn School of Medicine at Mount Sinai will be handled by other appropriate existing grievance mechanisms (e.g., those available through Human Resources). The Committee may act (at the Committee’s discretion) before or after other action(s) an individual may take to exercise his/her rights, both within and outside the Institution.

The Committee may offer mediation and conciliation, when appropriate. It will rely on discreet inquiry and trust in dealing with complaints that are brought for its consideration. Confidentiality will be maintained to the maximum extent possible consistent with the need to investigate complaints and with the requirements of the law. Full cooperation with the Committee and an appointed Board, if any, is required of all members of the community.

To ensure an environment in which education, work, research, and discussion are not corrupted by harassment, discrimination and abuse, the following statement has been created to educate members of the academic community about what constitutes harassment, discrimination and abuse and about the mechanism for the receipt, consideration, and resolution of complaints.

II. DEFINITIONS OF UNACCEPTABLE BEHAVIOR

Certain behaviors are inherently destructive to the relationships that are required in a community organized to provide medical and graduate education. Behaviors such as harassment, discrimination and abuse (based on age, race, color, culture, national origin, ethnicity, language, religion, creed, alienage or citizenship status, physical or mental disability, pregnancy, socioeconomic status, veteran status, military status, marital or partnership status, being the victim of spousal abuse or domestic violence, or based on any other characteristic protected by law) will not be tolerated. Discrimination based on sex, sexual orientation, gender identity or expression also will not be tolerated.

Harassment and abuse based on sex, gender, gender identity or gender expression are also unacceptable, and are addressed separately under the School's Sexual Misconduct Policy.

A. Discrimination is defined as actions on the part of an individual, group or institution that treat another individual or group differently because of age, race, color, culture, national origin, ethnicity, language, religion, creed, alienage or citizenship status, physical or mental disability, pregnancy, socioeconomic status, veteran status, military status, marital or partnership status, being the victim of spousal abuse or domestic violence, sex, gender, gender identity or gender expression or based on any other characteristic protected by law. Discrimination on the basis of these characteristics may violate federal, state, and/or city laws and is prohibited and covered by this policy.

B. Harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of age, race, color, culture, national origin, ethnicity, language, religion, creed, alienage or citizenship status, physical or mental disability, pregnancy, socioeconomic status, veteran status, military status, marital or partnership status, being the victim of spousal abuse or domestic violence, or based on any other characteristic protected by law, and that:

(i) has the purpose or effect of creating an intimidating, hostile or offensive School environment;

(ii) has the purpose or effect of unreasonably interfering with an individual's School performance; or

(iii) otherwise adversely affects an individual's School-related opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping, threatening, intimidating or hostile acts, and denigrating jokes and display or circulation in the School (including through e-mail) of written or graphic material that denigrates or shows hostility or aversion towards an individual or group. Harassment on the basis of these characteristics may violate federal, state, and/or city laws and is prohibited and covered by this policy. Harassment based on sex, gender, gender identity or gender expression similarly violates federal, state and/or city laws and is addressed separately under the School's Sexual Misconduct Policy.

C. Abuse is defined, for purposes of this policy, as behavior that is viewed by society and by the academic community as exploitative or punishing without appropriate cause. It is particularly objectionable when it involves the abuse of authority.

Examples of behavior which may be abusive include, but are not limited to:

- Habitual conduct or speech that creates an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working or educational environment
- Physical punishment
- Repeated episodes of verbal punishment (e.g. public humiliation, threats and intimidation)
- Removal of privileges without appropriate cause
- Grading or evaluations used to punish rather than to evaluate objective performance
- Assigning tasks solely for punishment rather than educational purposes
- Repeated demands to perform personal services outside job description
- Intentional neglect or intentional lack of communication
- Requirements of individuals to perform unpleasant tasks that are entirely irrelevant to their education and employment that others are not also asked to perform

Constructive criticism, as part of the learning process, does not constitute harassment. To be most effective, negative feedback should be delivered in a private setting that fosters free discussion and behavioral change.

III. GRIEVANCE COMMITTEE

A. Purview

The Committee is charged with addressing any complaint of discrimination, harassment or abuse brought by any member of the faculty, medical or graduate student, house staff officer, or postdoctoral research fellow against any other such member of the School community. Complaints of harassment or abuse based on sex, gender, gender identity or gender are addressed separately under the School's Sexual Misconduct Policy and are not within the purview of the Committee.

B. Composition of the Committee

The Committee will consist of at least 22 members. Among these will be two with counseling experience, two medical students, two graduate students, two house staff, two faculty with administrative appointments, and two research postdoctoral fellows. Faculty members of the Committee will be representative of both basic science and clinical, junior, and senior faculty. Every effort will be made to have the Committee reflect the full diversity of the medical school population. The Chairperson of the Committee (the "Chairperson") shall be a faculty member with experience in counseling and who does not have an administrative appointment. All members of the Committee, including the Chairperson, will be appointed by the Dean after consultation with relevant groups in the School. Faculty will serve staggered three-year renewable terms; students, postdoctoral fellows and house officers will serve renewable one-year terms.

IV. GRIEVANCE PROCEDURES

A. Any member of the faculty, any medical or graduate student, house officer or postdoctoral research fellow who believes that he or she has been subjected to discrimination, harassment or abuse by any other such member of the School community may contact any member of the Committee or the Chairperson to seek advice, or may submit a written complaint to the Committee. If the person raising the issue believes that he or she has been subjected to harassment or abuse based on sex, gender, gender identity or gender expression, the Committee shall direct the individual to the School's Title IX Coordinator and provide the individual with access to the School's Sexual Misconduct Policy.

For all discrimination, harassment and abuse issues within the purview of the Committee, the Committee member contacted can discuss the matter with the complainant, advise the complainant of his/her alternatives in pursuing the complaint, including, if the complainant

agrees, (and where permitted by law), helping the complainant to resolve the complaint informally without revealing the complainant's name. Such help may include, but is not limited to, assisting the complainant in drafting a letter to the alleged offender asking that he/she stops the behavior, or coaching the complainant in preparation for a conversation with the alleged offender. The complainant may ask the Committee member to meet directly with the person accused to seek a resolution. If the complaint includes an alleged violation of law, the Committee member initially contacted must bring the complaint to the full Committee, the complaint must be fully documented and investigated, and a report must be made to the Dean.

B. Upon request of the complainant to the Committee member originally contacted, or upon receipt of written complaints to the Committee, or when required by law, the complaint, with the names of the complainant, respondent and department withheld, will be discussed by the Committee at its next regular meeting.

C. Following discussion of the complaint, the Committee has two options:

1. It can decide that even if the allegation is true, it does not constitute discrimination, harassment or abuse. The complainant will be notified of the finding and can be offered guidance and/or assistance in resolving the matter, or be referred to another, more appropriate venue, such as Human Resources, the Faculty Relations Committee or a Tenure Review Committee to pursue the complaint.

2. It can decide that the allegation is sufficiently serious to warrant further investigation. Unless previously submitted, the complainant will be requested to submit a full written account of the complaint. Upon receipt of the written complaint, the Chairperson will appoint a five-member Board and two alternates.

The Chairperson will serve as chair of the Board (or, in case of conflict of interest or other inability to serve, appoint another Committee member) and will appoint at least four additional individuals and at least two alternates to consider the complaint. Students, postdoctoral fellows, and house staff members are to be excluded from the Board in cases involving a faculty member alleging discrimination, harassment or abuse by another faculty member. In cases involving a student, postdoctoral fellow, or house staff (either as an accuser or accused), at least one of the members of the Board will be from the same group. Each Board will have at least one member with experience in counseling, and at least three faculty.

D. Upon selection of the Board, the complainant will be notified of the names of Board members, and will have 48 hours from receipt of such notification to challenge, in writing, any member for cause. The respondent will be notified that a complaint has been brought against him/her, the name of the complainant, the nature of the complaint and the names of the members of the Board. The respondent shall also have 48 hours from receipt of notification to challenge, in writing, any member of the Board for cause. In the event of a challenge, the Chairperson will decide on the merits and replace Board members if necessary. In the event that the Chairperson

is unable to appoint a sufficient number of members not disqualified for cause, the Dean will appoint additional members.

E. Investigative and Hearing Board Procedures

The preliminary stages of the investigation may consist of meetings of one or more members of the Board with the complainant, respondent and other members of the community who might have relevant information. In the event that preliminary meetings have been held, all information obtained in these meetings will be shared with the entire Board. In all meetings, confidentiality will be stressed.

The respondent will receive the full written complaint with the supporting documentation provided by the complainant to the Board and will be afforded two weeks to provide a written response. This response will be distributed to the Board and provided to the complainant.

The Board will then hold one or more hearings, which the complainant and respondent will attend, either individually or together, along with any other witnesses the Board deems relevant to the complaint. At the hearing, each of the parties may be accompanied by an advisor, who is a member of the Mount Sinai community, but who is not a lawyer, and who will not function as an advocate during the hearing.

At the close of the hearing(s), the Board will deliberate concerning its findings without the presence of either the complainant or the respondent.

Upon concluding its deliberations, the Board will vote on whether or not there has been a violation of this policy based on a majority vote. Recommendations for remedial actions will be discussed. A full report will be drafted, including the findings, vote and recommendations of the majority. It will then be submitted to the Dean.

The Board's written report will include:

1. A determination that a violation of this policy did or did not take place
2. A listing of its findings of fact
3. A summary of the written submissions of the parties
4. A summary of testimony at the hearing
5. A summary of evidence gathered during the investigation
6. The conclusions it has drawn from this material
7. Its recommendations for action to be taken by the Dean.
8. The Board may recommend sanctions based on the severity of the offense.

9. Sanctions may include, but are not limited to, verbal reprimand, written reprimand, change in job responsibilities, suspension, discharge, and expulsion. The Board and/or the Committee may, at their discretion, modify the Grievance Procedures depending on the nature of a particular complaint.

F. Dean's Review

The Dean may accept or reject conclusions and/or recommendations of the Board. However, in the event the Dean does not accept either the Board's conclusions or its recommendations, he/she, or the Dean's designee, will meet with the Board to discuss the reasons for the rejection before recording a final decision on the matter.

The Dean or his/her designee will convey his/her decision in writing to the complainant, respondent and the Board.

V. PROTECTION FROM RETALIATION

All individuals involved in registering a complaint, serving as representatives for the complainant or respondent, as witnesses, or on the Committee will be free from any and all retaliation or reprisal or threats thereof. This principle applies with equal force after a complaint has been adjudicated. Upon submission of a complaint or threat of retaliation, the Committee will review the facts and recommend appropriate action.

VI. REEVALUATION OF PROCEDURES

The Committee will review the grievance procedures periodically. Proposed changes, approved by a majority of the Committee, must be reviewed and approved by the Office of the General Counsel before being implemented.