

DEPARTMENT OF MEDICAL EDUCATION

Policy



Policy Title: Harassment Policy	Category: Institutional Policies and Guidelines
Accountable Dean or Director: Dean of Medical Education	
Reviewed By: Curriculum and Policy Subcommittee (CaPS)	Approved By: Executive Oversight Committee (EOC)
Effective Dates: AY2022/23	Review Dates: TBD

RELEVANT LCME STANDARDS:

- 3.5 Learning Environment/Professionalism
- 3.6 Student Mistreatment

POLICY:

Harassment has become an increasingly prominent national concern in the workplace and in academic institutions. The Icahn School of Medicine at Mount Sinai 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 anticipates that learners will invest 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, and staff—require the active trust of partnership, not the dependence of authoritarian dominance and submission.

The Icahn School of Medicine at Mount Sinai is responsible for providing a work and academic environment free of sexual and other forms of harassment. We may pursue any complaint of harassment to achieve this goal. A Grievance Committee (the “Committee”) was established in 1992 to serve as an educational resource to the Medical School community on issues relevant to harassment and to address complaints of sexual harassment and other forms of harassment and abuse as defined below. This committee will not address complaints about implementation of school policies concerning appointment, promotion, and distribution of resources, including notification requirements associated with these policies unless they involve, in addition to those complaints, an allegation of harassment 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 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. Existing grievance mechanisms will handle any complaints by and against other employees of Icahn School of Medicine at Mount Sinai (e.g., those available through Human Resources). The Committee may act (at its discretion) before or after other action(s) an individual may take to exercise his/her rights both within and outside the Institution.

The Committee will attempt, whenever possible, to emphasize mediation and conciliation. It will rely on discreet inquiry and trust in dealing with complaints that are brought for its consideration. It will maintain confidentiality to the maximum extent possible consistent with the need to investigate complaints and with the requirements of the law. All members of the community are required to cooperate fully with the Committee and an appointed Board, if any.

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

Definition 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 violence, sexual and other harassment, abuses of power and discrimination (age, race, color, language, religion, sex, sexual orientation, gender identity or expression, genetic disposition, ethnicity, culture, creed, national origin, citizenship physical or mental disability, socioeconomic status, veteran status, military status, marital status, being the victim of spousal abuse, or based on any other characteristic protected by law) will not be tolerated.

Sexual Harassment

We define sexual harassment as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic success.
- Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such an individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment. Sexual harassment is a violation of institutional policy and of city, state and federal laws. Sexual harassment need not be intentional to violate this policy.

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

- [Sexual misconduct](#)
- Inappropriate sexual advances, propositions, or demands
- Unwelcome physical contact

- Inappropriate persistent public statements or displays of sexually explicit or offensive material which is not legitimately related to employment duties, course content, or research
- Threats or insinuations, which lead the victim to believe that acceptance or refusal of sexual favors, will affect his/her reputation, education, employment or advancement
- Derogatory comments relating to sex, gender, and gender identity and expression or sexual orientation

In general, though not always, sexual harassment occurs when the harasser has some form of power or authority over the life of the harassed. As such, sexual harassment does not fall within the range of personal private relationships. Although a variety of consensual sexual relationships are possible between medical supervisors and trainees, such relationships raise ethical concerns because of inherent inequalities in the status and power that supervisors wield in relation to trainees. Despite the consensual nature of the relationship, the potential for sexual exploitation exists. Even if no professional relationship currently exists between a supervisor and a trainee, entering into such a relationship could become problematic in light of the future possibility that the supervisor may unexpectedly assume a position of responsibility for the trainee.

Discrimination

We define discrimination as actions on the part of an individual, group, or institution that treats another individual or group differently because of race, color, national origin, gender, sexual orientation, religion, veteran status, age, disability, citizenship, marital status, genetic predisposition, or any other characteristic protected by law. Discrimination or harassment on the basis of these characteristics violates federal, state, and city laws and is prohibited and covered by this policy.

Abuse

For the purposes of this policy, we define abuse 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 that 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/or 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 and which 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.

Grievance Committee

The Committee addresses any complaint of harassment or abuse brought by any member of the faculty, medical or graduate student, house staff officer, or postdoctoral research fellow against any other member of the school community.

Composition of the Committee

The Committee consists of at least 22 members. Among these are 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 represent basic science and clinical, junior, and senior faculty. We make every effort to have the Committee reflect the full diversity of the medical school population. The Chairperson of the Committee (the “Chairperson”) is a faculty member with experience in counseling who does not have an administrative appointment. The dean appoints all members of the Committee, including the Chairperson, after consultation with relevant groups in the School. Faculty serve staggered three-year renewable terms; students, postdoctoral fellows and house officers serve renewable one-year terms.

Grievance Procedures

Any member of the faculty, any medical or graduate student, house officer or postdoctoral research fellow who believes that he or she has been harassed or abused by any other 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 you have a complaint, you can discuss it with the Committee member that you contacted, who can advise you of your options in pursuing the complaint, including, if you agree, (and where permitted by law), helping you to resolve the complaint informally without revealing your name. Such help may include but is not limited to assisting you in drafting a letter to the alleged offender asking that he/she stops the behavior, or coaching you in preparation for a conversation with the alleged offender. You 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 made to the Dean.

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 your name, respondent and department withheld, will be discussed by the Committee at its next regular meeting.

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 harassment or abuse. You 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, we will ask you 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 to determine appropriate steps.

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 harassment 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 members.

Upon selection of the Board, we will notify you of the names of Board members, and you 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.

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. Once we have held the preliminary meetings, we will share all information obtained in these meetings with the entire Board. In all meetings, we emphasize confidentiality.

You will receive the full written complaint with the supporting documentation you provide to the Board. You will have two weeks to provide a written response, which we will distribute to the Board and the complainant.

The Board will then hold one or more hearings, which you 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 the findings without the presence of either you or the respondent.

Upon concluding its deliberations, the Board will vote on whether there has been a violation of this policy based on a majority vote. The Board will discuss recommendations for remedial actions and will draft a full report, including the findings, vote and recommendations of the majority. The Board will submit this report 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 all 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. Recommendations for action to be taken by the Dean
8. Recommended sanctions based on the severity of the offense. 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 its discretion, modify the Grievance Procedures depending on the nature of a particular complaint.

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 will meet with the Board to discuss the reasons for the rejection before recording a final decision on the matter.

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

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.

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.

Grievance Committee Members 2018

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