

VANDERBILT UNIVERSITY AND MEDICAL CENTER

HUMAN RESOURCES POLICIES AND PROCEDURES

SUBJECT: ANTI-HARASSMENT POLICY

POLICY #: HR-002

EFFECTIVE DATE: January 1, 2000

REVISED MAY 1, 2008

POLICY

It is important that Vanderbilt University faculty, staff, and students enjoy an environment free from implicit and explicit behavior used to control, influence, or affect the well-being of any member of our community. Harassment of individuals based on their race, sex, religion, color, national or ethnic origin, age or disability is unacceptable and grounds for disciplinary action, and also constitutes a violation of federal law. Equally unacceptable within the University is the harassment of individuals on the basis of their sexual orientation,¹ gender identity,² or gender expression.³

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 University policy. Sexual harassment is prohibited under Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. In 1980, the Equal Employment Opportunity Commission amended its "Guidelines on Discrimination Because of Sex" under Title VII to include sexual harassment. It states that "[u]nwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; 3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

The Office for Civil Rights of the Department of Education defines sexual harassment under Title IX and sets forth a policy stating that sexual harassment "consists of verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient [of federal funds] that denies, limits, provides different, or conditions the provision of aid, benefits, services, or treatment protected under Title IX."

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. The Equal Employment Opportunity Commission "Guidelines on Discrimination Because of Sex," explains that the principles for defining sexual harassment in the workplace apply as well to harassment based on an individual's race, color, religion, or national origin. 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 and disability under the Age Discrimination in Employment Act and the Americans with Disabilities Act, respectively. Finally, the University, through its non-discrimination statement, applies these principles to harassment on the basis of an individual's sexual orientation, gender identity, and gender expression.

C. In compliance with federal law, Vanderbilt University does not retaliate against individuals for 1) filing or encouraging one to file a complaint of unlawful discrimination, 2) participating in an investigation of unlawful discrimination, or 3) opposing unlawful discrimination. In addition, the University 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 University's non-discrimination policy, 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.

D. Complaint Procedure Any member of the University community who experiences harassment on the basis of his or her race, sex, religion, color, national or ethnic origin, age, disability, sexual orientation, gender identity, or gender expression should immediately seek assistance through the Opportunity Development Center (ODC). In addition, any member of the University 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 the ODC. The ODC will document the details of the complaint and will conduct a prompt and thorough investigation of the allegations. The ODC will explain the process to all parties involved and notify them of the need for confidentiality to be maintained throughout. Where appropriate, the ODC will facilitate remedial action to protect the parties involved in the process. All pertinent documents will be reviewed and appropriate witnesses will be interviewed.

Following an objective evaluation of the information gathered, the ODC will notify the parties of the outcome of the investigation. Where appropriate, the ODC will facilitate a resolution. (Items were deleted from here)

Approved by Lenon Coleman, Interim Chief Human Resource Officer
Approved by Lauren Brisky, Vice Chancellor, Administration
Approved by Harry Jacobson, M.D. Vice Chancellor, Health Affairs

Nothing in this policy shall be interpreted to require that Vanderbilt disregard or reject normal, customary or generally accepted industry practices or standards in the provision of life insurance, health benefits, or other benefits. This policy is intended as a guideline to assist in the consistent application of University policies and programs for staff. The policy does not create a contract implied or expressed, with any Vanderbilt staff members, who are employees at will. Vanderbilt reserves the right to modify this policy in whole or in part, at anytime, at the discretion of the University.

¹ Sexual orientation refers to a person's self-identification as heterosexual, homosexual, bisexual, asexual, pansexual, or uncertain.

² 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; it is one's psychological sense of self.

³ Gender expression is everything we do that communicates our sense of identification to others.