

Service Area: Human Resources	YALE NEW HAVEN HEALTH SYSTEM POLICY & PROCEDURES	
Title: Sexual Harassment		
Date Approved: June 7, 2018	Approved by: System Operating Committee	
Date Effective: August 1, 2018	Date Reviewed/Revised:	
Distribution: HR policy standardization update to YNHHS managers. Additional communication by respective HR team to managers. MCN Policy Manager	System Policy Type (I or II): Type I	
Supersedes: Sexual Harassment (Bridgeport Hospital B:16); Sexual and Other Unlawful Harassment (Greenwich Hospital B3); Sexual Harassment (Grimes Center B:3); Sexual Harassment (HSC II.D.3); Sexual Harassment (NEMG A:7); Sexual Harassment (YNHH B:3)		

PURPOSE

YNHHS is committed to maintaining a respectful workplace, free of sexual harassment. The purpose of this policy is to set forth procedures for preventing sexual harassment and for investigating and resolving allegations promptly and effectively.

APPLICABILITY

This policy shall apply to the Yale New Haven Health System (YNHHS), its parent and subsidiary corporations, including but not limited to its Delivery Network hospitals (Bridgeport Hospital, Greenwich Hospital, Lawrence + Memorial Hospital, Westerly Hospital, and Yale New Haven Hospital), Northeast Medical Group, Yale New Haven Care Continuum (d/b/a Grimes Center), Corporate Professional Business Services (CPBS), each of their respective parent and subsidiary corporations, and each affiliated entity owned by or under common ownership and control with any of the foregoing, with the exception of VNA of Southeastern Connecticut.

This policy is applicable except where it is expressly superseded by collective bargaining agreements.

POLICY

This Sexual Harassment policy applies to conduct that occurs at any YNHHS location as well as any location that can reasonably be regarded as an extension of the workplace, or any other non-YNHHS facility where its business is being conducted. Further, this policy applies to all work-related conduct, including conduct that occurs off-duty, if such conduct negatively affects the work environment.

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It is the responsibility of each employee to understand and abide by the rules set forth in this policy and to report any concerns to the appropriate management or Human Resources.

Sexual harassment includes unwelcome advances, requests for sexual favors, offensive verbal or physical conduct of a sexual nature. Sexual harassment occurs when one or any combination of the following three (3) criteria are met:

1. Submission to that conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as a basis for employment, work assignment, promotion, or award decisions affecting the individual; or
3. The conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of conduct that may constitute a violation of this policy include, but are not limited to:

1. Offensive verbal, visual or physical conduct of a sexual nature, including but not limited to jokes, gestures, leering, noises, suggestive or lewd remarks or passing on of rumors about a person's sexuality or sexual experience;
2. Any pressure, even subtle, to engage in sexual activity;
3. Unwelcome flirtations, advances or propositions;
4. Offensive, inappropriate or unprofessional remarks of a sexual nature about a person's body or sexual activities;
5. Unsolicited or inappropriate physical contact such as unwanted hugs or touches;
6. Preparing, displaying, viewing, downloading and/or distributing any communications, materials or objects including but not limited to emails, pictures, photographs, posters, calendars, or graffiti that are sexual in nature; or
7. Accessing, storing, viewing, preparing or distributing material or contact that is sexual in nature using YNHHS computer systems or network.

A. Responsibilities

The institution as a whole is ultimately responsible for ensuring a comfortable working environment for its staff and will promptly investigate any allegations and ensure management is properly trained. The responsibility for administering this policy lies on three (3) levels of the organization:

1. All leadership (including Physicians) are responsible for this policy as it affects employees under their supervision directly or indirectly;

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2. Individual managers or department heads where a specific complaint of sexual harassment is raised; and
3. The manager of Human Resources or designee for providing staff assistance in interpreting and investigating incidents or allegations of sexual harassment.

Supervisors and managers have additional responsibilities and are required to:

- Identify and immediately report all suspected incidents of harassment to the manager of Human Resources or designee, including those reported to them by others; and
- Establish and promote a professional work environment.

In addition, consistent with applicable law, all managers/supervisors, including newly hired managers/supervisors or employees promoted to supervisory positions, will be given mandatory training on preventing sexual and other unlawful harassment.

PROCEDURE

A. Administrative Guidelines

1. If an employee believes that he or she is the subject of sexual harassment, or that a co-worker has been subjected to sexual harassment, the employee may take the following steps:
 - a. Directly inform, if possible, the person(s) engaging in the harassing conduct or communicate that such conduct is not welcome and should stop. Alternatively, the employee may submit a confidential report to the YNHHS Compliance Hotline via telephone or online.
2. If the alleged harassment continues, the employee should contact his/her supervisor, another supervisor, or manager of Human Resources or designee regarding the incident or the behavior. YNHHS will promptly investigate employees' complaints and will work to remedy the concerns in a swift and effective manner.
3. It is the responsibility of any management staff member receiving a complaint or witnessing or learning of any such allegations to immediately notify the manager of Human Resources or designee to:
 - a. Seek assistance regarding YNHHS policy, and
 - b. To coordinate and conduct a timely and thorough investigation in conjunction with department head and administrative officer as appropriate.

B. Non-Retaliation

YNHHS prohibits retaliation against an employee for filing a complaint of discrimination or harassment (including sexual harassment) or for cooperating in an investigation of

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harassment. If an employee perceives that he or she is being retaliated against for making a complaint or participating in an investigation of a complaint, the employee should immediately inform management or Human Resources. If YNHHS determines that an employee's behavior is in violation of this policy, appropriate disciplinary action may be taken against the offending employee, up to and including immediate termination.

C. False Allegations or Allegations Made in Bad Faith

In order to promote a respectful workplace free from harassment and to encourage reporting in good faith, it is important that no employee make a complaint under this policy in bad faith or make false allegations under this policy. Failure to prove a claim of sexual harassment is not equivalent to a false accusation. Those individuals who are found to have made false allegations may be subject to disciplinary actions up to and including termination.

D. Counseling and Discipline

YNHHS will take prompt and appropriate action regarding all reports of sexual harassment. Employees who are found to have violated this policy will be subject to appropriate counseling and/or discipline, including discharge if warranted, in accordance with the guidelines established in the YNHHS Employee Conduct and Corrective Action policy. Complaints, any information relating to any investigation following, or any disciplinary or personnel action taken as a result of such investigation will be handled as confidentially as possible, but information may be shared as needed to investigate and to resolve a complaint.

REFERENCES

N/A

RELATED POLICIES

Employee Conduct and Corrective Action

Employee Use of Electronic Communication Devices and Systems