

HARRIS HEALTH SYSTEM

POLICY AND REGULATIONS MANUAL

Policy No: 6.36
Page Number: 1 of 6
Effective Date: 12/04/2008
Board Motion No: 08.12-724
Last Review Date: 01/12/2021
Due For Review: 01/12/2024

TITLE: SEXUAL MISCONDUCT AND HARASSMENT

PURPOSE: To define and establish policies on sexual misconduct, such as sexual harassment and assault, and establish procedures for reporting and investigating these types of complaints

POLICY STATEMENT:

Harris Health System (Harris Health) is committed to providing a work environment free from unwanted or inappropriate sexual conduct. Sexual misconduct and harassment are strictly prohibited. Harris Health has zero-tolerance for sexual misconduct or sexual harassment

POLICY ELABORATIONS:

This policy applies equally to men and women, to same and opposite-sex relationships, to supervisor-subordinate relationships, and peer-to-peer relationships. It also applies to non-employees, such as patients, vendors and other visitors. Finally, it applies to all phases of employment, including but not limited to recruitment, testing, hiring, promotion or demotion, transfer, layoff, termination and selection for training.

An employee who believes that they have witnessed or have been subjected to behavior prohibited by this Policy should immediately report the incident to the Office of Corporate Compliance (OCC) as outlined in Section IV(C) below, even if the employee is unsure whether the conduct in fact violates this Policy.

I. DEFINITIONS:

- A. **IMMEDIATE SUPERVISOR:** The person to whom the employee directly reports.
- B. **SEXUAL ASSAULT:** Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.

C. **SEXUAL HARASSMENT:** Sexual harassment includes Sexual Assault. In addition, Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, 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 or learning;
2. Submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting that individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive work or learning environment.

II. FURTHER EXAMPLES OF SEXUAL HARASSMENT

There is no definitive, exhaustive list of behaviors that constitute Sexual Harassment. Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- A. Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- B. Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, Social Media and Internet postings; or other forms of communication that are sexual in nature and offensive.
- C. Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, massaging, and forced sexual intercourse or assault.

- D. Making sexual advances, requesting sexual favors if submission to or rejection of such conduct is the implicit or explicit basis for imposing or granting terms and conditions of employment.
- E. Off-duty, unwelcome conduct of a sexual nature that affects the work environment.
- F. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- G. Engaging in any sexual contact against a person who has not given consent or committing any act that is sexual in nature or Sexual Assault, public sexual indecency, or sexual abuse against a person who has not given consent.
- H. Acting, recommending action, or refusing to take action in a leadership position in return for sexual favors, or as a retaliation against a person who has rejected, reported, verbally complained, filed a complaint regarding, or been the object of sexual harassment.

A victim of sexual harassment can be a man or a woman. The victim can be of the same sex as the harasser. The harasser can be a supervisor, co-worker, other Department employee, or a non-employee who has a business relationship with the Department.

III. REPORTING SEXUAL HARASSMENT

- A. An employee who believes that he or she has witnessed or has been subjected to behavior prohibited by this Policy, even if the employee is unsure whether the conduct in fact violates this Policy, should immediately report the incident to the Office of Corporate Compliance (OCC) as outlined in IV(C) below. Employees may also report to Human Resources through their HR Business Partner or to any member of Harris Health management.
- B. Harris Health has adopted an internal procedure for prompt and equitable resolution of complaints alleging any action prohibited by this policy, applicable laws, or regulations.

HARRIS HEALTH SYSTEM

POLICY AND REGULATIONS MANUAL

Policy No:	6.36
Page Number:	4 of 6
Effective Date:	12/04/2008
Board Motion No:	08.12-724
Last Review Date:	01/12/2021
Due For Review:	01/12/2024

- C. A complaint or report may be submitted telephonically or in writing. Complaints can be submitted anonymously, but Harris Health's ability to investigate and respond appropriately will be limited without as much detailed information as possible about what happened and who was involved.
1. The OCC shall ensure that the complaint or report is investigated by Human Resources. The investigation will be prompt and provide all interested persons or their representatives the opportunity to submit evidence relevant to the complaint or report.
 2. All employees must cooperate in the investigation.
 3. Upon notification of a complaint or report of Sexual Harassment or retaliation, Human Resources will assess the allegation and take prompt action as appropriate while the investigation is on-going. Such action may include but is not limited to re-assignment of the involved employees.
 4. Human Resources shall provide and report their findings from their investigation to the Office of Corporate Compliance no later than 30 days after the complaint or report is made.
 5. Human Resources shall maintain files and records for all formal investigations conducted.
 6. The OCC shall maintain the files and records relating to all complaints or reports made to OCC or through the anonymous hotline.
 7. Human Resources may take any corrective measures deemed appropriate and necessary, including counseling, suspension, re-assignment, or termination.
- D. If would like to ask questions about this Policy, file a complaint alleging violations of this Policy, or report violations of this Policy, you **must** contact:

Office of Corporate Compliance
Harris Health System
P.O. Box 300033
Houston, Texas 77230-0033
Phone: (800) 500-0333

Although not required, you may also contact:

Human Resources
Harris Health System
P.O. Box 300033
Houston, Texas 77230-0033
Phone: (713) 566-6435

- E. While Harris Health cannot control the actions of outside parties, such as Harris Health vendors or patrons, Harris Health maintains its commitment to work and learning environment free from unwanted and/or inappropriate conduct that is sexual in nature. Employees who believe they have witnessed or been the subject of Sexual Misconduct, Sexual Harassment or retaliation under this policy by an outside party must report the alleged act(s) as required in this policy.
- F. Once the investigation is completed, Human Resources will follow-up with the victim(s) and related parties to ensure that the issue has been resolved.

IV. RETALIATION PROHIBITED

- A. No officer or employee may retaliate against employees, individuals or others for:
 - 1. Filing a complaint in good faith with Harris Health, or any local, state or federal agency having authority to enforce compliance with this policy or applicable laws; OR
 - 2. Testifying, assisting or participating in an investigation, compliance review, proceeding, or hearing regarding an alleged violation of this policy.
- B. An employee who makes a false accusation of sexual harassment will be subject to disciplinary action. A false accusation is one that, after investigation, has been proven to be (i) false before it was made; and (ii) made with knowledge of its falsity. An accusation that is merely unsubstantiated is not subject to disciplinary action solely because it was found to be unsubstantiated.

V. CONSEQUENCES FOR VIOLATIONS

Violations of this Policy will be addressed with proportionate disciplinary action. This action may include, but is not limited to, training, counseling, reassignment, suspension, or termination.

REFERENCES/BIBLIOGRAPHY:

Title VII of the Civil Rights Act of 1964 (Title VII)

Harris Health System Policy and Procedures 6.20 Corrective Action

OFFICE OF PRIMARY RESPONSIBILITY:

Harris Health System Senior Vice President of Human Resources

REVIEW/REVISION HISTORY:

Effective Date	Version # (If Applicable)	Review/ Revision Date (Indicate Reviewed or Revised)	Approved by:
12/04/2008	1.0 Original	Approved 12/04/2008	HCHD Board of Managers (Board Motion Number 08.12-724
	2.0	Revised/Approved 6/14/2012	HCHD Operations Policy Committee
	3.0	Approved 01/12/2021	Structure and Organizational Standards Committee