

Anti-Harassment and Discrimination Policy

Harassment (ACGME Institutional Requirement IV.1.3.)

Discrimination (ACGME Institutional Requirement IV.1.5.)

PrimaryPlus is committed to maintaining a work environment in which all individuals are treated with mutual respect and dignity. Everyone has the right to work in an environment free from unwanted sexual attention and sexual pressure and in an atmosphere which promotes equal opportunities and prohibits discriminatory practices. At PrimaryPlus, sexual harassment and other harassment, whether verbal, physical, or arising out of the work environment in the office or at office-sponsored social functions, is unacceptable and will not be tolerated. Sexual and other harassment between persons of the same or opposite sex will not be tolerated and may subject a resident to disciplinary action up to and including discharge. The residency program director (PD) is responsible for implementing and monitoring compliance with this policy, including reporting any discrimination or harassment concerns to the Designated Institutional Official (DIO) for Graduate Medical Education (GME).

PrimaryPlus adopts the sexual harassment definition as used by the United States Equal Employment Opportunity Commission. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual (for example: hiring, firing, promotion, demotion, compensation, benefits, or working conditions)
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or of creating an intimidating, hostile or offensive work environment

PrimaryPlus recognizes that in order to provide quality patient care, it is usually necessary to physically examine a patient during the course of treatment. If either the resident or patient is uncomfortable with potential physical contact, it is recommended that the resident request a third-party observer to be present during the examination.

The following are representative but not exhaustive examples of sexual harassment behaviors which are considered inappropriate and a violation of this policy:

- Unsolicited and unwelcome comments or conduct of a sexual nature or that are demeaning to women or men as a group (for example: offensive or vulgar jokes, name calling, comments about one's body or sexualized stereotyping based on a person's gender, touching, leering, ogling, patting, pinching, indecent exposure, physical

gestures, or displaying sexually explicit photographs or objects that might interfere with a reasonable person's work)

- Harassment through public or private insult, sexually suggestive comments concerning a person's body or behavior, and sexual demands
- Subtle or overt pressure to comply with sexual demands
- Remarks about another person's clothing, body, sexual activities, sexual preferences, or sexual orientation, flirting, teasing, jokes, or gestures that are sexual in nature
- Unwarranted physical contact including touching, pinching, patting, or exposure of another person's body of the type that would not be considered part of a routine physical exam
- Inappropriate staring at another person's body
- Unwanted communications of a sexual nature in writing, by telephone, by electronic communication (including: email, internet, intranet, social media, etc.)
- Requests or demands for sexual favors accompanied by implied or overt threats about the workplace, including assignments, promotion, discipline references, etc.
- Repetition of unwanted invitations for social engagements or dates.
- Physical assault of a sexual nature, up to and including attempted or actual rape

Other Harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward and individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, or other legally protected status and that:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment
- Has the purpose or effect of unreasonably interfering with an individual's work performance or employment opportunities

Harassing conduct includes, but is not limited to

- Epithets, slurs, negative stereotyping, threatening, intimidating or hostile acts that relate to race, color, religion, gender, sexual orientation, national origin, age, disability, or other legally protected status
- Written or graphic material that denigrates or show hostility toward and individual or group because of race, color, religion, gender, sexual orientation, national origin, age, disability, or other legally protected status and that is visually displayed on the PrimaryPlus premises and property or at participating site or at any PrimaryPlus sponsored event

Harassment may be actionable only if the conduct in question would have adversely affected the work performance or well-being of not only the complainant but also a "reasonable man or

woman.” The standard of what a “reasonable man or woman” would think is “out of bounds” and interferes with work.

Residents who believe they are being subjected to or witness sexual or other harassment should demand that the harassment stop and immediately discuss the situation with their PD or DIO. All complaints will be handled in a timely, proactive and sensitive manner that protects resident anonymity to the extent possible according to applicable laws and requirements.

Any resident who informs their PD or DIO of an incident of possible discrimination or harassment, is assured that there will be no retaliation for reporting.

A PD who becomes aware of harassment or receives allegations of harassment from a resident must immediately advise the DIO/CEO of PrimaryPlus as requested in any subsequent investigation. All activities related to the complaint will be held in confidence to the extent possible, and any investigation will be conducted in such a manner as to protect the privacy of all concerned, with details of allegations made available only to those with a need to know. Upon completing the investigation of a complaint, the PD and DIO will review the findings and determine the appropriate action. The PD or DIO will communicate the findings and intended resolution to the complainant and accused.

If the accused person involved in sexual or other harassment is the PD, then the resident should first contact the DIO/CEO of PrimaryPlus. If this misconduct involves the DIO/CEO then resident should contact GMEC

If either party directly involved in an investigation of sexual or other harassment or a retaliation investigation is dissatisfied with the outcome or resolution based on facts of the investigation, that individual has the right to appeal the decision through the internal grievance procedure.

There shall be no retaliation against a resident for opposing any practice prohibited by this policy, for reporting conduct prohibited by this policy, or for assisting or participating, in good faith, in any manner in an investigation related to this policy. Any resident who violates this policy or who retaliates against or harasses another employee or resident for making a report or any violation under this policy will receive appropriate discipline according to the PrimaryPlus Disciplinary Policy and Procedure, up to and including discharge.

Disciplinary/Remedial Action

Individuals found to have engaged in misconduct constituting sexual or other harassment or retaliation will be disciplined, up to and including discharge. Appropriate sanctions will be determined by the PD and DIO. In addressing incidents of sexual or other harassment, PrimaryPlus’s response will include a written record of the investigation and appropriate disciplinary action or other remedial measures as warranted.

Orientation and Training

All residents will receive a briefing and copy of this policy document during orientation and will additionally have a copy of this policy to refer to in their resident handbook

Applicable Requirements

ACGME Institutional Requirements Effective 7/1/22

- The Sponsoring Institution must ensure that its ACGME-accredited program(s) provide(s) a professional, equitable, respectful, and civil environment that is free from unprofessional behavior, including discrimination, sexual, and other forms of harassment, mistreatment, abuse, and/or coercion of residents/fellows, other learners, faculty members, and staff members. (Core) (III.B.6.d)
 - The Sponsoring Institution, in partnership with its ACGME-accredited program(s), must have a process for education of residents/fellows and faculty members regarding unprofessional behavior, and a confidential process for reporting, investigating, monitoring and addressing such concerns in a timely manner. (Core) III.B.6.d).(1)
- Harassment: The Sponsoring Institution must have a policy, not necessarily GME-specific, covering sexual and other forms of harassment, that allows residents/fellows access to processes to raise and resolve complaints in a safe and non-punitive environment and in a timely manner, consistent with applicable laws and regulations. (Core) (IV.I.3.)
- Discrimination: The Sponsoring Institution must have policies and procedures, not necessarily GME-specific, prohibiting discrimination in employment and in the learning and working environment, consistent with all applicable laws and regulations. (Core) (IV.I.5)

GMEC Approved 9/19/22