



**Effective:** 01/1992  
**Approved:** 04/2013  
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**Expiration:** 08/2020  
**Policy Area:** Human Resources  
**Applicability:** HighPoint Health System - Systemwide

## Harrassment, HR.008

### SCOPE:

This policy applies to HighPoint Health System and its affiliates with employees who provide services in the Hospital's primary and secondary service area (the "Company"). References to Facility or Facilities throughout the policy are meant to include the Hospital and/or its affiliates with employees providing services in HighPoint Health System's primary and secondary service area.

### PURPOSE:

To establish a policy to ensure that all Company employees are aware of the Company's position and its intent to comply with federal, state, and local laws regarding harassment on any protected basis (i.e., color, race, gender, age, religion, national origin, disability, genetic information, gender identity, sexual orientation, veteran's status, etc.)

### POLICY:

#### I. Harassment

In accordance with applicable law, the Company prohibits sexual harassment and harassment because of color, race, gender, age, religion, national origin, disability, genetic information, gender identity, sexual orientation, veteran's status or any other basis protected by applicable federal, state or local law. All such harassment is prohibited and will not be tolerated.

#### II. Sexual Harassment

A. It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

B. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex.

C. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

D. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious,

harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

E. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a vendor, patient or other visitor.

F. Applicable state and federal law defines sexual harassment as unwanted sexual advances, request for sexual favors, or visual, verbal, or physical contact of a sexual nature when:

- Submission to the conduct is made a term or condition of employment; or
- Submission to or rejection of the conduct is used as basis for employment decisions affecting the individual; or
- The conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile or offensive work environment.

G. Sexual Harassment includes many forms of offensive behavior. The following is a partial list of prohibited behaviors:

- Unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons or posters;
- Dissemination through e-mail or other electronic communication material that contains sexually suggestive content;
- Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, or inappropriate comments about any employee's body or dress;
- Verbal sexual advances or propositions;
- 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;
- Physical conduct such as unwanted touching, assault or impeding or blocking movements; and
- Retaliation for reporting harassment or threatening to report harassment.

H. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is prohibited, whether it involves coworker harassment, harassment by a subordinate or manager, or harassment by persons doing business with or for the Company.

### **III. Other Types of Harassment**

A. Prohibited harassment on the basis of color, race, gender, age, religion, national origin, disability, genetic information, gender identity, sexual orientation, veteran's status or any other basis protected by applicable federal, state or local law, includes behavior similar to sexual harassment, such as:

- Verbal conduct such as threats, epithets, derogatory comments or slurs;
- Visual conduct such as derogatory posters, photographs, cartoons, drawings or gestures;
- Dissemination of offensive/inappropriate e-mail or other electronic communication;
- Physical conduct such as assault, unwanted touching, or blocking normal movements; and
- Retaliation for reporting harassment or threatening to report harassment.

#### IV. Complaint Procedure

A. All employees are responsible for helping to avoid unlawful harassment. If employees feel that they or another applicant or employee have been harassed in violation of this policy, they should report their concerns to their supervisor, a member of Senior Management or to Human Resources and/or file a formal complaint in accordance with the Complaint Filing and Investigative Procedures policy. The employee may also voice complaint by calling the Hospital Support Center Ethics Line at 1-877-508-5433. Any Supervisor who becomes aware of conduct in violation of this policy shall report such conduct to Human Resources immediately.

B. The Company will not allow retaliation against anyone who expresses a concern about harassment or who participates in an investigation.

#### V. Discipline/Liability for Harassment

A. Any employee of the Company, whether a co-worker or manager, who is found to have engaged in prohibited harassment or retaliation is subject to disciplinary action, up to and including discharge from employment.

B. Any employee, who engages in prohibited harassment, including any manager who knew about the harassment but took no action to stop it, may be held personally liable by the court or other agency for monetary damages.

C. The Company does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, the Company reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of the policy.

Nothing in this policy is intended to restrict whatever rights you may have under federal, State or local laws.

## REFERENCES:

Equal Employment Opportunity Commission  
HR.002 - Bulletin Boards and Posting of Employee Rights  
HR.003 - Complaint Filing and Investigative Procedures  
HR.006 – Equal Employment Opportunity  
Code of Conduct

Committee	Approver	Date
	Melanie Absher: System HR Director	08/2017
	Susan Peach: Market President	08/2020