SUBJECT: ANTI HARASSMENT

I. POLICY:

Harassment based on color, sex, sexual orientation, race, creed, religion, national origin, disability, marital status, political beliefs, citizenship status, age or genetic information (HR 47) is forbidden by law and will not be condoned by the Medical Center. Submission to unwanted conduct is not a condition of employment or participation in a residency training program and any individual subjected of such conduct may reject such conduct without fear or reprisal. In order to ensure that the laws prohibiting harassment are enforced, this policy identifies the complaint procedures for reporting harassment and outlines disciplinary penalties, which will be imposed where harassing conduct is proven. This policy is not limited to Medical Center employees. It includes harassment by non-employed medical staff, vendors, outside contractors and other persons interacting with Medical Center staff.

Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, suggestive or lewd remarks or jokes, sexual posters, cartoons or drawings, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment. This conduct could involve remarks made, not only of a sexual nature, but also based on the individual’s color, sex, marital status, sexual orientation, race, religion, age, disability, political beliefs, creed, citizenship status, national origin or genetic information.

In the case of a house staff member, sexually harassing conduct shall also include, but not be limited to conduct which is made either explicitly or implicitly a term or condition of the individual’s continuation in the Residency Training Program, advancement to the next level of the training program, a favorable evaluation or recommendation, assignments to rotations, night calls or other duties.

II. RESPONSIBILITY

A. The Vice President, Human Resources designee is responsible for

1) Prompt investigation of all harassment complaints (except those in which a house staff member is the alleged victim);

2) Advising employees, supervisors and management personnel on issues related to this policy and the law, and on the medical center’s procedure (HR 11);
3) Conduct training programs for management and supervisory employees on sexual and other types of harassment and how to maintain a work place free of such harassment;

4) Dissemination of this policy throughout the medical center, through new employees, orientation, training, employee handouts, other medical center publications.

B. For the purpose of this policy, the hospital’s designated Institution Officer for ACGME designates the Vice President of Human Resources to investigate harassment issues related to residents.

III. PROCEDURE

A. Steps

Any employee or house staff member who believes that he or she has been subjected to harassment should immediately report the alleged harassment, in confidence, to the Vice President for Human Resources or designee. A prompt investigation shall proceed as described in II. A or B. The investigation will be conducted in an expeditious and discreet manner and will include an interview with the individual making the complaint and with any witnesses. The person alleged to have committed harassment would also be interviewed. When the investigation has been completed, the Medical Center may, to the extent appropriate, inform the individual who made the complaint and the individual alleged to have committed the alleged harassment of the results of the investigation. It is determined that inappropriate conduct has occurred, the Medical Center will act promptly to eliminate the offending conduct and, where appropriate will impose disciplinary action up to and including discharge.

B. The employee or house staff member may also report the alleged harassment directly to the President of the Medical Center, who will appoint an appropriate designee other than the Vice President for Human Resources.

C. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing an alleged harassment to the attention of one of the individuals designated in subsection A and B above.

D. The President shall immediately notify the President of the Medical Staff upon receipt of a report alleging harassment by a member of the voluntary medical staff. After interviewing the individuals who were present when the incident occurred, the President and the President of Medical Staff shall determine whether the report of harassment is credible. If a determination is made that the complaint is credible, the President and the President of the Medical Staff shall refer the matter for formal investigation and appropriate action the Executive Medical Council. If investigation by the Executive Medical Council results in a finding that improper conduct took place, the physician shall be disciplined in accordance with the Medical Staff By-laws.
E. **Retaliation**
   Individuals who make complaints of harassment in good faith or individuals who cooperate in the investigation of complaints of harassment will not be subjected to retaliation.

F. **Confidentiality**
   The name of the individual making the report of harassment will be disclosed only the extent necessary to conduct an investigation. However, absolute confidentiality cannot be guaranteed.

G. **Discipline**
   All employees, including Vice Presidents, Chairmen, subject to severe disciplinary action up to and including discharge for any harassment or for retaliation for any employee’s pursuit of a harassment complaint.

H. **Lawsuits**
   Individuals who engage in harassment may be subject to lawsuits exposing them to personal liability

I. **Training**
   Management and supervising staff are trained on this policy, the law relating to sexual and other types of harassment and on how to maintain a work place free of harassment.

IV. **CONTROL:**

   The Vice President, Human Resources shall assure conformance with the policy and shall establish such other policies or procedures necessary to effectuate its intent. This includes, but is not limited to, dissemination of this policy during new employee/house staff orientation, training for all supervisory staff on the policy and how to maintain a work environment free of harassment, and communicating this policy to all non-employed medical staff, vendors, contractors and other business visitors interacting with Medical Center staff.

   The President, or the Vice President, Human Resources will notify the Legal Department of sexual harassment complaints for insurance reporting purposes.

Pamela S. Brier
President

PB:lm
REFERENCE: ANTI HARASSMENT
INDEX: LEGAL DEPARTMENT