

SUBJECT: HARASSMENT, SEXUAL (EITHER SEX)	REFERENCE #1811
DEPARTMENT: HUMAN RESOURCES	PAGE: 1 OF: 7

PURPOSE:

- To promote the development and maintenance of a safe and healthy work environment for Reeves Memorial Medical Center staff, free of sexual harassment and sexual assault.
- To provide a confidential mechanism/process by which complaints of sexual harassment can be responded to and investigated in a prompt, thorough and impartial manner.
- To limit the legal liability exposure of the hospital.

DEFINITION:

- For purposes of this policy sexual harassment is defined as unwelcome or unwanted sexual advances, requests for sexual favors, and any physical, verbal or visual conduct based on gender when:
 - Submission to or rejection of this conduct is an explicit or implicit term or condition of employment
 - Submission to or rejection of the conduct is used as the basis for an employment decision (i.e., hiring, evaluation, retention or promotion)
 - The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile or otherwise offensive working environment

POLICY:

- Reeves Memorial Medical Center shall maintain a workplace that is free from the intimidation, coercion or harassment, including sexual harassment, of any employee. Incidents of harassment by employees, managers, contractors, vendors, physicians, patients/patients' families/caregivers or other non-employees who conduct business with Reeves Memorial Medical Center shall not be tolerated and should be promptly reported as outlined in this policy.

SUBJECT: HARASSMENT, SEXUAL (EITHER SEX)	REFERENCE #1811
DEPARTMENT: HUMAN RESOURCES	PAGE: 2 OF: 7

- Reeves Memorial Medical Center shall not tolerate any form of harassment, sexual or otherwise.
- It shall be the responsibility of all employees to report such occurrences according to procedure. This includes inappropriate remarks, gestures, innuendoes, uninvited touching and visual conduct that creates an intimidating or hostile working environment or interferes with work performance. Examples include, but are not limited to, the following: jokes, slurs, gestures, pictures or cartoons based upon sex, role, age, religion, disability, sexual orientation, ancestry or marital status.
- Documented occurrences shall result in actions being taken by this administration.
- Employees shall be expected to conduct themselves in a business-like manner at all times. Any behavior that is coercive, intimidating, harassing or sexual in nature is inappropriate and prohibited. Any verbal, physical or visual conduct that belittles or demeans any individual because of his/her race, religion, national origin, gender, age, disability or similar characteristic or circumstance shall be prohibited.
- Reeves Memorial Medical Center shall absolutely forbid retaliation of any kind against any employee who complains about alleged harassment and shall take disciplinary action, up to and including dismissal, against anyone who attempts to retaliate.
- This policy shall be disseminated to all employees during orientation and shall be displayed prominently in the hospital's offices.

STATEMENT OF PROHIBITED CONDUCT:

- The management of the hospital considers the following conduct, whether between individuals of different sexes or of the same sex, to represent some of the types of acts that violate the hospital's Sexual Harassment Policy:
 - Physical assaults of a sexual nature, such as:
 - Rape, sexual battery, molestation or attempts to commit those assaults
 - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, poking or other unwanted touching another employee's body

SUBJECT: HARASSMENT, SEXUAL (EITHER SEX)	REFERENCE #1811
DEPARTMENT: HUMAN RESOURCES	PAGE: 3 OF: 7

- Unwanted sexual advances, propositions or other sexual comments, such as:
 - Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome
 - Preferential treatment or promises of preferential treatment to any employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward (quid pro quo)
 - Subjecting, or threats of subjecting, an employee to unwelcome sexual attention because of that employee's sex
 - Uninvited letters, telephone calls, text messages, emails, social media messages/posts, or computer dissemination of sexually oriented, sex-based communications
- Sexual or discriminatory displays or publications anywhere in the hospital's workplace by hospital employees, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic, or bringing into the hospital's work environment or possessing any such material to read, display or view at work
 - Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic
 - Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semiprivate locker/changing rooms)
 - ◆ A picture shall be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work and who is posed for the obvious purpose of displaying or drawing attention to the private portions of his or her body.

SUBJECT: HARASSMENT, SEXUAL (EITHER SEX)	REFERENCE #1811
DEPARTMENT: HUMAN RESOURCES	PAGE: 4 OF: 7

- Retaliation for Sexual Harassment Complaints, such as:
 - Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation
 - Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in any item above
- Other Acts:
 - The above shall not be construed as an all-inclusive list of prohibited acts under this policy.
 - Sexual harassment is unlawful and hurts other employees. Any of the prohibited conduct described herein is sexual harassment of anyone at whom it is directed or who is otherwise subjected to it.
 - Each incident of harassment, moreover, contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences.
 - Sexually oriented acts of sex-based conduct have no legitimate business purposes; accordingly, the employee who engages in such conduct should and shall be made to bear full responsibility for such unlawful conduct.

RESPONSIVE ACTIONS:

- Written documentation of each action taken shall be placed in the offending employee's personnel file. The documentation shall reflect the conduct, or alleged conduct, and the action(s) taken. The type of discipline shall be determined by the nature and severity of the harassment and the weight of evidence against the alleged harasser, and may include training, counseling, written warning/reprimand, transfer, demotion, dismissal or any other action deemed appropriate.
- Assault by Any Employee:
 - Assault of a sexual nature shall result in immediate dismissal of the offending employee.

SUBJECT: HARASSMENT, SEXUAL (EITHER SEX)	REFERENCE #1811
DEPARTMENT: HUMAN RESOURCES	PAGE: 5 OF: 7

- Other Acts of Harassment by Co-Workers:
 - An employee's commission of acts of sexual harassment other than assault shall result in:
 - ◆ Oral counseling for an alleged first offense
 - ◆ Written warning, suspension or termination for the first proven offense, depending on the nature or severity of the misconduct
 - ◆ Suspension or termination for the second proven offense, depending on the nature or severity of the misconduct
- Retaliation:
 - Alleged retaliation against a sexual harassment complainant shall result in non-disciplinary verbal counseling.
 - Any form of proven retaliation shall result in suspension or termination for the first proven offense, depending on the nature and severity of the retaliatory acts, and termination for the second proven offense.
- Supervisors:
 - A supervisor's commission of acts of sexual harassment (other than assault) with respect to any employee under his/her supervision shall result in:
 - ◆ Non-disciplinary oral counseling for an alleged first offense
 - ◆ A final warning or termination for the first proven offense, depending on the nature and severity of the misconduct
 - ◆ Termination for any subsequent proven offense

SUBJECT: HARASSMENT, SEXUAL (EITHER SEX)	REFERENCE #1811
DEPARTMENT: HUMAN RESOURCES	PAGE: 6 OF: 7

- Termination for Any Subsequent Proven Offense:
 - Supervising staff who refuse to implement remedial measures, obstruct the remedial efforts of other hospital staff and/or retaliate against sexual harassment complainants or witnesses may be subject to immediate suspension or dismissal.
 - Any employee should be able to file a complaint and be assured that appropriate action shall be taken to protect the employee.

PROCEDURE:

- While the hospital encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, the hospital also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation ineffective or impossible.
- Any individual who becomes aware of an incident of sexual harassment shall promptly report the incident to his/her supervisor or the Director of Human Resources so that rapid response and appropriate action may be taken.
- Complaints of acts of sexual harassment or retaliation that are in violation of the sexual harassment policy may be reported to the supervisor/department manager orally or in writing. A complaint need not be limited to someone who was the target of harassment or retaliation. The Chief Executive Officer is immediately informed of the complaint.
- All complaints of sexual harassment shall be investigated in a timely manner by the Human Resources Director and CEO. Confidentiality shall be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
- In order to minimize the damage to the hospital, the complainant and the alleged harasser to the full extent possible, the hospital shall complete the investigation of a sexual harassment complaint and shall communicate its findings and intended actions to the complainant and alleged harasser as expeditiously as possible.
- If the investigative process concludes that harassment occurred, the harasser shall be subject to appropriate disciplinary actions as described in this policy. The complainant shall be informed of the disciplinary action taken. Disciplinary action for a violation of this policy can range from a verbal or written warning, up to and including immediate termination.

SUBJECT: HARASSMENT, SEXUAL (EITHER SEX)	REFERENCE #1811
DEPARTMENT: HUMAN RESOURCES	PAGE: 7 OF: 7

- If the investigative process concludes that no sexual harassment has occurred, this finding shall be communicated to the complainant in an appropriately sensitive manner.
- If the investigative process cannot determine whether or not sexual harassment has occurred, this finding shall be communicated to the complainant and the alleged harasser, and the matter shall be recorded as unresolved. Both the complainant and the alleged harasser shall be informed again of the procedures set forth in this sexual harassment policy, including the appeal process outlined below.
- In the event that no resolution satisfactory to both parties can be reached based on the initial investigation, the matter shall be referred to the Chief Executive Officer.
- If the investigative process concludes that charges of sexual harassment/retaliation were groundless, malicious and filed in bad faith, appropriate corrective/disciplinary actions shall be implemented. Bringing groundless and malicious charges may also result in legal liability for the person reporting the incident.
- If any party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party shall submit his/her written comments and request for a review in a timely manner to the Chief Executive Officer.
- The supervisor/department manager shall monitor the results of the disciplinary action to ensure that subsequent acts of harassment or retaliation are not occurring.
- Reeves Memorial Medical Center shall maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in a confidential manner in the office of the Director of Human Resources.
- Written records shall be maintained for five (5) years from the date of the resolution unless new circumstances dictate that the file shall be kept for a longer period of time.
- Education programs about sexual harassment and company policy shall be provided at least on an annual basis and on a regular ongoing basis for all levels of employees.