

<b>BAPTIST HOSPITALS OF SOUTHEAST TEXAS</b>	
Policy Manual:	Human Resources
Policy Number:	HRF.03.01.0005
Original Date:	January 2001
Review Date:	03/11, 09/12, 06/15, 05/18
Reviewed By:	Chief Human Resources Officer
Revision Date:	03/11
This Policy Supersedes:	04/10
Page Numbering	Page 1 of 4

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**SUBJECT: ANTI-HARASSMENT**

**POLICY STATEMENT**

Baptist Hospitals of Southeast Texas (BHSET) is proud of its tradition of fostering a friendly and congenial working environment. BHSET is equally proud that these relationships reflect the professional context in which they occur and are free of bias, prejudice or harassment. BHSET is committed to a work environment free of inappropriate and disrespectful conduct and free of communications of a harassing nature and other offenses that might interfere with work performance and the professional environment of its hospitals. In addition to other forms of unlawful discrimination, BHSET prohibits all unlawful harassment, including sexual harassment and harassment because of race, color, national origin, religion, sex, sexual preference, gender, disability, citizenship status, age, veteran status, genetic predisposition or any other basis protected by federal, state, or local law. Harassment in any form is unacceptable and will not be tolerated. BHSET expects each employee to respect the dignity of every individual, including the patients that we serve. With regard to our patients, BHSET is committed to providing a safe environment free from abuse and protecting the safety and welfare of our patients. Any inappropriate behavior toward patients by a care giver must be reported immediately through the appropriate channels.

**DEFINITIONS**

**Workplace Harassment** – workplace harassment is demeaning, hostile or offensive conduct based on membership in a group defined by characteristics such as race, color, national origin, religion, sex, gender, disability, age, veteran status, genetic predisposition or any other protected basis. BHSET hereby puts each and every employee on notice that no harassment of any type will be tolerated. Conduct, including speech, which is based upon group characteristics such as race or sex, constitutes workplace harassment when it is unwelcome and has the purpose or effect of interfering with an individual’s work performance, or creating an intimidating, hostile or offensive work environment. Unwelcome conduct that may constitute workplace harassment can include words or deeds. Conduct, including but not limited to the following, may constitute workplace harassment:

- a. Offensive language, spoken or written (including through electronic means such as texting or other social media), which includes the use of racial, sexual or ethnic stereotypes or slurs;
- b. Offensive gestures;
- c. The possession in the workplace or display of offensive drawings or other graphical materials such as photos, posters, cartoons or other caricatures (including viewing such materials on a computer, personal cellular phone or other electronic device) or transmittal of such offensive drawings or graphics via electronic media; or
- d. Offensive physical contact such as unwanted touching.

Words or deeds may be offensive even though they were not meant to offend. No person should be required to submit to, disregard or ignore, or participate in such harassing conduct, and

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Page Numbering	Page 2 of 4

anyone's objection to or unwillingness to submit to such conduct should not result in a tangible or detrimental change in that person's terms and conditions of employment.

**Sexual Harassment** - One form of prohibited workplace harassment is sexual harassment. Sexual harassment is one behavior of a sexual nature that is not welcome, is personally offensive, undermines morale, interferes with the work performance and effectiveness of another person in the work environment, or creates an intimidating, hostile or offensive work environment. Applicable law defines sexual harassment as an unwanted sexual advance, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature when: (1) submission to the conduct is made a term or condition of employment; or (2) submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or (3) the conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment that is prohibited under this policy includes, but is not limited to:

- a. Unwanted sexual advances;
- b. Offering employment benefits in exchange for sexual favors;
- c. Making or threatening reprisals or retaliation after a negative response to sexual advances;
- d. Visual conduct such as leering, voyeurism, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons or posters;
- e. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes or comments about any employee's body or dress;
- f. Verbal sexual advances or propositions;
- g. 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;
- h. Texting of lewd or sexually explicit messages via personal cellular phone or other electronic media;
- i. Physical conduct such as touching, assault, or impeding or blocking movements;
- j. Continuing to express sexual or social interest after being told directly that the interest is unwelcome;
- k. Inappropriate advances toward patients, including improper acts, or exploitation, of an elderly or disabled patient.

### **PROCESS**

#### **All employees are expected to:**

- Avoid all harassing conduct (including sexual harassment) as defined by this policy.
- Confront those whose actions or words are offensive, unwelcome and/or inappropriate and to make it clear to them that what they have done or said is offensive and inappropriate.
- Never make false allegations of harassment.
- Never retaliate for anyone making a report of harassment, as retaliation is strictly prohibited.

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Page Numbering	Page 3 of 4

- Immediately report to his/her manager or to Human Resources instances of sexual or other prohibited form of harassment against him/herself or another individual by a manager, co-worker, customer, supplier, or other person within our hospital. If for any reason the employee is uncomfortable discussing the matter with either of the foregoing individuals, he or she may take up the matter with any manager at any level.

**Managers at all levels have additional responsibilities:**

- No member of management shall threaten or suggest, either explicitly or implicitly, that submission to or refusal to submit to sexual or other inappropriate conduct will in any way affect an individual's employment with BHSET. Unwelcome conduct of a sexual nature from a party of the same or different sex, is strictly prohibited and will be grounds for corrective action.
- Managers are responsible for ensuring that every report of sexual harassment or harassment based on another protected category is taken seriously, is promptly and thoroughly investigated in as confidential a manner as possible, and that appropriate action is taken, based on the results of the investigation. The Human Resources Department should be notified of all reports of harassment, including sexual harassment.
- Managers will not engage in any form of retaliation and will appropriately report and address retaliatory conduct of employees which is the result of a report of harassment or sexual harassment.

**Sexual Abuse/Harassment of a Patient:**

To assist with prevention of sexual abuse or harassment, patients will be protected and cared for in a safe environment as evidenced by the following mechanisms; the hiring process will include screening background for all applicants, BHSET will provide an environment that is conducive to reporting suspected/actual cases of abuse/harassment/exploitation. Patients will be provided the opportunity to be placed in a no publicity status and to remain anonymous.

**Complaint/Investigation Procedure:**

Employees are required to immediately report any instances of sexual or other prohibited forms of harassment against him/herself or another individual. Reported instances of harassment or sexual harassment, including those which include harassment or abuse of a patient, will be investigated promptly. During the investigation the alleged employee may be suspended until the investigation is complete. Employees will be subject to appropriate disciplinary action up to and including termination, depending on the outcome of the investigation. Retaliation of any form resulting from employees' report in good faith of harassment or sexual harassment will not be tolerated.

**Consequences of non-compliance with this policy:**

- Violations will be addressed in accordance with BHSET Guidelines for Managing Performance and Work Behaviors.

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Page Numbering	Page 4 of 4

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- Employees who do not meet the expectations of this policy are subject to appropriate action, depending on the circumstances, up to and including the termination of employment.