



HUMAN RESOURCES MANAGEMENT POLICY

ANTI-HARASSMENT

Policy 46

NOTE: THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE MEDICAL UNIVERSITY OF SOUTH CAROLINA (MUSC). MUSC RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. POLICY

- A. The Medical University of South Carolina is an equal employment opportunity employer and does not tolerate any form of harassment or intimidation based upon sex, race, color, age, religion, national origin, disability or any other factor.
- B. MUSC will not tolerate incidents or threats of sexual assault, domestic violence, dating violence or stalking. Furthermore, MUSC encourages the prompt reporting on any incidences. The policy is in keeping with federal and state laws and the Clery Act.
- C. Employees who engage in harassing and/or intimidating behavior will be subject to disciplinary actions, up to and including termination of employment. Behaviors that violate criminal laws will subject the offender to prosecution.
- D. Employees who are victims of, or a witness to, harassment or intimidation shall immediately report the incident as outlined in this Policy.
- E. Any employee who in good faith makes a complaint pursuant to this policy shall be free from reprisal or retaliatory action. Representatives of the University will investigate all complaints of intimidation or harassment. Confidentiality will be maintained to the extent possible. The policy seeks to protect the rights of both the accuser and the accused.
- F. This Policy is in keeping with federal guidelines and applies when employees are on University property, participating in a University-sponsored activity off campus, representing the University and/or traveling on its behalf.

II. INFORMATION

- A.** MUSC does not tolerate any form of harassment or intimidation based upon sex, race, color, age, religion, national origin, disability or any other factor.
- B.** Generally, harassment is defined as verbal or physical conduct, which denigrates or shows hostility to an individual because of his or her sex, race, color, age, religion, national origin, disability or any other factor or that of his or her relatives friends or associates. Harassing or intimidating behavior includes, but is not limited to, derogatory statements, slurs, innuendoes, unwelcome touching, assault, jokes, pranks, physical interference with one's work, posters, drawings, emails and faxes. It may also involve adverse employment actions against an employee who refuses to submit to or participate in offensive conduct.
- C.** The prohibited behaviors are those that have the effect of creating a hostile or offensive work environment, unreasonably interfering with an individual's work performance or otherwise adversely affecting a person's employment opportunities.
- D.** Harassment or intimidation may originate with supervisors/managers, co-workers, students, visitors, or contractual employees. Regardless of the form or source, such behavior is deemed as unacceptable. Managers and supervisors are responsible for preventing harassment in their work areas. Their responsibilities include dissemination of this Policy, providing anti-harassment training for their employees, attending such training themselves, monitoring their work areas and appropriately addressing complaints.

No supervisor or manager is permitted to retaliate or take any adverse employment action against an employee who is the victim, reporter or witness of harassment. Supervisors or managers who are found to have engaged in retaliatory activity will be disciplined appropriately, up to and including termination.

- E.** Any employee who knowingly makes a false and/or malicious report will be disciplined appropriately, up to and including termination. Additionally, an employee who interferes or obstructs an investigation of a complaint of harassment will be disciplined appropriately, up to and including termination.
- F.** Other forms of intimidation not specifically addressed by this policy are also prohibited. Refer to Human Resources Management [Policy 40](#), Zero Tolerance for Workplace Violence, for additional information.

III. PROCEDURES

- A.** An employee who believes that he or she has been a victim of or a witness to harassment shall immediately report the incident(s) to their supervisor, department head, or the Director of Human Resources Management or their designee. Managers or supervisors who receive such complaints must inform and consult with the Director of Human Resources Management or her/his designee to ensure that the University's Policy and procedures are followed.
- B.** Complainants will be required to submit a written complaint as soon as possible, informing their supervisor, manager, or the Director of Human Resources Management or her/his designee. Following receipt of the written statement, the

Director of Human Resources Management will inform the appropriate Chair, Dean, Vice President or, when necessary, the President.

- C.** The alleged offender shall be notified in writing of the complaint. The complainant and the accused will receive copies of the written statements. To the extent possible, reasonable steps will be taken to preserve the confidentiality of the circumstances leading to the complaint and the findings.
- D.** Human Resources will take appropriate action to investigate the complaint. The investigative process will depend on the nature and details of the complaint.
- E.** The complainant and the accused will be informed of the investigative process. The University's objective is to make a fair determination of what happened and to take appropriate corrective action as quickly as possible.
- F.** It may be necessary to take interim actions before completing the investigation to ensure that no further harassment occurs. These actions may include reassigning and/or relocating one or both individuals involved in the incident in question. Reassignment will be made when it is considered a prudent step in limiting further interaction between the parties involved in the incident and is not deemed to be a disciplinary action.
- G.** Persons who are interviewed in connection with any University investigation of harassment shall, upon request of the University's representative(s), provide a written statement, which describes facts known to them that are associated with the alleged harassment.
- H.** The complainant and the accused will be advised in writing of the results of the investigation and her/his decision for addressing the matter.
- I.** Any employee who is found to have committed acts in violation of this Policy will be disciplined, up to and including termination of employment. Non-probationary, classified and unclassified (non-faculty) employees who occupy all or part of an FTE may grieve disciplinary actions covered by the State Grievance Regulations. (Refer to Policy No. 44, in the Human Resources Management Policy Manual.) A different grievance process is used by faculty, as described in the Faculty Handbook. Appropriate actions also will be taken with any vendor, contractor, supplier, or other individual(s) with whom the University conducts business if they violate this Policy, up to and including termination of any contractual relationship.
- J.** The Medical University is committed to addressing complaints of harassment and taking corrective action in as timely a manner as possible. Employees wishing to file complaints of harassment with the South Carolina Human Affairs Commission have 180 days from the last incident of harassment to file charges with the Commission. An employee has 300 days from the last incident to file charges with the Equal Employment Opportunity Commission (EEOC).
- K.** A complaint by an employee, which is initiated through an outside agency or organization, will be addressed by the University's Chief Diversity Officer.

IV. REPORTING PROCEDURE FOR ACTS OF VIOLENCE

- A.** MUSC encourages anyone who experiences or becomes aware of any acts of violence to report the crimes and seek assistance immediately by contacting the Department of Public Safety at 792-4196.
- B.** An employee who believes that he or she has been a victim of sexual assault, domestic violence, dating violence or stalking is encouraged to seek immediate medical care for any suspected physical or mental injuries, as well as report the incident to the Department of Public Safety at 792-4196.
- C.** Employees are encouraged to utilize the following resources available at the University:
 - 1. Clery Act Coordinator: Connie Best, PhD
67 President St, Room 225 S. 792-2945
 - 2. Student Counseling & Psychological Services (CAPS) 792-4930
 - 3. MUSC Department of Public Safety 792-4196
 - 4. Department of Public Safety Victim Advocate 792-4196
 - 5. National Crime Victims Center (MUSC) 792-2945
 - 6. Sexual Assault Nurse Examiners 792-3391

Important: Any individual who believes that he or she has been a victim or witness of sexual harassment involving a faculty member, student, resident or fellow shall report the incident(s) to MUSC’s Office of Gender Equity. *Academic procedures apply for complaints of sexual harassment involving faculty, students, residents and fellows. Therefore, please refer to the Office of Gender Equity’s website (<http://www.musc.edu/genderequity>) for additional information or contact the Office by telephone (792-8066). Supervisors or department heads who have questions about the issues of sexual harassment involving faculty, students, residents, and fellows and one of their employees may contact the Office of Gender Equity for assistance.*

Approved By	Information Contact	Revised
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