

**PROCEDURES GOVERNING THE YALE SCHOOL OF MEDICINE
GRIEVANCE BOARD ON SEXUAL MISCONDUCT**

November 29, 2011

I. Introduction

Yale University and the School of Medicine are committed to maintaining and strengthening an educational, working, and living environment founded on civility and mutual respect. Sexual misconduct is antithetical to the standards and ideals of our community and will not be tolerated. Yale aims to eradicate sexual misconduct through education, training, clear policies, and serious consequences for violations of these policies. Sexual misconduct incorporates a range of behaviors including rape, sexual assault (which includes any kind of nonconsensual sexual contact), sexual harassment, intimate partner violence, stalking, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person or persons. When there is a lack of mutual consent about sexual activity, or there is ambiguity about whether consent has been given, a student can be charged with, and found guilty of, committing a sexual assault or another form of sexual misconduct.

Much sexual misconduct includes nonconsensual sexual contact, but this is not a necessary component. Threatening speech, which is sufficiently serious to constitute sexual harassment, for example, will constitute sexual misconduct. Photographs, video, or other visual or auditory records of sexual activity made without explicit consent constitute sexual misconduct, even if the activity documented was consensual. Similarly, sharing such recordings without explicit consent is a form of sexual misconduct. For example, forwarding a harassing electronic communication may also constitute an offense.

Sexual misconduct also includes a violation of Yale's Policy on Teacher-Student Consensual Relations (See <http://www.yale.edu/equalopportunity/policies>).

The University-Wide Committee on Sexual Misconduct (UWC) will formally and informally address allegations of sexual misconduct. Many forms of sexual misconduct are also prohibited by Connecticut and federal law including Title IX of the education amendments of 1972, and could result in criminal prosecution or civil liability.

II. YSM Board and Other Venues for Inquiries and Complaints

Yale School of Medicine Grievance Board on Sexual Misconduct (“the Board”) serves in an advisory capacity to the Dean. It is responsible for reviewing and assessing matters relating to sexual misconduct within the YSM community and sharing such information with the Deputy Provost for Health Affairs and Academic Integrity. The Board (see <http://medicine.yale.edu/sha/board>) is authorized to receive

informal complaints brought by YSM faculty members, students, trainees¹, and Managerial & Professional staff members against YSM faculty members (full-time, part-time, or voluntary), students, administrators, or Managerial & Professional staff members. Complainants may also bring an informal complaint or a formal complaint to the UWC. For information on the UWC and its procedures, see <http://www.yale.edu/uwc>.

If a complaint is brought against a person who is neither a student nor an employee of YSM, the Board will refer the complaint, with the agreement of the complainant, to the appropriate body of the relevant institution.

Yale encourages victims of sexual misconduct to contact the [SHARE Center](#) and the [Yale](#) or [New Haven Police](#) Departments, in addition to seeking assistance from the Board. The SHARE Center provides counseling and information to students who are survivors of sexual violence and to those who have experienced other forms of sexual misconduct. SHARE counselors can guide and support individuals bringing complaints to the Board. SHARE can also provide general information and referrals for faculty, staff, and trainees.

III. Composition of Board, Selection of Members, Length of Term, Training of Board Members, and Annual Reporting

The Board will consist of 11 individuals: the Chair, who must be a faculty member; at least two other faculty members; one administrator; one person with counseling experience (an individual from the Yale Mental Health and Counseling Center or SHARE); two medical students (one preclinical year student and one student from the clinical years); one postdoctoral fellow or associate; and three other individuals who can be drawn from any of the aforementioned categories, including students in the Physician Associate Program and the School of Public Health. All individuals on the Board must be members of the YSM community or, in the case of the person with counseling experience, have a University appointment. Six members must be present at any meeting of the Board to constitute a quorum.

Students will be provided an opportunity to volunteer for Board membership. The Associate Dean for Student Affairs will describe the position and its responsibilities to first-year medical students in the spring and to second-year students at the end of their second year, at the general meeting prior to beginning clinical rotations. Interested students from the preclinical and clinical years will submit their names for consideration, and students will vote on candidates through a survey mechanism. Peer advocates are not eligible, but class representatives and the Officers of the Medical Student Council are eligible to apply. The President of the Medical Student Council (or Vice President if the President has applied) will tally votes and confidentially rank order the candidates. These names will then be forwarded to the Dean for final review and selection.

¹ A Yale trainee is a postdoctoral fellow or associate, a clinical fellow, an intern or a resident who is paid or supervised by Yale University. Trainees who are employed by Yale-New Haven Hospital or other hospitals affiliated with Yale University are at times supervised by Yale faculty and may address inquiries and complaints to the YSM Board or UWC.

For other members: the Dean will solicit recommendations for other available Board positions:

1. through a direct solicitation of faculty through an email listserv;
2. from department chairs (who will ask their faculty at departmental meetings and by email listserv to indicate their interest);
3. through SWIM (Committee on the Status of Women in Medicine) meetings and listserv;
4. through MORE (Minority Organization for Retention and Expansion) and listserv;
5. through the GME office for clinical fellows; and
6. through the Office of Postdoctoral Affairs for postdoctoral fellows/associates.

Interested candidates should submit their names to the head of the particular office (department, SWIM chairs, MORE chairs, GME director, postdoctoral affairs director), who will forward a list of names to the Dean.

The Dean's choice of appointees will be guided by considerations of continuity and experience. The Dean will seek to include a diverse membership on the Board, as well as a balanced representation of gender. The Dean will designate the Chair of the Committee.

All Board members except students will hold terms of three years, with the opportunity to hold consecutive terms, pending reappointment by the Dean. Board members will have staggered appointments so that no more than one-third of the faculty Board members rotate off the Board in any given year. Postdoctoral fellows/associates and student members will serve two-year terms and are eligible to reapply.

Comprehensive training of new Board members on sexual misconduct and on informal resolution will be provided in a joint session conducted by the Director of the Office of Women in Medicine and a representative from SHARE or by other appropriate personnel. Members also must complete the University Sexual Harassment training. An annual training session for all members will be provided, preferably at the annual meeting of the Board. The content of the annual training will be guided by the prior experiences of the Board as well as by new guidelines and topics pertaining to sexual misconduct training. The annual meeting will serve as a forum in which Board members can discuss and record the quantity and nature of inquiries and informal complaints that have been brought to the attention of Board members during the previous year.

The Chair of the Board will prepare an annual report recording this data, which will be provided to the Deputy Provost for Health Affairs and Academic Integrity and will be posted in aggregated form on the Sexual Misconduct Response at Yale website (smr.yale.edu) and on the School of Medicine Sexual Misconduct website (medicine.yale.edu/sha). An annual email from the Dean will be sent to the YSM community to reiterate the School's Sexual Misconduct Policy.

General Guidelines

Formal Complaints Will be Referred to the UWC

A formal complaint is one in which the complainant requests that the University investigate his or her complaint and convene a formal hearing. All formal complaints will be referred to the UWC and will be addressed according to its procedures.

Inquiries and Informal Complaints May Be Brought to the Board

An individual may ask questions about procedures, request advice (including whether certain behavior constitutes sexual misconduct), or seek resolution of an informal complaint by approaching a member of the Board.² Generally, inquiries or informal complaints should be directed to the Chair, but individuals may contact other members of the Board if they prefer.

Any member of the Board who receives an inquiry or complaint will notify the Chair upon receiving it. Inquiries and complaints will be logged by the Chair so that they may be included in the Board's annual report and to ensure that each complaint or inquiry has received appropriate attention and response. The Chair will either respond to the complainant or will assign this role to one or more of the Board members in such a way as to distribute the responsibility as evenly as possible. The Chair will also provide notice of each complaint to the YSM Title IX Coordinator, who is responsible for compiling data for the semi-annual University report of Title IX matters.

The Board may offer an informal investigation, mediation³, counseling, or other means of resolving the complaint. The Board may also recommend interim measures to support and protect the complainant.

In all cases, the Board will inform the individual bringing the complaint that participation in an informal resolution is voluntary and that he or she may end the informal process at any time and either choose to bring an informal or formal complaint before the UWC or choose not to pursue the matter further. In some cases (for example allegations of violence), the University may pursue an investigation of sexual misconduct even if the complainant chooses not to pursue the matter further.

The Chair will ensure that the parties to an informal complaint are regularly informed of developments.

Once the parties and the responsible Board member or members agree to a proposed resolution of an informal complaint, the Chair will make the final decision regarding actions to be taken and will notify the YSM Title IX Coordinator of such actions. At the Chair's discretion, the matter may be referred to the Dean.

² Complainants may also bring an informal complaint to the UWC.

³ Mediation will not be appropriate in cases alleging sexual violence.

Confidentiality

The Board and any individuals who meet with the Board are expected to maintain the confidentiality of its proceedings and meetings, and any information obtained for those proceedings or meetings. An individual who asks the Board to address an informal complaint of sexual misconduct may request that the Board keep the matter confidential from the accused or other persons involved in the events. In such a case, the Board will take all reasonable steps to resolve the complaint consistent with that request. In some cases (for example, allegations of violence), the Board may not be able to honor a request for confidentiality if doing so would endanger the safety or well-being of the complainant or other members of the Yale community. In addition, the University may not be able to preserve the complete confidentiality of Board records in the event of litigation or a government investigation. Finally, an accused party may have access to sexual misconduct allegations that become part of his or her student record or personnel file, although in such cases the University will remove information identifying the complainant.

Records

The Chair shall keep a record of inquiries and informal complaints. It shall be the responsibility of each board member who is approached with an inquiry or informal complaint to communicate the relevant details to the Chair. The record of each inquiry or informal complaint shall contain:

1. Name of the person bringing the inquiry or informal complaint.
2. Name of the person who is the subject of the inquiry or informal complaint.
3. Nature of the inquiry or informal complaint.
4. Nature of the resolution (unresolved/resolved/referred to UWC or other entity).

A summary of inquiries and informal complaints received by the Board will be included, without identifying information, in the Board's annual report and in the University's semi-annual report on Title IX-related matters.

IV. Sanctions

If the Board believes that a matter brought to its attention warrants a sanction, the matter will be referred to the Dean.

V. Protection from Retaliation

Yale policy strictly forbids retaliation against individuals who report sexual misconduct, file complaints of sexual misconduct, cooperate in the investigation of sexual misconduct, or hear formal or informal complaints of sexual misconduct. Complaints of retaliation will be referred to the Dean or the UWC.

Re-Evaluation

These Procedures will be reviewed by the Board periodically. Proposed changes, as passed by a majority vote of the Board, will be recommended to the Dean, who will review them with the Office of the General Counsel. The Procedures will be distributed to Deans, Directors, Department Heads, Section Chiefs, Business Managers, and to the Board within the first semester of each academic year.

VI. Alternative Redress

Filing a complaint with the Board is not a prerequisite to filing a complaint of discrimination with Connecticut's Commission on Human Rights and Opportunities, the federal Equal Employment Opportunity Commission, the Department of Education's Office of Civil Rights, or any other state or federal agency, and seeking assistance from the Board in no way precludes filing a state or federal discrimination complaint.