

## Erlanger Health System Policy and Procedure

Origination Date: <u>6/07/01</u>		
Approval: _____		
Reviewed Date:	Revised Date:	Approval:
_____	<u>11/07/05</u>	_____
_____	<u>B.H.L.</u>	<u>J.C.</u>
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**Index Title:** Unlawful Harassment and Retaliation

**Originating Department:** Human Resources

**Number:** 8327.0201

**Description for EHS Intranet:** Harassment; discrimination; retaliation; race; color; religion; sexual orientation; gender identity; national origin; citizenship; pregnancy; age; disability; veteran status

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**Policy statement:** Erlanger Health System ("EHS") does not tolerate harassment of or discrimination against any of its employees by other employees or non-employees related to an individual's race, color, religion, sexual orientation, gender identity, national origin, citizenship status, pregnancy, age, disability or veteran status or any status protected under federal, state or local law. Any such harassment or discrimination is a violation of this policy and will be subject to disciplinary action up to and including termination. Retaliation against any individual is similarly prohibited.

**Scope:** All EHS employees, contract workers, physicians, and volunteers.

### Procedure:

**Harassment in General Defined:** For the purpose of this policy, the term "harassment" includes, but is not limited to, verbal harassment (epithets, derogatory statements, slurs), physical harassment (assault, physical interference with normal work or involvement), visual harassment (posters, cartoons, drawings), and innuendo. The prohibited "harassment" in this policy includes more than sexual harassment. It also includes, as noted above, harassment that is related to any protected status, including an individual's race, color, religion, sexual orientation, gender identity, national origin, citizenship status, pregnancy, age, disability, or veteran status.

**Sexual Harassment Defined:** Sexual harassment includes sexual advances, requests for sexual favors, unwelcome or offensive touching, and other verbal, graphic, or physical conduct of a sexual nature that impacts the workplace where:

- submission to such conduct is made explicitly or implicitly a term or condition of any individual's employment; or

- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting an employee;  
or
- such conduct is pervasive, intimidating, and hostile and has the purpose or effect of unreasonably interfering with an employee's work performance or creating a hostile working environment.

Following is a list of examples that may, under the above circumstances, constitute sexual harassment; however, this list is not all inclusive.

- unwanted sexual advances, verbal or otherwise;
- offering fringe benefits in exchange for sexual favors;
- making or threatening reprisals after a negative response to sexual advances;
- visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects, pictures, cartoons, or posters;
- verbal abuse of a sexual nature, such as offensive remarks, jokes, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and suggestive or obscene letters, notes, or invitations; and
- physical contact such as touching, assaulting, impeding, or blocking movement.

Sexual harassment can include conduct directed by men toward women, women toward men, men toward men, and women toward women.

Employees who have any questions about what constitutes any type of harassing behavior should ask their supervisor or Employee Relations.

**Making Harassment/Discrimination Complaints:** Hospital management is readily available and receptive to complaints of harassment or discrimination. Any employee who feels he or she is being subjected to harassment or discrimination, thinks he or she has observed an incident of harassment or discrimination, or has been told by a fellow employee that the fellow employee has been subjected to harassment or discrimination, should immediately contact one of the persons below with whom the employee feels the most comfortable and who is a higher ranking employee. Complaints may be made to:

1. The employee's immediate supervisor;
2. An Employee Relations representative in the Human Resources Division at 778-7434 ;

3. The compliance hotline at 877-849-8338; or
4. Any member of management who is at a level above the employee's supervisor.

An employee has the right to circumvent his or her chain of command in selecting which person to whom to make a complaint concerning unlawful harassment or discrimination.

Reporting unlawful harassment or discrimination is essential. EHS cannot help resolve a harassment or discrimination problem unless it is reported. Therefore, it is each individual's responsibility to bring such problems to the attention of the appropriate person so that the necessary steps may be taken to correct the problem.

**Response to Harassment or Discrimination Complaints:** EHS will follow up on all harassment or discrimination complaints with an immediate investigation. Consistent with a thorough investigation and an effective response, EHS shall make efforts to keep information concerning the complaint confidential. All parties are also expected not to discuss the investigation of the complaint with other employees.

Any individual found to have engaged in unlawful harassment or discrimination, or members of management who do not respond appropriately to complaints of unlawful harassment or discrimination, will be disciplined as appropriate up to and including discharge.

Any individual found to have interfered with the orderly conduct of an investigation will be disciplined as appropriate up to and including discharge.

**Retaliation Prohibited:** EHS will not in any way retaliate against an employee, potential employee, or former employee who makes a complaint or report of unlawful harassment or discrimination or participates in an investigation of such a complaint or report. Retaliation against any individual for good faith reporting of a claim of unlawful harassment or discrimination or cooperating in the investigation of the same will not be tolerated and will itself result in appropriate discipline up to and including discharge.

The procedures for making complaints about retaliation and EHS's response are the same as the procedures for claims of harassment or discrimination.

**False or Frivolous Accusations:** Anyone making false or frivolous accusations is subject to disciplinary action up to and including discharge.

Committee	Approval/Date
<u>Personnel Committee of the Board</u>	10/18/05
<u>Personnel Committee of the Board</u>	6/10/10

Medical Director	Approval/Date
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**References:**