

TITLE: POLICY AGAINST HARASSMENT AND DISCRIMINATION

MANUAL: HUMAN RESOURCES POLICIES & PROCEDURES

Effective Date:

Reviewed/Revised: January 2004,
January 2008

Approval */s/ Debra Miller, VP, HR*

Debra Miller, Vice President, Human Resources

I. VALUES CONTEXT

We respect the inherent dignity and worth of every individual.

II. PURPOSE/EXPECTED OUTCOME(S)

The Hospital is committed to providing a workplace free from discrimination and harassment. In keeping with this policy, the Hospital strictly prohibits discrimination or harassment of any kind, including on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex (including pregnancy, childbirth, medical conditions relating to pregnancy or childbirth, and gender/gender identity), age, sexual orientation, or any other legally protected characteristic. All such harassment and/or discrimination is unlawful. This Policy applies to all persons involved in the operation of the Hospital and prohibits unlawful discrimination and/or harassment by any employee of the Hospital, as well as by physicians, customers, vendors, and/or outside contractors. It also prohibits unlawful discrimination and/or harassment based on the perception that anyone has any of the protected characteristics, or is associated with a person who has or is perceived as having any of those characteristics. Such harassment in direct conflict with the Hospital's Core Values and it is unlawful as well.

III. POLICY

A. Harassment and Discrimination Defined

For purposes of this policy, prohibited harassment and/or discrimination may include, but is not limited to, the following conduct:

1. Unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

- (i) submission to the conduct is made a term or condition of employment; or

- (ii) submission to or rejection of the conduct is used as basis for employment decisions affecting the individual; or
 - (iii) the conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment;
2. Verbal conduct such as epithets, derogatory jokes or comments, slurs or comments;
 3. Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, emails or gestures;
 4. Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race, or any other protected characteristic;
 5. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors;
 6. Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters; and
 7. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, or suggestive or obscene letters, notes, or invitations.

IV. PROCEDURE

All St. Joseph Health System - Sonoma County personnel, contractors, and other agents must avoid any conduct that is or that may be construed as harassment or discrimination of any employee, applicant, or other person doing business with St. Joseph Health System - Sonoma County. This includes gender-based harassment of a person of the same sex as the harasser.

Any employee or other individual covered by this policy who feels that he or she is being harassed or discriminated in violation of this policy, should immediately bring the matter to the attention of his or her manager or supervisor, Human Resource Services, or such other management who he or she feels comfortable. An employee is not required to report harassment to his or her supervisor if the employee feels uncomfortable for doing so or if the employee believes his or her supervisor is violating this policy. In such case, an employee should bring the matter to the attention of the Director of Human Resources or any other management employee with whom the individual feels comfortable. Human Resource Services will promptly investigate all allegations of harassment in a confidential manner. This investigation will include interviewing those with information on the matter.

After the investigation, a determination will be made which will be communicated to the individual who complained, the alleged harasser, and others directly concerned with a need to know. Any employee who is found to have engaged in harassment or in any conduct that could

be construed as harassment will be subject to disciplinary action, including but not limited to immediate termination. St. Joseph Health System - Sonoma County also reserves the right to take such other action as regards to employees or others covered by this policy that in its sole discretion deems appropriate to prevent further harassment or to remedy the situation. Any employee who is not satisfied with St. Joseph Health System - Sonoma County's reply to an allegation of harassment should bring this concern immediately to the attention of the Supervisor, Human Resources or Chief Executive Officer.

It is the responsibility of every employee of St. Joseph Health System - Sonoma County to conscientiously follow this Harassment policy and immediately bring to management's attention any concern they may have regarding any harassment or discrimination they believe they have experienced or witnessed. No employee will be subject to any form of retaliation for reporting any violation of this policy truthfully and in good faith. Any employee who believes that they have been retaliated against in violation of this policy should immediately bring this matter to the attention of the Supervisor, Human Resources or Chief Executive Officer.

Complaint Procedure

If you believe you have been harassed on the job, subject to discrimination, that someone has otherwise violated this policy, or if you are aware of the harassment/discrimination of others, please discuss it immediately with your supervisor. If you feel uncomfortable in discussing the matter with your supervisor, please contact the Human Resources Department immediately. In addition, any employee who wishes to report unlawful or prohibited conduct may also call a whistleblower hotline at (800) 884-1684. If possible, your complaint should be in writing and should be as detailed as possible, including details of the incidents(s), the names of individuals involved, the names of any witnesses, direct quotations when language is relevant, and any documentary evidence (notes, pictures, cartoons, etc.).

Investigation Procedure

Upon receipt of a complaint of harassment or discrimination, the Hospital will immediately conduct a thorough and objective investigation of the allegations. To the extent possible, the Hospital will endeavor to keep the complaining employee's concerns confidential. If the Hospital determines upon completion of its investigation that prohibited harassment or discrimination has occurred, the Hospital will take prompt remedial action to deter any future harassment or discrimination. By way of example, any employee determined by the Hospital to be responsible for unlawful harassment and/or discrimination will be subject to appropriate disciplinary action, up to and including discharge. Moreover, any supervisor or manager who receives a complaint and does not act upon it under the procedures of our policy will also be subject to discipline, up to and including, discharge. The following represents the typical steps taken during an investigation of harassment:

1. An interview of the person making the complaint will be conducted by Human Resources to obtain the facts.
2. Determination of the need for an internal investigation will be made based on whether the issue may be resolved now or additional information needs to be obtained.

3. Determination of the nature of the complaint (e.g., what policy or procedure has been violated) will be made prior to conducting an information investigation.
4. The investigation plan will include who will investigate, the order of the interviews and the questions to be asked.
5. The investigation will be conducted, stressing confidentiality and emphasizing that no conclusion has yet been reached.
6. Effective interviews will be conducted to elicit all relevant facts.
7. Based on the investigations, a recommendation will be made by Human Resources regarding the appropriate action to be taken.
 - a. If the investigation fails to confirm the presence of harassment in the workplace, the parties will be advised of the Hospital policy and no further action will be taken.
 - b. If the investigation verifies some form of harassment has taken place in the workplace, appropriate action will be taken to assure no further violation of the Hospital’s policy will take place.
8. Proper documentation of the investigation and resulting actions will be completed.

Retaliation

The Hospital encourages all employees to report any incidents of harassment and/or discrimination forbidden by this policy immediately, so that complaints can be quickly and fairly resolved. Under no circumstances will an employee be penalized or retaliated against for reporting in good faith incidents of unlawful harassment and/or discrimination, for pursuing any such claims, for cooperating in the investigation of such reports, or for refusing to participate in any conduct prohibited by this policy. If you believe that you are being retaliated against, you should report such conduct immediately to your direct supervisor or to the Human Resources Department. Any employee who retaliates against an employee for making a complaint will be subject to disciplinary action, up to and including termination. Likewise, any employee who knowingly provides false information in connection with a harassment/discrimination complaint or investigation may be subject to disciplinary action, up to and including termination.

Author/Department: Human Resource Services	
References:	
Reviewed/Revised by: Debra Miller, Vice President, Human Resources	
Approvals: Area Operations Council	Distribution: All Departments, All Entities