



MOREHOUSE SCHOOL OF MEDICINE	POLICY NUMBER	H.R. 1.00 (Title IX)
	EFFECTIVE DATE	10-1-2014
	PAGE(S)	18
	SUPERSEDES	9-27-2012 6-22-2009
Sex/Gender Nondiscrimination and Sexual Harassment Policy		

II. APPLICABILITY

This Policy applies to all faculty, staff, administration, supervisors, employees, resident physicians, students, applicants, volunteers, patients and visitors to campus, including guests, patrons,

2. Where the existence of such a relationship may be determined based on the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.

G. Discrimination is based on race, gender, or ethnicity, rather than on the basis of his/her individual merit or other lawful considerations. Decisions made with respect to the terms, conditions, or privileges of employment and education including, but not limited to hiring, firing, promoting, disciplining, scheduling, training, or deciding how to compensate an employee, resident, student, or applicant must be made without consideration of an individual's race, gender, or ethnicity.

H. Domestic Violence (or Family Violence) is a category of felony or misdemeanor

Title VII conduct is addressed and covered by the School's General Statement of Nondiscrimination and Anti-Harassment Policy.

- P. Title IX means Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 and 1682), the 1980 implementing regulations (34 C.F.R. Subpart E) and any memoranda, directives, guidelines, or subsequent legislation that may be issued or enacted. Title IX states, in relevant part, that ³ Q. Person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to

Complaints filed with the Title IX Coordinator or the Deputy Title IX Coordinator must be in writing and provide the following information: (i) name and contact information for the complaining Person(s) ("Complainant(s)"); (ii) nature and date of alleged violation; (iii) names and contact information for the Person(s) responsible for the alleged violation (where known)

2.

Procedure for investigating allegations of co-worker/employee-on-co-worker/employee sexual harassment or sex discrimination:

1. Upon receipt of complaint of any allegation of sex discrimination or sexual harassment between co-workers or employees, the School will promptly investigate, and take prompt, remedial action to remedy any confirmed conduct in violation of this Policy.

Procedure for investigating allegations of sexual assault, sexual violence, domestic violence, dating violence, stalking or any other Title IX violations not involving co-worker/employee-on-co-worker/employee sexual harassment or sex discrimination:

1. A Title IX/Discrimination Complaint Form will be prepared by the Title IX Coordinator or the Deputy Title IX Coordinator to facilitate the filing of the complaint. This form can be obtained from the Title IX Coordinator (or deputy).
2. Within five (5) days of the filing of a Complaint, the Title IX Coordinator or the Deputy Title IX Coordinator will schedule an individual meeting with the accused (i.e. the Respondent) in order to provide him/ her with notice of the complaint, of his /her responsibility to submit a written complaint answer within five (5) days after receipt of the complaint notification. The Title IX Coordinator or the Deputy Title IX Coordinator will also provide the Respondent with a general understanding of the procedures for investigating and resolving complaints of sex discrimination and/or sexual harassment, and identify forms of support or immediate interventions available to him/her, if applicable.
3. The Respondent(s) receiving a copy of a complaint shall, within five (5) days, submit a written complaint answer to the

or activities, as set forth in the suspension notice.

- f) Expulsion Permanent termination of student status, and exclusion from MSM premises, privileges and activities
- g) Other Sanctions Other sanctions may be imposed instead of, or in addition to, those specified in sections (a) through (f) of this part. For example, community service may also be assigned.

Please note, nothing in the Student Handbook shall prevent the Title IX Investigator from conducting a prompt, fair and thorough investigation into allegations against the Respondent of any Title IX violation, including but not limited to sex discrimination, sexual harassment or sexual violence, or from taking interim measures during the pendency of the investigation, hearing or appeal. In all cases, a preponderance of evidence standard will be applied in determining whether the Respondent is responsible for conduct constituting the Title IX violation.

The Title IX Investigator will submit his/her findings and recommendations for Corrective Actions, and/or sanctions simultaneously to the Complainant, Respondent, and the Associate Dean of Admissions and Student Affairs or his/her designee via an Interim Notice of Outcome. Complainants and Respondents have ten (10) business days from receipt of the Interim Notice of Outcome to file any objections thereto. Objections must be submitted in writing to the Associate Dean of Admissions and Student Affairs or his/her designee.

The Associate Dean of Admissions and Student Affairs or his/her designee shall consider the findings and recommendations of the Title IX Investigator, and any objections filed within ten (10) days of the issuance of the Interim Notice of Outcome by Complainant, Respondent, or any other affected individual, and enter a Final Notice of Outcome within ten (10) business days of receipt of the Interim Notice of Outcome and any objections to same.

2. For Respondents Classified as Resident Physicians: Sanctions include one or a combination of the following disciplinary actions:

- a) Notice of Deficiency. The School may issue a written or oral warning to the Resident to give notice that deficiencies exist that are not yet severe enough to require remediation, disciplinary action, or other adverse actions, but that do require the Resident to take immediate corrective action to cure the deficiency;
- b) Non-Promotion. Resident appointments are for a maximum of twelve (12) months, year-to-year. Where a Resident has demonstrated unsatisfactory performance during an academic year or fails a specific rotation required for promotion, the School may elect to delay a Resident's promotion to the next level;
- c) Suspension. The School may elect to suspend a Resident from all program activities for a period of time when it has determined that a Resident's performance or behavior does not appear to be in the best interests of the patients or other medical staff. Depending on the circumstances

surrounding the suspension, it may be paid or unpaid;

decision in an Interim or Final Notice of Outcome resulting from a Title IX Complaint Investigation or Hearing.

First level Appeal s/Grievance s:

As outlined above, the Title IX Investigator will simultaneously forward the Interim Notice of Outcome to the Complainant, Respondent, and: (i) the Associate Vice President of Human Resources or his/her designee (for Staff decisions or decisions affecting other members of the MSM Community (vendors, visitors, applicants, etc.); (ii) the Vice President and Executive Vice Dean of Research and Academic Administration or his/her designee (for Faculty decisions); (iii) the Associate Dean of Graduate Medical Education and ACGME Designated Institutional Official or his/her designee (for Resident Physician decisions); or (iv) the Associate Dean of Admissions and Student Affairs or his/her designee (for Student decisions). Complainants and Respondents have ten (10) business days from receipt of an Interim Notice of Outcome to object to the findings or recommendations contained therein.

The appropriate designated official will review and consider the Interim Notice of Outcome, as well as any Complainant or Respondent objections to same, and issue a Final Notice of Outcome within the timeframe set forth herein which may adopt, reject, or modify the Interim Notice of Appeal.

For all first level appeals and grievances, the President and Dean will select and designate two (2) independent senior-level members of the MSM Community to monitor and oversee the review process conducted by the appropriate designated official.

Second Level Appeals/Grievances :

Appeals to the Final Notice of Outcome must be filed within ten (10) business days of receipt with the Chief Compliance Officer and may only be brought on one or more of the following three (3) grounds:

- i. To determine whether there was a material deviation from the substantive and procedural protections provided in the complaint proceedings;
- ii. To determine whether the final decision was based on substantial evidence or information; or
- iii. To consider new information sufficient to alter the decision or relevant facts not brought out in the investigation or hearing.

All grievances and appeals of Final Notice of Outcome must be submitted in writing, and must include the following information:

1. The name, address, and signature of the Grievant or Appellant;
2. A sufficient description of the issue on appeal (material deviation from substantive/procedural compliant proceedings; failure to base final decision on substantial evidence/information; or new issue or information sufficient to alter the decision) or the allegedly improper policy, practice or procedure

4. Attach and/or identify any other documents, facts, or evidence that MSM should consider in reviewing the grievance or appeal.

An appellant is not required to re-submit any documents or information that MSM already has in its possession as a result of its original Title IX investigation.

The Chief Compliance Officer will investigate the appeal, including, but not limited to, review of the grounds for appeal and evidence submitted, seeking the opinion of the Title IX Coordinator's office regarding whether and why the policy, practice, or procedure being grieved or the decision being appealed complies with Title IX, or if not, what, if any, steps should be taken to bring the policy, practice, procedure or decision into compliance with Title IX. The Chief Compliance Officer may also conduct a follow-up conference or hearing with the appellant or other affected individuals or interested parties. The Chief Compliance Officer will, within sixty (60) days of receipt of the appeal, issue a Notice of Appeal Determination either affirming, modifying, or reversing the decision being appealed, or the policy/practice/procedure being grieved. The Notice of Appeal Determination is final and non-appealable.