

Policy on Non-Discrimination and Non-Harassment

Effective 07/08/2016

Reaffirmed by GMEC 04/14/2023

Previous 12/12/2021

The McGaw Medical Center of Northwestern University (“McGaw”) is committed to providing and maintaining a healthy, inclusive, and non-biased learning environment and educational culture for all trainees, faculty, and other members of the McGaw community including students, patients and employees of affiliated educational institutions and medical facilities. McGaw strictly prohibits Discrimination or Harassment because of race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, or any other characteristic protected by federal, state, or local laws and regulations (“Protected Categories”).

This policy applies to all aspects of McGaw’s education programs or activities and to policies and procedures relating to recruitment, hiring, compensation, benefits, termination, and all other terms and conditions of appointment.

McGaw will conduct a prompt, fair, and impartial investigation of complaints of Harassment and Discrimination. If an individual is found to have violated this Policy, McGaw will take appropriate action to prevent recurrence of the Harassment and / or Discrimination and take steps to correct its discriminatory effects on the complainant and others, if appropriate. Individuals found responsible for Harassment or Discrimination will face disciplinary action, up to and including dismissal (separation).

Applicability and Scope

This policy applies to Harassment and Discrimination that occurs within McGaw’s appointment and education programs or activities and that is committed by an administrator, trainee, staff, physician, contractor, guest, or other member of the McGaw community.

Complaint Resolution Procedures

Complaints alleging Harassment and / or Discrimination (other than Title IX Sexual Harassment) are handled through the procedures contained in the Safe and Healthy Learning Environment Policy (the “Procedures.”) The Procedures constitute McGaw’s internal disability grievance procedures under Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975.

Complaints alleging Title IX Sexual Harassment are addressed exclusively through McGaw’s Title IX Sexual Harassment Policy. The Procedures of this policy address all other forms of non-Title IX discrimination.

Complaints involving conduct that does not fall within the scope of this policy, including conduct that could not constitute Harassment or Discrimination as defined in this policy, may be referred for review and action under other applicable policies.

Confidentiality

McGaw is committed to balancing the interests of all parties involved in Harassment or Discrimination complaints. McGaw will attempt to keep the name of the complainant confidential consistent with its need to investigate complaints and to respect the rights of the accused harasser.

Moreover, when credible information received through an investigation indicates that there may be violations of other McGaw or affiliated institution policies, appropriate officials will be notified. Information related to complaints and investigations will be shared only with those representatives of the interested parties who have a need to know in order to investigate and resolve the matter.

Key Definitions

Discrimination: Treating someone differently because of their membership in a Protected Category (or a perception that someone is a member of a Protected Category). Disparate treatment discrimination occurs when there has been an adverse impact on the individual's work or educational environment, individuals outside of the protected class have received more favorable treatment, and there is no legitimate, non-discriminatory reason for the action. Disparate impact discrimination occurs when a McGaw policy or practice adversely impacts persons in a protected class even though the policy or practice is neutral on its face.

Harassment: Unwelcome verbal or physical conduct (including conduct using technology) directed toward an individual because of their membership in a Protected Category (or a perception that someone is a member of a Protected Category) that has the purpose or effect of substantially interfering with the individual's educational or work performance, or creating an intimidating, hostile, or offensive working or academic environment. *Quid pro quo* harassment occurs where submission to or rejection of prohibited conduct is used, explicitly or implicitly, as the basis for decisions adversely affecting an individual's education, appointment, or participation in a McGaw program or activity.

A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior Harassment. The behavior must create a hostile environment from both a subjective and objective perspective and must be so severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services, or opportunities from McGaw. In determining whether a hostile environment exists, McGaw examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved. Conduct that does not meet the definition of Harassment may still violate other policies or expectations for appropriate / professional conduct and may result in discipline.

Specific examples of conduct prohibited under this policy are presented below. These examples are provided to illustrate the kind of conduct prohibited by this policy where the conduct is based on membership in a Protected Category (or a perception that someone is a member of a Protected Category). This list is not exhaustive.

Verbal conduct such as slurs, epithets, ridicule, mockery, teasing, kidding, practical jokes, flirting, advances, comments about an individual's appearance or sexual activity, or lewd, vulgar, or obscene remarks;

Visual conduct such as leering, making sexual gestures, or circulating or displaying lewd, vulgar, or obscene written materials, posters, cartoons, or photographs; and

Physical conduct such as assault, touching or other unwelcome physical contact, or blocking normal movement.

Retaliation: Materially adverse action taken against a person because the person made a good faith report of Harassment or Discrimination or participated in the investigation or adjudication of a report of Harassment or Discrimination, such as by serving as a witness or support person.

Complainant: An individual who is reported to be the victim of conduct that could constitute Harassment or Discrimination in violation of this policy.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Harassment or Discrimination in violation of this policy.

Reporting Options

Everyone at McGaw is responsible to help assure that the educational environment is free from all forms of prohibited Discrimination and Harassment. Individuals who believe they have been Harassed or Discriminated against, or who witness any Harassment or Discrimination by McGaw personnel, a third party, or anyone else who does business with McGaw, should immediately report such conduct to one of the following individuals. Contact information can be found on the McGaw website.

- Any McGaw Program Director
- Designated Institutional Official / Senior Associate Dean for GME (312-503-4537)
- Assistant Designated Institutional Official
- Director of Diversity and Inclusion

Retaliation Prohibited

McGaw prohibits retaliation against anyone for making a report or complaint of Harassment or Discrimination under this or any other McGaw policy (or assisting someone in doing so) or for participating in an informal or formal resolution process. Anyone experiencing or witnessing any conduct believed to be retaliatory should immediately report it to any of the individuals named above. Details regarding non-retaliation can be found in the Safe and Healthy Learning Environment Policy.

Free Expression and Academic Freedom

McGaw values freedom of expression, academic freedom, and the open exchange of ideas; the expression of controversial ideas and differing views is vital to intellectual discourse. McGaw is equally committed to creating and maintaining a safe, healthy, and harassment-free environment for all members of its community, and firmly believes that these two legitimate interests can coexist. Discrimination and Harassment are not protected expression or the proper exercise of academic freedom. McGaw will consider its commitment to free expression and academic freedom in the investigation of reports of Discrimination and Harassment that involve an individual's statements or speech.