

SECTION THREE – HUMAN RESOURCES/ ADMINISTRATION

POLICY NO: 3.4

SUBJECT: SEXUAL AND OTHER TYPES OF HARASSMENT

POLICY

Saint Peter's University Hospital (SPUH) has a zero tolerance policy with regard to harassment on the basis of race, color, religion, sex, sexual orientation, age, disability, marital status, citizenship or any other characteristic protected by law.

Saint Peter's is committed to a work environment in which all individuals are treated with respect and dignity and will sustain an environment that is business-like and free of bias, prejudice and harassment.

Saint Peter's requires all perceived incidents of discrimination or harassment to be reported. SPUH will investigate all reports of harassment. SPUH prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of a reported incident.

This policy applies to all applicants, employees, volunteers, students, vendors, and all individuals conducting business with SPUH. It also includes work-related activities outside the workplace, such as business trips, business meetings and business-related social events.

Definitions of Harassment

1. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (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.
2. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.
3. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship or any other characteristic protected by law or that of

his/her relatives, friends or associates, and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
 - has the purpose or effect of unreasonably interfering with an individual's work performance;
 - or otherwise adversely affects an individual's employment opportunities.
4. Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

PROCEDURES

Reporting an Incident of Harassment, Discrimination or Retaliation

SPUH requires that all perceived incidents of discrimination, harassment or retaliation be reported, regardless of the offender's identity or position. Individuals who believe to have been the victim of such conduct should discuss their concerns with their immediate Supervisor/ Manager/Vice President, Human Resources, or the Vice President/Chief Compliance Officer. If for any reason the employee is not comfortable talking with their immediate Supervisor, Human Resources should be contacted.

In addition, where appropriate and advisable, SPUH encourages individuals who believe they are being subjected to such conduct promptly to advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem.

Complaint Procedure

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should notify his/her immediate Supervisor, or anyone listed above. SPUH encourages the prompt reporting of perceived incidents of discrimination, harassment or retaliation. While SPUH will try to take the wishes of the complainant under consideration, the need to completely investigate all allegations is the paramount concern, and SPUH will decide the necessary action to be taken.

Oral reports of harassment should be reduced to writing by the complainant or recipient of the complaint and signed by the complainant.

Any reported allegations of harassment, discrimination or retaliation will be investigated immediately. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigation process to the extent consistent with adequate investigation and appropriate constructive performance feedback.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to constructive performance feedback. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Upon completing the investigation of a harassment complaint, SPUH will communicate a summary of its findings and intended actions to the complainant and alleged harasser.

If the investigator finds that harassment occurred, the harasser will be subject to appropriate constructive performance feedbacks, as listed below.

- If the investigation determines that no harassment has occurred, this finding will be communicated to the complainant.
- Misconduct constituting harassment, discrimination or retaliation will result in serious constructive performance feedback up to and including discharge. Additionally, false and malicious complaints of harassment, discrimination or retaliation may result in constructive performance feedback. Although SPUH's ability to correct a non-employee harasser (e.g. customer, supplier) is limited by the degree of control, if any, that SPUH has over the alleged harasser, employees should be assured that appropriate action will be taken.

If either party directly involved in a harassment investigation is dissatisfied with the outcome or resolution, the individual has the right to appeal the decision. The dissatisfied party should submit his/her written comments in a timely manner to the HR Department. HR will submit the written comments to the Executive Director for review. The decision of the Executive Director shall constitute the final decision of SPUH.

SPUH shall maintain a written record of each complaint, including how it was investigated and resolved, in a manner consistent with our legal obligations

Approved: 6/2010