

**Policy: Anti-harassment**

**Policy No. F-1**

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APPROVED BY: <i>Mary Cottrill</i> V.P. Human Resources		1/07
APPROVED BY: <i>[Signature]</i> President, LibertyHealth	10/28/08	1/07
Effective Date: 1/07, 11/1/08		
References: Also see HR Policy No. F-5 Disciplinary Process, HR Policy O-22 Rules of Behavior		

**POLICY**

Harassment based on gender, sexual orientation, race, creed, religion, national origin, disability, marital status, political beliefs or age is forbidden by law and will not be condoned by LibertyHealth. Submission to unwanted conduct is not a condition of employment and any individual subjected to such conduct may reject such conduct without fear of reprisal. In order to ensure that the laws prohibiting anti-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 applies to all employees including management staff, attending and voluntary physicians, Trustees of LibertyHealthCare System LLC Board, non-employed medical staff, vendors, outside contractors and other persons interacting with LibertyHealth 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 as 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 race, religion, age, disability, political beliefs, creed or national origin.

**GUIDELINES**

**PROCEDURES**

1. Any employee who believes that he/she has been subjected to harassment, other than sexual, should report it to his/her supervisor immediately. Any employee who believes he/she has been subjected to sexual harassment should immediately report the alleged harassment, in confidence, to the Vice President for Human Resources or designee. In both circumstances, a prompt investigation shall proceed. The investigation will be conducted in an expeditious and discreet manner and will include interviews with the individual making the complaint and with any witnesses. The person alleged to have committed harassment will also be interviewed. When the investigation has been completed, LibertyHealth 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. If it is determined that inappropriate conduct has occurred, LibertyHealth will act promptly to eliminate

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the offending conduct and, where appropriate impose disciplinary action up to and including discharge.

2. The employee or staff member may also report an alleged harassment to the President of LibertyHealth and/or the VP of Human Resources. The supervisor, for complaints other than sexual harassment, with the support of the VP of Human Resources or designee, will conduct the investigation.
3. Individuals are not required to file their complaints of sexual harassment with their immediate supervisor before bringing it to the attention of the VP of Human Resources.
4. The VP of Human Resources must notify the President of LibertyHealth of a harassment issue upon receipt of a report alleging harassment by a member of the medical staff and/or senior management. After interviewing the individuals who were present when the incident occurred, the VP of Human Resources shall determine whether the report of harassment can be substantiated. If a determination is made that the complaint is credible, the VP of Human Resources will notify, on a need to know basis, appropriate individuals and will issue discipline in accordance with LibertyHealth's policy.
5. 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.
6. Confidentiality - The name of the individual making the report of harassment will be disclosed only to the extent necessary to conduct an investigation. However, absolute confidentiality cannot be guaranteed.
7. Discipline - All employees, including senior administration, Board Members, etc., may be 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, for failing to provide information, for presenting misinformation or withholding information regarding a harassment complaint, for knowingly making a false allegation, etc.
8. Lawsuits – Individuals who engage in harassment may be subject to lawsuits exposing them to personal liability.
9. Training – Senior Administration and Management are educated on this policy, the laws relating to sexual and other types of harassment, and on how to maintain a work place free of harassment. A review of this policy will be conducted at the New Employee Orientation and every year thereafter.

## **RESPONSIBILITY**

### **Employee**

- o Promptly reports incident to Management and/or Human Resources.
- o Participates in investigations as requested providing timely and accurate information.

### **Management**

- o Promptly investigates reports of harassment (non sexual in nature.)
- o Conducts disciplinary meetings; counsels employees on the inappropriate behavior and issues disciplines as necessary.
- o Reports any sexual harassment complaints to Human Resources in accordance with this policy.

**Human Resources**

- Promptly investigates all sexual harassment complaints.
- Supports management and/or conduct all other nonsexual harassment complaints.
- Advises employees, Senior Administration and Management on issues related to this policy and the law, and on LibertyHealth's procedure.
- Schedules training programs for Senior Administration and Management on sexual and other types of harassment and how to maintain a work place free of such harassment.
- Disseminates this policy throughout LibertyHealth via New Employee Orientation, Mandatory Training, employee handouts, etc.
- Notifies Legal Department and Risk Management of sexual harassment complaints for insurance reporting purposes.

**CONTROLS**

The Vice President, Human Resources shall establish such controls as are necessary to ensure implementation of this policy.