



Anti-Harassment policy and procedure

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**LEXINGTON MEDICAL CENTER
POLICY AND PROCEDURES
HUMAN RESOURCES**

SUBJECT:	Anti-Harassment		
EFFECTIVE DATE:	02/01/89	HR NUMBER:	XXXX
REVISED DATE:	09/01/04, 02/26/13, 02/01/21	REVIEWED DATE:	03/21/22

THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND LEXINGTON MEDICAL CENTER. LEXINGTON MEDICAL CENTER (LMC) RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY, IN WHOLE OR IN PART, AT ANY TIME.

I. Need for Policy

- A. Lexington Medical Center (LMC) promotes a productive work environment and does not tolerate behaviors that may undermine the integrity of the employment relationship. LMC strives to provide a work environment that is free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment. Likewise, the organization prohibits employment decisions that are made on the basis of race, sex, religion, national origin, age, disability, or similar distinctions.
- B. The organization does not condone retaliation against anyone who has reported harassment in good faith.

II. Definitions

- A. Sexual Harassment – The organization has adopted, and its policy is based on, the definition of sexual harassment set forth by the Equal Employment Opportunity Commission (EEOC) The EEOC defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment
 - 2. Submission to or rejection of such conduct is used as the basis for employment decisions

3. Such conduct has the purpose or effect of unreasonably interfering with your work performance or creating an intimidating, hostile or offensive working environment
- B. Unwelcome or Harassing Behavior – Behaviors that would be considered a violation of this policy are those in which one complains of the inappropriate behavior and the behavior does not cease. Examples include, but are not limited to:
1. Explicit sexual propositions
 2. Sexual innuendo
 3. Suggestive comments or any type of communications either in person or via electronic devices
 4. Sexually oriented “kidding” or “teasing” including jokes about gender-specific traits
 5. Foul or obscene language or gestures
 6. Displays of obscene printed or visual material
 7. “Put-downs”
 8. Condescending or derisive comments or terms based on gender, race, ethnicity, religion, or disability, etc.
 9. Physical conduct such as patting, pinching, or brushing up against another person

III. Statement of Policy

- A. LMC believes that you should be afforded the opportunity to work in an environment free from harassment, including harassment of a sexual nature. Harassment is a form of misconduct that undermines the employment relationship. No employee, male or female, should be subjected verbally or physically to unsolicited and unwelcomed sexual overtones or conduct whether committed by supervisors, managers, non-supervisory employees, or non-employees.
- B. Employees are expected to conduct themselves in a professional manner that is free from harassing or disruptive activity.
- C. Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee’s refusal or willingness to submit to sexual advances will affect the employee’s terms or conditions of employment.
- D. Any employee who believes that a supervisor, manager, another employee or a non-employee’s actions or words constitute unwelcome harassment has the responsibility to report/complain about the situation as soon as possible to the appropriate authority within the organization.

- E. Correspondingly, each supervisor and manager has the responsibility to address and/or investigate any complaints of harassment that are brought to their attention by an employee. Management should also work with their HR Business Partner to ensure issues are addressed per organizational practices.
- F. Complaints of harassment will be handled and investigated in accordance with the organization's investigatory practices unless special procedures are considered appropriate. All complaints of harassment will be investigated promptly and in as impartial and confidential manner as possible.
- G. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved.

IV. Procedures

- A. If an employee feels that this policy has been violated by anyone with whom they encounter in the workplace, regardless of whether it is a co-worker, a supervisor/manager, a member of the medical staff, a vendor, or a member of the general public, the employee should report the incident as soon as possible. There are several avenues in which to report a complaint, including, but not limited to the following:
 - 1. Report to your supervisor/manager or to a higher level authority within your "chain of command."
 - 2. Report to your HR Business Partner.
 - 3. Report to the Corporate Compliance Hotline at 1-888-398-2633.
- B. If a complaint is reported to an employee in management, the supervisor/manager should contact their HR Business Partner to ensure appropriate procedures are taken.
- C. The employee may be asked to put their complaint in writing utilizing the Harassment Occurrence Report form as attached to this policy, which summarizes the allegations and lists any witnesses to the alleged harassment.
- D. An investigation may ensue to ensure a fair and impartial process.
- E. To the extent possible, the employee's confidentiality, that of any witnesses and the alleged harasser will be protected against any unnecessary disclosure.
- F. Upon completion of the investigation, parties within the "need to know" will be informed of the outcome.
- G. LMC prohibits employment-based retaliation against anyone who brings a complaint of harassment or who speaks as a witness in the investigation of a complaint of harassment.
- H. Harassment will not be tolerated. If an investigation of any allegation of harassment proves that harassing behavior took place, the harasser will be subject to disciplinary actions, up to and including termination.

V. Interpretation Contact

- A. Assistant Director – HR Business Partner
- B. See also – Workplace Violence Prevention Policy

VI. Approvals

Brian Smith
Vice President, Human Resources

Tod Augsburg
President and Chief Executive Officer