



University of the Virgin Islands School of Medicine

Policy Name and Section: <i>Anti-Discrimination, Harassment and Sexual Misconduct Policy</i>	Effective Date:	UVISOM Policy Number: <i>003</i>
Responsible Authority: <i>Office of Human Resources</i>	UVISOM Documents where Policy Available: <i>UVISOM Faculty Handbook</i>	Approval Body and Date: <i>Executive Council, Self- Study Committee, Curriculum Committee March 2016</i>

UVI reaffirms that it does not condone discrimination or misconduct directed toward any person or group within its community - students, employees, or visitors. All faculty, staff, and students have the right to work and learn in an environment that is conducive to learning, free from abuse, discrimination and/or harassment. UVI Office of Human Resources is responsible for addressing these matters.

ANTI-DISCRIMINATION POLICY

UVI Human Resources Policy Manual states: "UVI is committed to assuring that its workplace is free from unlawful discrimination and harassment based upon race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age (40 and over), marital status, sexual orientation (including gender identity), status as a U.S. veteran (disabled, Vietnam or other), or any other status protected by University policy, local or federal law.

UVI reaffirms and emphasizes its commitment to provide a professional working and learning environment that is fair and responsible; that supports and nurtures educational and employment growth on the basis of relevant factors such as ability and performance; and that is free of unlawful discriminatory, inappropriate, and disrespectful conduct or communication. The University will not tolerate unlawful discrimination or harassment and is committed to preventing it or stopping it whenever it may occur at the University or in its programs.

The policy applies to employees, students, visitors, applicants, or program participants at the University of the Virgin Islands. Respect is the foundation for interchange of ideas, for learning and for working toward common goals. Further, unlawful discrimination and

harassment impede the realization of the University's vision of distinction in education, scholarship, and service, and diminish the whole community.

UVI prohibits unlawful discrimination, which can include disparate treatment directed toward an individual or group of individuals based on race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age (40 and over), marital status, sexual orientation (including gender identity), status as a U.S. Veteran (disabled, Vietnam, or other), or other protected class, that adversely affects an employee's employment.

The UVISOM Harassment Policy is as follows:

Statement of Philosophy: The University of the Virgin Islands is committed to uncompromised integrity and to doing all within its power to ensure a working environment that is inclusive and respectful of diversity and which promotes intellectual growth and development, and support the academic pursuits of faculty, students, and staff. It is critically important that we create a safe and supportive environment for all students, employees and visitors. The University strictly prohibits any acts of sexual misconduct or sexual harassment. Sexual misconduct in the workplace is unacceptable and will not be tolerated in any form. We must always be mindful of our responsibilities to others and ensure that there are clear guidelines for the resolution of concerns and complaints. It is our goal to build on the positive environment that exists at the University of the Virgin Islands and ensure that it remains a safe and inviting place to study, work and meet. At UVISOM, harassment, whether verbal, physical, written, or visual, is unacceptable and will not be tolerated. Harassment is unlawful and hurts all members of the educational community. Each incident of sexual harassment contributes to a general atmosphere in which other members of the victim's sex suffer the consequences and in which all students and employees may feel that their safety and equality are compromised. Other forms of harassment have a similarly negative effect on members of the community. Harassment has no legitimate educational purpose. Any employee or student, male or female, who engages in conduct prohibited by this policy, shall be disciplined as provided by law, university policies, and applicable employment agreements. UVISOM will not tolerate any harassment of anyone affiliated with UVI by anyone affiliated with UVI (including non-employees, such as vendors and independent consultants), and will not tolerate adverse academic or employment actions, including but not limited to, termination of anyone reporting harassment or providing information related to such a complaint.

Principles: UVISOM recognizes the tension between protecting all members of the University community from harassment and protecting academic freedom and freedom of expression. It is the policy of the institution that no member of the community may harass another. Conduct that reasonably serves a legitimate educational purpose, including pedagogical techniques, does not constitute harassment. In the educational setting within the University, wide latitude for professional judgment in determining the appropriate content and presentation of academic material is required. Those participating in the educational setting bear a responsibility to balance their rights of free expression with a consideration of the reasonable sensitivities of other participants. Therefore, this policy against harassment shall be applied in a manner that protects academic freedom and freedom of expression include, but are not limited to the expression of ideas, however controversial, in the classroom setting, academic environment,

university-recognized activities, or on the campus. Nothing contained in this policy shall be construed to limit the legitimate exercise of free speech, including but not limited to written, graphic, or verbal expression that can reasonably be demonstrated to serve legitimate educational or artistic purposes nor shall this policy be construed to infringe upon the academic or artistic freedom of any member of the University. Artistic expression in the classroom, studio, gallery and theater merits the same protection of academic freedom that is accorded to other scholarly and teaching activities.

Policy Coverage: This policy applies to all members of the University of the Virgin Islands (UVI) community in both on and off-campus sponsored events and activities, or through the use of electronic and/or digital media. Members of the UVI community are encouraged to promptly report observance of, and/or complaints about harassment, sexual misconduct, and unlawful sexual contact to any of the following: Associate Dean of Admissions and Student Affairs; Title IX Coordinator; EEO Officer; Human Resources; or other UVI administrator/official. Persons found to be in violation of this policy shall be subject to a transfer, or may face disciplinary action which may include, but is not limited to, written warning, demotion, suspension, expulsion, dismissal or termination.

SEXUAL MISCONDUCT POLICY

Sexual Misconduct is defined as non-consensual physical contact of a sexual nature. Acts that constitute sexual misconduct take a variety of forms. Examples of the kinds of conduct that may constitute sexual misconduct include, but are not limited to acts using force, threat, intimidation, or advantage gained by the offended party's mental or physical incapacity or impairment of which the offending party was aware or should have been aware. The use of any drug, including alcohol, judged to be related to the commission of an offense will be considered a contributing factor rather than a mitigating factor.

Sexual Harassment is a form of sex discrimination and is prohibited by the Title VII of the Civil Rights Act of 1964, as amended, and Title IX of the Education Amendments of 1972. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or educational setting, under any of the following circumstances:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- The conduct has the purpose, or effect of, having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment.
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decisions affecting the individual regarding benefits and services, honors programs, or activities available at or through the educational institution.

Other examples of Sexual Harassment:

Acts that constitute sexual harassment take a variety of forms. Examples of additional kinds of conduct that may constitute sexual harassment include, but are not limited to:

- Unwelcome sexual propositions invitations solicitations and flirtations.
- Threats or insinuations that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments or other conditions are affected by not submitting to sexual advances.

UVISOM faculty and students should refer to the full University Sexual Misconduct Policy found at

http://www.uvi.edu/files/documents/Student_Affairs/uvi_cares/UVI_Sexual_Misconduct_Policy.pdf. The Sexual Misconduct Policy also includes the University's policy on consensual relationships.