


<b>Methodist Health Services Corporation</b> 	<b>Page # 1 of 2</b>	<b>Section: A</b>	<b>Policy #: A-4.2 (formerly #37)</b>
	<b>Approval:</b> <i>Joy Sedbetto</i>	<b>Date: 2/23/2011</b>	
	<b>Date Revised:</b> 2/23/2011	<b>Supersedes 2/2005, 12/2007</b>	
	<b>Policy/Revision Submitted by: K. Jaegle</b>		
	<b>JCAHO Standard: HR</b>		
<b>SUBJECT: SEXUAL AND OTHER FORMS OF HARASSMENT</b>			

## I. POLICY:

Methodist Health Services Corporation provides guidelines for the reporting and investigation of sexual and other forms of harassment.

## II. GENERAL INFORMATION:

Methodist will provide an environment that honors each employee's right to be free from illegal harassment, including harassment based on race, color, religion, sex, gender, national origin, sexual orientation, transgender, ancestry, age, mental or physical disability, marital status, military status or unfavorable discharge from military service, citizenship status, or any other factors that are unlawfully discriminatory, or other classifications protected by law.

It is the policy of the organization to provide a workplace free from unlawful and improper "harassment" by management, employees or agents of Methodist or by its clients and vendors. It is the responsibility of every manager and employee to cooperate in reaching this goal. Harassment is considered a serious act of misconduct and will subject a manager or an employee to corrective action, which may include without limitation mandatory counseling, suspension without pay or immediate discharge. Similarly, Methodist may modify and/or terminate its relationships with clients and vendors when their representatives engage in harassment in violation of this policy.

As used in this policy, the term "harassment" may include statements, behavior, conduct or treatment, and may include acts and/or failure to act. Methodist will not tolerate, and this policy prohibits, harassment based on or related to person's race, color, religion, sex (with or without sexual conduct), gender, national origin, sexual orientation, transgender, ancestry, age, mental or physical disability, marital status, military status or unfavorable discharge from military service, citizenship status, or protected activity under the anti-discrimination statutes (i.e., opposition to prohibited discrimination or participation in the statutory complaint process) or other classification protected by law. Prohibited harassment need not violate the law and may, for example include generally abusive behavior towards others or behavior that, if it continued, would violate the law.

Statements, behavior, conduct or treatment may be considered harassment if:

- Submission to such statements, behavior, conduct or treatment is made either explicitly or implicitly as a term or condition of an individual's employment;
- Submission to or rejection of such statements, behavior, conduct or treatment by an individual is used as a basis for employment decisions affecting such individual (i.e., promotion, demotion, transfer), even where the employee submits to the demands and obtains a tangible job benefit such as a promotion or pay increase; or
- Such statements, behavior, conduct or treatment substantially interferes with an individual's job performance or creates an intimidating, hostile or offensive working environment.

In particular, sexual harassment generally includes statements, behavior, conduct or treatment based on sex, whether directed towards a person of the opposite or same sex. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or teasing," "practical jokes," jokes about obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another person's body. The statements, behavior, conduct or treatment need not be designed or intended to promote an intimate relationship. Further, prohibited harassment includes harassment based on sex (e.g., frequent derogatory comments about women) even though the comments are not sexual in nature.

Some examples of what may be considered harassment, depending on the facts and circumstances, include the following:

- Verbal harassment – derogatory comments, improper gestures; threats of physical harm; or distribution of written graphic material having such effects.
- Physical harassment – hitting, pushing, or other aggressive physical contact, touching or threats to take such action, gestures or the display of signs or pictures.

It is not considered harassment of any sort for members of management or supervisors to enforce job performance and conduct standards in a proper and consistent manner.

Managers or employees who violate this policy will be subject to corrective action in the discretion of Methodist. Supervisors or members of management who violate this policy, or fail to report violations by others of which they become aware, may also be subject to corrective action.

Individuals who feel they are being harassed should not wait until the harassment becomes severe or pervasive; individuals should report prohibited harassment as soon as possible.

Individuals who believe they are being harassed (or who are aware of harassment of another individual) should tell the offending party that they object to that conduct. However, such action is not required prior to making a complaint of harassment to Methodist.

If the individual is not comfortable confronting the offending party or if the offending party's unwelcome conduct is serious or does not stop, the individual should bring the offensive conduct to the attention of their Director, Vice President or Human Resources Services. An individual also may bring a problem to the attention of a supervisor or management member with whom he or she feels comfortable discussing the issue.

The courts have found that organizations as well as supervisors can be held liable for damages related to sexual harassment or other classifications protected by law by a Director/Manager, employee, visitor, physician, patient, or any third party (including any individual who is not an employee but does business with an organization, such as a contractor, customer, sales representative or repair person).

Methodist will protect from retaliation employees who bring a harassment complaint to the attention of management. Methodist will promptly, thoroughly and impartially investigate all complaints of harassment. To the extent possible, Methodist will protect the confidentiality of complaints. When Methodist concludes that prohibited harassment has occurred, Methodist will take prompt and effective corrective action to insure that the harassment does not occur again and to remedy the effects of prior harassment.

Employees also are free to file a charge of discrimination regarding harassment with either the Illinois Department of Human Rights or the Equal Employment Opportunity Commission. A charge must be filed with the IDHR within 180 days of the unlawful harassment. A charge must be filed with the EEOC within 300 days of the unlawful harassment. In either case, the deadline for filing such a charge runs from the last date of unlawful harassment.

IDHR offices are located in Springfield and Chicago and EEOC offices are located in Chicago. Please see appropriate postings or contact Human Resources if additional assistance in contacting either is needed.

Equal Employment Opportunity Commission  
500 West Madison Street, Suite 2800, Chicago, IL 60661  
312/353-2713 \* 800/669-4000 \* 800-669-6820TDD

Illinois Department of Human Rights  
222 South College – Room 101 A, Springfield, IL 62704  
217/785-5100 \* 217/785-5125 TDD

Illinois Human Rights Commission  
217/785-4350 Springfield \* 312/814-6269  
217/557-1500TDD Springfield \* 312/263-1579TDD Chicago

This policy will be distributed widely within Methodist, and will be covered in periodic training sessions of managers and employees. This policy can be found online at the Methodist Information center for the benefit of its managers, employees, clients and vendors. Methodist will include this policy in its employee handbook.

This policy does not create any contract rights.