



POLICY AND PROCEDURE

Title: Discrimination and Harassment Prevention and Complaint Procedures

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Section: Administrative / Human Resources		

I. **SCOPE:**

Southwest Healthcare System (“Facility”) employees, applicants, vendors, customers, suppliers and independent contractors.

II. **PURPOSE:**

Southwest Healthcare System is committed to providing equal employment opportunities to all employees and applicants without regard to race, religion, color, sex (including breast feeding and related medical conditions), gender identity and expression, sexual orientation, pregnancy, national origin, ancestry, citizenship status, uniform service member and veteran status, marital status, age, protected medical condition, genetic information, disability or any other protected status in accordance with all applicable federal, state and local laws.

Additionally, the Facility is committed to providing a work environment that is free of harassment or other unprofessional conduct. In furtherance of this commitment, Facility policy strictly prohibits all forms of unlawful harassment, including harassment on the basis of race, religion, color, sex (including breast feeding and related medical conditions), gender identity and expression, sexual orientation, pregnancy, national origin, ancestry, citizenship status, uniform service member and veteran status, marital status, age, protected medical condition, genetic information, disability or any other category protected by applicable federal, state and local laws.

Similarly, the Facility is committed to complying with all laws protecting qualified individuals with disabilities, as well as employees’ religious beliefs and observances. This policy extends to all aspects of the Facility’s employment practices, including recruiting, hiring, discipline, termination, promotions, transfers, compensation, benefits, training, leaves of absence, and other terms and conditions of employment. Refer to policy, “Accommodation Requests Americans with Disabilities Act (ADA)” for additional information.

The Facility will provide a reasonable accommodation for any known physical or mental disability of a qualified individual or for employees’ religious beliefs and observances, provided the requested accommodation does not create an undue hardship for the facility

and does not pose a direct threat to the health or safety of others in the workplace or to the individual.

III. DEFINITIONS:

Examples of prohibited sexual harassment or discrimination

A. Sexual Harassment

Sexual harassment includes a broad spectrum of conduct, including harassment based on sex, gender, gender identity or expression, and sexual orientation. Examples of unlawful and unacceptable behavior include:

1. Unwanted sexual advances.
2. Offering an employment benefit (such as a raise, promotion or career advancement) in exchange for sexual favors, or threatening an employment detriment (such as termination or demotion) for an employee's failure to engage in sexual activity.
3. Visual conduct, such as leering, making sexual gestures and displaying or posting sexually suggestive objects or pictures, cartoons or posters.
4. Verbal sexual advances, propositions, requests or comments.
5. Sending or posting sexually related messages, videos or messages via text, instant messaging, or social media.
6. Verbal abuse of a sexual nature, graphic verbal comments about an individual's body, sexually degrading words used to describe an individual, and suggestive or obscene letters, notes or invitations.
7. Physical conduct, such as touching, groping, assault or blocking movement.
8. Physical or verbal abuse concerning an individual's gender, gender identity or gender expression.
9. Verbal abuse concerning a person's characteristics such as pitch of voice, facial hair or the size or shape of a person's body, including remarks that a male is too feminine or a woman is too masculine.

B. Other examples of prohibited harassment or discrimination

In addition to the above listed conduct, the Facility strictly prohibits harassment or discrimination concerning any other protected characteristic. Such prohibited harassment includes:

1. Racial or ethnic slurs, epithets and any other offensive remarks.
2. Jokes, whether written, verbal or electronic.
3. Threats, intimidation and other menacing behavior.

4. Inappropriate verbal, graphic or physical conduct.
5. Sending or posting harassing messages, videos or messages via text, instant messaging or social media.
6. Other harassing or discriminatory conduct based on one or more of the protected categories identified in this policy.

Harassment of the Facility's customers, clients, vendors, suppliers, independent contractors or employees of the Facility's customers, clients, vendors, suppliers or independent contractors by the Facility's employees is also strictly prohibited. Any such harassment will subject an employee to disciplinary action, up to and including termination. Employees who have any questions about what constitutes harassing or discriminatory conduct should contact their supervisor or a human resources representative.

IV. POLICY:

It is the policy of the Facility that it will not tolerate verbal or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive or hostile work environment. Furthermore, this policy prohibits unlawful discrimination and harassment in the workplace and applies to applicants and employees of the facility, including supervisors and managers. The facility prohibits managers, supervisors and employees from discriminating against or harassing co-workers as well as customers, vendors, suppliers, independent contractors and others doing business with the facility. In addition, the facility prohibits customers, vendors, suppliers, independent contractors and others doing business with the facility from discriminating against or harassing the facility's employees.

V. PROCEDURE

Reporting harassment or discrimination

All complaints of harassment must be investigated promptly in an impartial and, to the extent possible, confidential manner pursuant to the Dispute Resolution policy. If an employee feels that he or she is being harassed or discriminated against in violation of this policy by another employee, supervisor, manager or third party doing business with the Facility, the employee should immediately contact their Supervisor, Department Director or the Director of Human Resources. In addition, if an employee observes harassment or discrimination by another employee, supervisor, manager or nonemployee, the employee should immediately report the incident to the individuals above. Appropriate action will also be taken in response to violation of this policy by any nonemployee. Supervisors and managers have a duty to promptly report employee complaints and allegations of misconduct to the Director of Human Resources.

Employees' notification to the Facility is essential to enforcing this policy. Employees may be assured that they will not be penalized in any way for reporting a harassment or discrimination problem. It is unlawful for an employer to retaliate against employees who oppose the practices prohibited by the California Fair Employment and Housing Act (FEHA), or who file complaints or otherwise participate in an investigation, proceeding or hearing conducted by the California Department of Fair Employment and Housing (DFEH) or the Fair Employment and Housing Commission (FEHC). Similarly, the facility prohibits employees from hindering its internal investigations or its internal complaint procedure.

All complaints of unlawful harassment or discrimination that are reported to management, the persons identified above, or the Corporate Compliance Hotline will be investigated as promptly as possible and corrective action will be taken where warranted. All complaints of unlawful harassment or discrimination that are reported to management, the persons identified above, or the Corporate Compliance Hotline will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation.

Violations of this policy will result in remedial action

Violation of this policy will subject an employee to remedial action, up to and including immediate termination. Additionally, under California law, employees may be held personally liable for harassing conduct that violates the FEHA. Moreover, any employee, supervisor or manager who condones or ignores potential violations of this policy will be subject to appropriate remedial action, up to and including termination.

Retaliation prohibited

The facility prohibits retaliation against those who report, oppose or participate in an investigation of alleged violations of this policy. Participating in an investigation of alleged wrongdoing in the workplace includes:

1. Filing a complaint with a federal or state enforcement or administrative agency.
2. Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the facility regarding alleged unlawful activity.
3. Testifying as a party, witness or accused regarding alleged unlawful activity.
4. Associating with another employee who is engaged in any of these activities.
5. Making or filing an internal complaint with the facility regarding alleged unlawful activity.
6. Providing informal notice to the facility regarding alleged unlawful activity.

The facility strictly prohibits any adverse action or retaliation against an employee for participating in an investigation of alleged violation of this policy. If an employee feels that he or she is being retaliated against, the employee should immediately contact their Supervisor, Department Director, or the Director of Human Resources. In addition, if an

employee observes retaliation by another employee, supervisor, manager or nonemployee, he or she should immediately report the incident to the individuals above.