

**VIDANT MEDICAL CENTER  
GRADUATE MEDICAL EDUCATION  
POLICY/PROCEDURE**

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**SUBJECT: Harassment**

**NUMBER: Exhibit F**

**PAGE: 1 OF 7**

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**ORIG:**

**REVISED: 12/01/1994, 11/2011, 09/2020**

**REVIEWED:11/1995, 2/2002**

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**RESPONSIBLE PARTY: Graduate Medical Education Committee**

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**APPROVED BY GMEC: 12/01/1995, 12/20/2011, 1/5/2021**

**APPROVED BY GMEPC 12/1/1995, 3/1/2003**

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## **PURPOSE**

The Office of Graduate Medical Education (GME) at Vidant Medical Center (VMC) and the Brody School of Medicine at East Carolina University (ECU) is committed to ensuring that the clinical learning environment is welcoming, fair, and free from intimidation, hostility, or other offenses that might interfere with learning or work performance. Harassment and bullying of any kind will not be tolerated.

## **POLICY**

Vidant Health strives to create and maintain a work environment in which people are treated with dignity, decency, and respect which should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Team members 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 company. For that reason, Vidant Health will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of team members, Vidant Health will seek to prevent, correct and discipline behavior that violates this policy. All team members, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Corrective action, up to and including termination, will be taken against any team member who violates this policy.

## **DEFINITIONS**

**Per Vidant Health Workplace Harassment and Discrimination Policy, VH-HR31, the following definitions apply:**

### **Discrimination**

It is a violation of Vidant Health'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 in, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, gender identity, sex, sexual orientation, genetic information or marital status.

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Discrimination of this kind may also be strictly prohibited by a variety of federal, state, and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1967, the Americans with Disabilities Act of 1990, and the Genetic Information Nondiscrimination Act of 2008, all as amended. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

### **Harassment**

Vidant Health prohibits harassment and will take appropriate and immediate action in response to complaints of violations of this policy. For purposes of this policy, harassment is any verbal or non-verbal conduct based upon a legally protected characteristic which threatens, intimidates or coerces an employee, co-worker, or any person working for or on behalf of Vidant Health, or interferes with the team member's ability to work.

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, gender identity, sex, sexual orientation, age, or disability, including epithets, slurs and negative stereotyping.
- Non-verbal 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, gender identity, sex, sexual orientation, pregnancy, disability, sexual identity, marital, or other protected status.
- "Hostile work environment" exists where there is a pattern of offensive, unwelcome behavior based upon a protected characteristic such as race, national origin, religion, disability, ethnicity, gender, gender identity, sex, sexual orientation, age, or genetic information which 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 team members, or customers.

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### **Sexual Harassment**

Sexual harassment is prohibited under Vidant Health's anti-harassment policy. Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with a team member's work performance or creates an intimidating, hostile or otherwise offensive environment.

### **“Quid pro quo” Harassment**

Occurs when submission to a request for a favor is used as the basis for employment decisions or benefits such as raises, promotions and better working hours are made contingent on compliance with the request. Example: A supervisor promising an employee a raise if the employee goes on a date with the supervisor.

The following conduct can lead to sexual harassment and therefore should be avoided. These examples are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- 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 towards sexual topics.
- 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.
- Unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

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A “**Hostile work environment**” exists when harassment that is related to or directed at a protected characteristic becomes so severe and/or pervasive that it interferes with an employee’s ability to work and therefore becomes a condition of employment.

### **Workplace Bullying**

Workplace bullying is unacceptable and prohibited under Vidant Health’s Harassment Free Workplace policy. Vidant Health defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. The following types of behavior could constitute workplace bullying. This list is not intended to be exhaustive and only offered by way of example.

- Verbal bullying: Slandering, ridiculing, or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person’s work area or property.
- Gesture bullying: Non-verbal threatening gestures; glances that can convey threatening messages.
- Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

Vidant Health encourages all team members to report any instance of bullying behavior. Any reports of this type will be treated seriously, investigated promptly and impartially.

Courteous, mutually respectful, pleasant, noncoercive interactions between team members that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment.

### **Consequences of Policy Violations**

Individuals who are found to have engaged in harassment or discrimination will be disciplined according to the progressive discipline procedure, up to and including discharge. In addition, an employee who knowingly makes a false accusation for malicious purposes is subject to disciplinary action under the progressive discipline procedure outlined in the Personnel Policy, up to and including discharge.

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### **No Retaliation**

Vidant Health prohibits retaliation against an employee because such employee has made a complaint under this policy or participation in the investigation of such a complaint. Anyone found to have engaged in retaliating behavior will be subject to discipline up to and including termination.

## **PROCEDURE**

### **Reporting**

A trainee should report harassment behavior(s) to any one of the following individuals: the Program Director or Program Coordinator of his or her residency, the trainee's Chief of Service, the GME Office, the Designated Institutional Official (DIO), or the VMC Human Resources Office. If the individual initially notified is someone other than the GME Office or the DIO, that individual should also notify the GME Office and the DIO of the report.

All faculty and trainees have a responsibility to keep the clinical learning environment free of harassment. Any faculty member or trainee who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, should report it to the aforementioned individuals.

### **Investigation**

The Office of GME regards all allegations of harassment as serious and requiring investigation. Reports and investigations of harassment will be handled confidentially and conducted by the Office of Risk Management as applicable. The Office of GME will monitor the progress and outcome of the investigation. An investigation of a harassment complaint will be handled promptly. When conduct considered to be harassment exists, the Organization will take immediate, corrective action.

Many complaints about harassment behavior(s) may potentially be handled at the individual program and/or department level. However, in these cases, the Program Director should notify the Office of GME of such complaints.

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### **Rights and Protections**

All parties involved in an investigation have the following rights and protections:

1. **Confidentiality.** Individuals handling complaints, or other individuals with knowledge of a complaint situation, will not disclose or discuss the subject of a complaint or information about an investigation except as required by law. In cases where disclosure of the complaint or portions thereof is required for the purpose of shaping feedback, the intent to do so will be shared with the reporting individual first.
2. **Due Process.** Complaints made will be investigated in a thorough, objective, and timely manner. Parties against whom allegations are made the right to be notified of the specific allegations, to respond to those allegations and to provide the names of witnesses or other evidence that refutes the allegations..
3. **Retaliation.** There will be no retaliation for any complaint filed or reported, or against any witness who provides evidence in support of or against a person who has been charged with harassment, as noted above.

### **Timeline**

The following timeline applies to cases in which a trainee is the subject of an investigation of a harassment complaint. From the first business day after the GME Office becomes aware of the allegation:

- The Office of Risk Management will initiate its investigation within three (3) business days of being notified of the allegations. The trainee's Program Director will be notified prior to the investigation.
- Interviews will be scheduled to be conducted within ten (10) business days. It is expected that all parties cooperate with this process in a timely manner. If Risk Management encounters difficulty scheduling interviews with residents and other GME program participants, it will inform the relevant Program Director who will assist with scheduling. If Risk Management encounters difficulty scheduling interviews with members of the Medical Staff, it will inform the DIO who will assist with scheduling.
- A follow-up meeting of the Program Director, a representative of the Office of General Counsel and the Office of GME will occur within fourteen (14) business days.
- The complainant will be notified when the investigation is complete, no more than twenty-one (21) business days from the initial report.

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- Scheduling and other delays may necessitate adjustment of timeline expectations by the Program Director.

In cases where a Vidant team member is the subject of an investigation of a harassment complaint brought by a trainee, VMC HR will conduct the investigation according to its own process. In cases where a faculty member is the subject of an investigation of a harassment complaint brought by a trainee, the matter will be addressed pursuant to the VMC medical staff bylaws and, if the individual is an ECU faculty member, ECU will conduct its own the investigation according to its own process. The DIO will express to VMC HR, ECU HR, and the Medical Staff the GME expectation that the same timeline will govern their process. In these cases, the Office of GME will serve as the liaison between the trainee and VMC HR, ECU HR, and the Medical Staff as applicable, and notify the trainee when the investigation is complete, ideally within twenty-one (21) business days of the initial report.

### **Outcomes and Appeals**

Individuals who are found to have engaged in harassment, and individuals found to have knowingly made a false accusation of harassment for malicious purposes will be disciplined up to and including termination.

A complaint based on the honest perception of conduct felt to be harassment would not be viewed as maliciously made.

If the subject of investigation is a trainee and is not satisfied with the outcome of and subsequent action following the investigation, he/she may appeal pursuant to Exhibit D, Resident Reappointment and Grievance.

### **Applicable Laws, Regulations & Standards**

**ACGME Institutional Requirements 2018, Section IV, Part H.3**

**ACGME Common Program Requirements 2020, Section VI, Part B.6 and B.7**