

VANDERBILT  UNIVERSITY
MEDICAL CENTER

Policy: Anti-Harassment, Non-Discrimination and Anti-Retaliation

Category	Human Resources
Approval Date	April 2022
Effective Date	April 2022
Supersedes	December 2017

Applicable to

VUMC

Team Members Performing

All faculty & staff
 Faculty & staff providing direct patient care or contact
 MD
 House Staff
 APRN/PA
 RN
 LPN
 Other:

Responsible Committee

Human Resources

I. Policy

It is important that Vanderbilt University Medical Center (“VUMC”) employees enjoy an environment free from implicit and explicit behavior used to control, influence, or affect the well-being of any member of the VUMC community. Harassment of or discrimination against individuals based on their race, sex, religion, color, national or ethnic origin, age, disability, veteran status, or genetic informationⁱ or any other characteristic protected under applicable federal or state law is unacceptable and grounds for disciplinary action, and also constitutes a violation of federal and/or state law. Equally unacceptable within VUMC is the harassment of or discrimination against individuals on the basis of their sexual orientationⁱⁱ, gender identityⁱⁱⁱ, or gender expression^{iv}.

For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of VUMC. Verbal taunting (including racial and ethnic slurs) that, impairs their ability to perform their job is included in the definition of harassment.

II. General Provisions

A. **Sexual Harassment:** Sexual harassment is a form of sex discrimination. It is illegal under state and federal law and is a violation of VUMC policy. Sexual harassment is prohibited under Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, and other applicable federal and state laws.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

Verbal sexual harassment may include, without limitation, innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

Nonverbal sexual harassment may include, without limitation, the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.

Physical sexual harassment may include, without limitation, unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling and forced sexual intercourse or assault.

The Office for Civil Rights of the Department of Education sets forth sexual harassment under Title IX as conduct can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature by an employee, by another student, or by a third party that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment.

- B. **Racial and Other Harassment in the Work Environment:** Harassment against individuals on the basis of their race, color, religion, or national origin is a form of unlawful discrimination and is prohibited under Title VII of the Civil Rights Act of 1964 and other applicable federal and state laws. When harassment based on an individual’s race, color, religion, or national origin has the “purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment,” it rises to the level of unlawful discrimination. In addition, these principles apply to harassment on the basis of age, disability, leave status and genetic information under the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Family and Medical Leave Act and the Genetic Information Nondiscrimination Act, respectively. Finally, VUMC, through its nondiscrimination statement, applies these principles to harassment on the basis of an individual’s sexual orientation, gender identity, and gender expression.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.

Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

- C. **Discrimination:** Discrimination against individuals based on their race, sex, religion, color, national or ethnic origin, age, disability, veteran status or genetic information or any other characteristic protected under applicable federal or state law is unacceptable and grounds for disciplinary action, and also constitutes a violation of federal and state laws. Discrimination against individuals on the basis of their sexual orientation, gender identity, or gender expression is also unacceptable.
- D. **Retaliation:** In compliance with the law, VUMC does not retaliate against individuals for 1) filing or encouraging one to file a complaint of unlawful discrimination or report of illegal activity, 2) participating in an investigation of unlawful discrimination, or 3) opposing unlawful discrimination. In addition, the VUMC does not retaliate against individuals for filing or encouraging one to file a complaint of discrimination, participating in an investigation of discrimination, or opposing discrimination based on grounds not necessarily protected by federal or state law, but protected by the VUMC's nondiscrimination policy ([HR - VUMC Equal Opportunity and Affirmative Action](#)), such as sexual orientation. "Retaliation" includes any adverse employment action or act of revenge against an individual for filing or encouraging one to file a complaint of discrimination, participating in an investigation of discrimination, or opposing discrimination.
- III. **Complaint Procedure:** Any member of the VUMC community who experiences harassment or discrimination on the basis of his or her race, sex, religion, color, national or ethnic origin, age, disability, veteran status, military status, genetic information, sexual orientation, gender identity, or gender expression should immediately seek assistance from their supervisor or manager or through VUMC Employee & Labor Relations. In addition, any member of the VUMC community who experiences retaliation after filing or encouraging one to file a complaint of discrimination, participating in an investigation of discrimination, or opposing discrimination should immediately seek assistance through their supervisor or

manager. If an issue is raised to your supervisor or manager, they will reach out to VUMC Employee & Labor Relations to consult and receive advice. If the issue warrants further investigation, Employee & Labor Relations will then commence the following procedure:

- A. Employee & Labor Relations will document the details of the complaint and conduct a prompt and thorough investigation of the allegations.
- B. Employee & Labor Relations will explain the process to all parties involved and notify them of the need for confidentiality to be maintained throughout. Where appropriate, Employee & Labor Relations will facilitate remedial action to protect the parties involved in the process.
- C. All pertinent documents will be reviewed and appropriate witnesses will be interviewed.
- D. Following an objective evaluation of the information gathered, Employee & Labor Relations will notify the parties of the outcome of the investigation. Where appropriate, Employee & Labor Relations will facilitate a resolution.

This policy is intended as a guideline to assist in the consistent application of VUMC policies and programs for employees. The policy does not create a contract implied or expressed, with any VUMC employees, who are employees at will. VUMC reserves the right to modify this policy in whole or in part, at any time, at the discretion of VUMC.

IV. Approval:

Amy C. Schoeny, Ph.D
Chief Human Resources Officer

V. References:

[HR - VUMC Equal Opportunity and Affirmative Action](#)

United States Department of Labor. (2015). Retrieved from <http://www.dol.gov/>.

[Americans with Disabilities Act](#)

United States Equal Employment Opportunity Commission. (2015). Retrieved from <http://www.eeoc.gov/index.cfm>

[Age Discrimination in Employment Act of 1967](#)

[The Genetic Information Nondiscrimination Act of 2008](#)

[Sex-based discrimination](#)

[Title VII of the Civil Rights Act of 1964](#)

United States Department of Justice, (2016). Retrieved from <https://www.justice.gov/>

[Title VI of the Civil Rights Act of 1964](#)

United States Department of Education, (2017). Retrieved from <https://www.ed.gov/>

[Title IX of the Education Amendment of 1972](#)

ⁱ The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits discrimination in health coverage and in employment based on genetic information.

ⁱⁱ Sexual orientation refers to a person's self-identification as heterosexual, homosexual, bisexual, asexual, pansexual, or uncertain.

ⁱⁱⁱ Gender identity is generally defined as a person's own sense of identification as male, female, both, or neither as distinguished from actual biological sex, i.e. it is one's psychological sense of self.

^{iv} Gender expression is everything we do that communicates our sense of identification to others.