Sexual Harassment

Penn State Hershey Medical Center – Human Resources Manual

Authorized by: Charles V. Wilson, Chief Human Resource Officer

Approved by: Charles V. Wilson, Chief Human Resources Officer

#### **PURPOSE**

To establish Penn State Hershey Medical Center's (PSHMC) policy prohibiting sexual harassment.

## **POLICY**

Sexual harassment of faculty, staff or students is prohibited and will not be tolerated at Penn State Hershey Medical Center. It is the policy of Penn State Hershey Medical Center to maintain an academic and work environment free of sexual harassment. Sexual harassment violates the dignity of individuals and impedes the realization of Penn State Hershey Medical Center's missions. Penn State Hershey Medical Center is committed to preventing and eliminating sexual harassment of faculty, staff and students through education and by encouraging faculty, staff and students to report any concerns or complaints about sexual harassment. Prompt corrective measures will be taken to stop sexual harassment whenever and wherever it occurs.

#### **DEFINITIONS**

Sexual harassment has been defined by the U.S. Equal Employment Opportunity Commission as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1. submission to such conduct is a condition for employment, promotion, grades or academic status;
- 2. submission to or rejection of such conduct is used as the basis for employment or academic or other decisions affecting an individual;
- 3. such conduct has the purpose or effect of interfering unreasonably with the individual's work or academic performance or creates an offensive, hostile, or intimidating working or learning environment

### **CONSENSUAL RELATIONSHIPS**

Romantic and/or sexual relationships between faculty and students, staff and students or supervisors and subordinate employees are strongly discouraged. Such relationships have the potential for adverse consequences, including the filing of charges of sexual harassment. Given the fundamentally asymmetric nature of the relationship where one party has the power to give

grades, thesis advice, evaluations, recommendations, promotions, salary increases or performance evaluations, the apparent consensual nature of the relationship is inherently suspect.

Even when both parties have consented to the relationship, there may be perceptions of conflicts of interest or unfair treatment of others. Such perceptions undermine the atmosphere of trust essential to the educational process or the employment relationship. Under such circumstances, the person in the position of supervision or academic responsibility must immediately report the relationship to his or her immediate supervisor. Once the consensual relationship is reported, the immediate supervisor is responsible for eliminating or mitigating the conflict of interest to the fullest feasible extent and ensuring that fair and objective processes are in place for decisions relative to grading, thesis advice, evaluations, recommendations, promotions, salary increases or performance evaluations. The new supervisory or academic arrangement should be documented.

#### RESOLUTION OF SEXUAL HARASSMENT COMPLAINTS

The Human Resources Office and Office of Diversity, Inclusion, and Employment Equity have primary responsibility for resolving sexual harassment complaints.

Any member of Penn State Hershey Medical Center community who experiences sexual harassment should immediately report the incident to the Human Resources Office or Office of Diversity, Inclusion, and Employment Equity.

Penn State Hershey Medical Center Human Resources Office and Office of Diversity, Inclusion, and Employment Equity will make every effort to promptly investigate and resolve complaints of sexual harassment, with due regard for fairness and the rights of both the complainant and alleged offender, and to conduct all proceedings in the most confidential manner possible. If unsuccessful at resolving the issue informally, the Human Resources Office or Office of Diversity, Inclusion, and Employment Equity may investigate to gather information necessary to reach a formal determination on the merits of the allegations. Investigations will include notifying the alleged offender of the complaint and providing an opportunity to respond to the allegations.

If there is evidence of sexual harassment, Penn State Hershey Medical Center will make every effort to ensure the harassment immediately stops and does not recur. The complainant will be informed of the corrective measures taken.

Penn State Hershey Medical Center prohibits retaliation against anyone who files a complaint and/or participates in an investigation involving alleged sexual harassment.

### **DISCIPLINARY SANCTIONS**

Disciplinary sanctions for violation of this policy, which may range from a reprimand to dismissal from Penn State Hershey Medical Center, will be imposed in accordance with applicable policies. Document all information.

# PERSON RESPONSIBLE FOR REVIEW OF POLICY

Chief Human Resources Officer

# **Initial Effective Date:**

July 1, 2000

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