

Project Vida Health Center
Community Psychiatry Residency
Graduate Medical Education Policies and Procedures

Harassment, Discrimination and Non-Retaliation Policy

APPROVED: 3/1/2022, 11/1/2023, 1/31/2024

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PURPOSE: It is the policy of Project Vida Health Center (PVHV) Graduate Medical Education to set in place and to ensure an environment free from all forms of discrimination and harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, marital status, veteran status, genetic information, disability, or any other protected status under law.

Project Vida Health Care Center (PVHC) expresses to comply with all federal and state laws; prohibit the different treatment of an individual or group based on the protected characteristics as defined in this policy and to provide an education, training and work environment free from discrimination or harassment on the bases listed here.

It is our position that discrimination or harassment of any person by anyone, including employees, physicians, residents, patients, volunteers or visitors, will not be tolerated – regardless of the offense. Failure to provide necessary accommodations to individuals based on their disability, religion, pregnancy status, maternity, breastfeeding, transgender status, or status as a victim of sexual violence can lead to instances of discrimination.

DEFINITIONS:

Complainant

A person raising a grievance of harassment, discrimination, or retaliation, either for themselves or on behalf of another individual or a group.

Respondent

An individual or entity against whom a complaint has been filed.

Discrimination

Discrimination means treating someone differently based on certain characteristics like race, color, national origin, sex, religion, age, disability, gender, pregnancy, gender identity, gender expression, sexual orientation, genetics, marital status, familial status, veteran status, military status, or being a victim of domestic violence. This includes things like sexual harassment, assault, and violence based on sex.

Discrimination may happen even if policies or practices are applied consistently, if they have a negative effect on a protected group, they can still be considered discrimination. Also, not considering applicants

with criminal convictions for a GME training program without looking at each case individually can be a form of discrimination, following GME's Pre-Employment Background Investigation Policy for Residents and Fellows.

Harassment

Harassment is a form of discrimination consisting of oral, written, graphic or physical conduct relating to an individual's protected characteristics that has the effect of subjecting the individual to inferior terms, conditions or privileges of employment or interferes with or limits the ability of an individual to participate in or benefit from GME programs or activities. This behavior should go beyond minor offenses or insignificant inconveniences, although it doesn't necessarily have to be severe or widespread. Participating in speech or expression safeguarded by the First Amendment does not constitute a breach of the university's policies on discrimination and harassment.

It is defined as the following but not limited to:

Derogatory slurs or other verbal/non-verbal conduct constitutes harassment when this Conduct:

- Has the purpose or effect of creating an intimidating, hostile, or offensive environment;
- Has the purpose or effect of unreasonably interfering with an individual's ability to work, learn, provide service, access care, or utilize the hospital's services or programs; or;
- otherwise adversely affects an individual's employment or ability to satisfy requirements or residency training.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to or enduring such conduct when rejected is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other university activities, or;
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual, or;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive environment.

Conduct constituting sexual harassment includes, but is not limited to:

- A. Unwelcome sexual flirtation, advances or propositions.
- B. Requests or demands for sexual favors, including requests or demands to submit to sexual favors as a condition of continued employment, job status, promotion, salary increases or career development;
- C. Verbal abuse or joking that is sexually-oriented and considered unacceptable by another individual;
- D. Graphic verbal comments regarding an individual's body;
- E. Sexually-degrading words used to describe an individual or group;
- F. Displays in the workplace or transmission and/or storage using CHI Franciscan Health system electronic communications systems of sexually suggestive objects or pictures;
- G. Engaging in any type of sexually-oriented conduct that would unreasonably interfere with another's work performance; or
- H. Creating an environment that is intimidating, hostile, or offensive because of unwelcome or unwanted sexually-oriented conversations, jokes, suggestions, demands, requests, physical contact or attention.

PVHC requires all of their employees and residents to complete sexual harassment prevention training annually. We are required by accreditation guidelines to educate on professionalism, see GME Professional policy.

REPORTING:

A person who thinks they have experienced discrimination or harassment (complainant) has the following choices:

1. Consulting with the Program Director of their residency, the Office of Graduate Medical Education (GME), or the HR Department. An individual may consult with these offices without proceeding with a formal report of discrimination, in order to seek advice or an informal resolution to their concerns;
2. Residents may contact the Program Leadership to help with the process of making this report; or the report may be made independently if Program Leadership is involved in the episode to be reported. Forms for reporting are available on the GME website.
3. Supervisors are responsible for monitoring and reporting any perceived discrimination and/or harassment which involves employees to the GME office or HR department depending on the employment status of the individuals involved, regardless of whether or not the employee involved files a complaint.
 - a. All faculty members are considered supervisors for this purpose and should report harassment/maltreatment by anyone within the Program or Sponsoring Institution.
 - b.
 - c. Failure to properly report perceived discrimination and/or harassment may result in corrective action, which may include discharge from program and or employment.

Upon notification of a situation involving harassment and/or discrimination, an investigation will be initiated to gather all facts regarding the complaint. This investigation will be conducted under the direction of the GME office or designee with an HR Representative and will be conducted in as confidential manner as is possible.

All employees are required to cooperate with any investigation into a potential violation of this policy. Failure to cooperate may result in corrective action, up to and including discharge from employment.

Upon completion of the investigation, a determination will be made in writing by appropriate management and the HR Representative regarding resolution of the case. If warranted, corrective action will be taken, up to and including discharge from employment.

PVHC will make an effort to respect an individual's decision on how to handle reported information, including the choice not to proceed with a formal complaint and investigation, whenever possible. However, in certain circumstances, PVHC may be obligated to initiate an investigation and take remedial action, even if the reporting party prefers no action be taken. This becomes necessary when informal resolutions cannot effectively address the risk of further discrimination, harassment, or harm to the reporting party or others. When evaluating whether the PVHC should act on reports of sexual violence (including sexual assault, stalking, dating violence, and domestic violence), the following factors will be

considered: (1) the accused's history of violent behavior or repeat offenses, (2) the incident as an escalation, such as sustained stalking in a previous situation, (3) the increased risk of the accused committing additional acts of violence, (4) the use of a weapon or force by the accused, (5) if the victim is a minor, (6) the availability of other evidence like taped security footage, and (7) whether the report indicates a pattern of perpetration at a specific location or by a particular group.

Due to the nature of resident assignments, it is common for the reporting party, the accused, and/or third-party witnesses not to be employees of PVHC or have dual appointments with affiliated partners. If parties or witnesses are employed by an affiliated partner, the GME Office will collaborate with the Human Resources Department of the affiliated hospital to determine responsibility for the complaint investigation. Additionally, the complaining party may opt to pursue a complaint through the applicable policy and procedure of an affiliated partner. In such cases, the GME Office will stay in contact with the individual(s) handling the complaint to ensure a proper investigation and that all parties are afforded the rights and protections outlined below (See section, Rights and Protections).

If, upon investigation, it is determined that the complainant's allegations are valid, necessary corrective measures will be implemented to address any instances of discrimination or harassment. The residency program director will be informed of the investigation's outcome, and, if deemed necessary, receive recommendations for resolving the situation. Corrective actions, such as counseling, reassignment, modification of duties, suspension (with or without compensation), or dismissal, may be considered in alignment with the GME Adverse Action or the GME Disciplinary Policy. Actions concerning individuals who are not PVHC residents or faculty will be carried out in accordance with applicable PVHC and affiliated partners policies and procedures.

This policy prohibits retaliation against anyone who brings forth good faith harassment and/or discrimination complaints or assists in the investigation of complaints. Such persons will not be adversely affected in terms and conditions of their contract because of their involvement. Retaliation against any such individual will result in corrective action up to and including immediate discharge from program and or employment.

Individuals may use the anonymous reporting link located in the sponsoring institution GME website.

Patient or visitor reports of discrimination and/or harassment should be reported to Risk Management or Administration.

Appeals:

If the respondent faces disciplinary actions such as suspension, non-promotion, non-renewal, or dismissal, an appeal can be pursued through GME Adverse Action Appeals Policy.

INFORMATION INTAKE FORM

If you are considering a report of discrimination or harassment and would like to be contacted, please fill out this form.

After receiving the information, a representative of your program or GME will contact you within 1 business day. You should report any crime in progress or other emergency to the police. You may contact the GME office anonymously, either by consultation or to file a complaint. Please understand that due process considerations may limit our ability to investigate or resolve anonymous complaints.

If you wish not to provide the information to a particular question, please leave that field blank.

Name:

Contact #'s:

Email Address:

Preferred Method of contact:

Program and PGY Level:

Gender: Female , Male , Nonbinary , Other , Preferer not to say

Would you describe yourself as transgendered? Yes , No , Preferer not to say

Race/Ethnicity: White , Black/African American , Hispanic or Latino , Asian , American Indian or Alaska Native , Native Hawaiian or Other Pacific Islander

Describe the situation or treatment about which you are concerned. Please include specific incidents to the best of your recollection, and include approximate date(s) if possible.

Are you concerned that this situation or treatment was the result of one or more of the following?

Age

Criminal Conviction

Disability

Domestic Violence Victim Status

Familial Status

Gender Identity or Expression

Marital Status

Military/Veteran Status

National Origin

Predisposing Genetic Characteristics

Pregnancy

Race/Color

Religion

Retaliation

Sex Discrimination

Sexual Harassment

Sexual Orientation

Name(s) of the subject of your concern and relationship (ej: fellow resident)

Name(s) of any witnesses to the situation or treatment you described

Name(s) of anyone you have spoken to about your concern

What resolution are you seeking?

Confidentiality

PVHC GME will make every effort to maintain confidentiality except in situations where law, policy or investigatory process requires the release of information. We will not release information without informing you.

Prohibition Against Retaliation

Retaliation against an individual who files a complaint and /or participates in an investigation is strictly prohibited, and may result in disciplinary action.