

BURRELL COLLEGE OF OSTEOPATHIC MEDICINE

STANDARD OPERATING PROCEDURES

Claims of Discrimination and Harassment		SOP #: HR.016.01
Effective Date	11/29/16	
Last Revision/Review	12/01/21	

1. Purpose

Burrell College of Osteopathic Medicine (Burrell) strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the College should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to the mission of the College. For that reason, Burrell will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of the policy and by education of employees, the College will seek to prevent, correct and discipline behavior that violates the policy.

2. Related Policy/Authority

Employee Handbook, Burrell Policies B1040, B1043, B2040, B7520

3. Faculty/Staff Responsibilities

All employees, regardless of position, are covered by and are expected to comply with the policy and to take appropriate measures to ensure that prohibited conduct does not occur.

4. Definitions/Abbreviations

None

5. Procedural Steps

Discrimination

1. It is a violation of Burrell's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, ethnicity, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.
2. Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including but not limited to Title VII of the Civil Rights Act 1964, Title IX of the Educational Amendments of 1972, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.
3. Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment

1. BCOM prohibits harassment, including sexual harassment, of any kind, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. 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 BCOM. Verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment. 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, ethnicity, 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, ethnicity, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

Sexual Harassment

1. Sexual harassment is a form of unlawful discrimination under Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and is prohibited under BCOM's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when . . . submission to or rejection of such conduct is used as the basis for employment decisions . . . or such conduct has the purpose or effect of . . . creating an intimidating, hostile or offensive working environment."
2. There are two types of sexual harassment:
 - "**Quid pro quo**" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
 - "**Hostile work environment**," where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.
3. Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

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- Is made explicitly or implicitly a term or condition of employment.
 - Is used as a basis for an employment decision.
 - Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.
4. 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 includes 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 includes 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 includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling and forced sexual intercourse or assault.
5. Courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Retaliation

1. No hardship, loss, benefit or penalty may be imposed on an employee in response to:
 - Filing or responding to a bona fide complaint of discrimination or harassment.
 - Appearing as a witness in the investigation of a complaint.
 - Serving as an investigator of a complaint.
2. Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

Consensual Romantic or Sexual Relationships

1. Burrell strongly discourages romantic or sexual relationships between positions of unequal power because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment/academic decisions.
2. At no time is it acceptable for any faculty member teaching within years 1 and/or 2 curriculums, to engage in an amorous relationship with a student; at no time is it acceptable for a faculty member teaching within years 3 and 4 curriculum, to engage in an amorous relationship with a student participating in the faculty member's rotation, as Burrell prohibits both types of relationships between a student and a faculty member.

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3. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others or, at a later date, by the staff member as having been given as the result of coercion or intimidation.
4. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work/academic environment.
5. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department, or other actions may be taken.
6. In the event a romantic or sexual relationship exists, the person of greater organizational power must immediately report the relationship to his or her immediate supervisor and the Office of Human Resources.
7. It is the responsibility of both the person with the greater organizational power in the relationship and the individual to whom the relationship is reported to ensure that the individual with the greater organizational power is removed from a supervisory or evaluative authority over the other party to the relationship. In extraordinary circumstances where removal of supervisory or evaluative authority is not practicable, the parties must work with the Compliance Officer and Office of Human Resources to determine whether a written management plan can be developed to manage the conflict of interest.
8. Failure to comply with the notification, removal, or management plan requirement is a violation of the policy. Burrell reserves the right to determine the severity and extent of any disciplinary action based on the circumstances of each case for all parties involved.

Complaint Process

1. Burrell will courteously treat any person who invokes this complaint procedure, and the College will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action.
2. Lodging a complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. Because of the damaging nature of harassment to the victims and to the entire workforce, aggrieved employees are strongly urged to use this procedure.
3. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation. Any individual who feels they have been harassed, discriminated, or retaliated against may initiate the complaint process by filing a complaint in writing with BCOM's HR Department, Title IX Coordinator, or designee.

Confidentiality

1. During the complaint process, the confidentiality of the information received, the privacy of the individuals involved and the wishes of the complaining person will be protected to as great a degree as is legally possible.
2. The expressed wishes of the complaining person for confidentiality will be considered in the context of the College's legal obligation to act on the charge and the right of the charged party to obtain information.
3. In most cases, however, confidentiality will be strictly maintained by the College and those involved in the investigation. In addition, any notes or documents written by or received by the

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person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

6. Reports/Charts/Forms/Attachments/Cross References

Grievance Form, Sexual Harassment/Sexual Discrimination Request for Investigation, Sexual Violence Request for Investigation:

[Burrell College of Osteopathic Medicine – Forms \(burrell.edu\)](http://burrell.edu)

7. Maintenance

Human Resources; to be reviewed every January.

8. Signature

Signature on File

12/01/21

VP Administration/CFO

Date

9. Distribution List

Internal/External

10. Revision History

Revision Date	Subsection #	Summary of Changes	New/Cancellation/Replacement Procedure? (if applicable)	Approval Date
12.1.2021	5	Updated links and changed BCOM to Burrell		12.2.2021