	HARASSMENT AND DISCRIMINATION	REFERENCE # 1017
	DEPARTMENT: HOSPITAL-WIDE	PAGE: 1 OF: 4
APPROVED BY: HUMAN RESOURCES, HOSPITAL ADMINISTRATION, AND BOARD OF COMMISSIONERS		REVISED: 08/01/2024 APPROVED: 07/05/2018

Policy:

Franklin Medical Center is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment.

Franklin Medical Center, in compliance with all applicable federal, state, and local anti-discrimination and harassment laws and regulation, enforces this policy in accordance with the following definitions and guidelines:

Definition of Discrimination:

It is a violation of Franklin Medical Center’s policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person’s race, color, national origin, age, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status.

Discrimination of this kind is strictly prohibited by a variety of federal, state, and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967, and the Americans with Disabilities Act of 1990.


Definition of Harassment:

Franklin Medical Center prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy.

Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender, identity, pregnancy), national origin, age, or genetic information (including family medical history). Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employed, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidation, hostile, or abusive. Harassment is any verbal or physical conduct designed to threaten, intimidate, or coerce an employee, co-worker, or any person working for or on behalf of Franklin Medical Center.

Examples of Harassment include, but is not limited to:

- Verbal Harassment- such as offensive and unwelcome comments regarding a person’s national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status.
 - Offensive jokes, banter, and comments
 - Ostracizing or “freezing out”, ignoring and staring
 - Patronizing comments and remarks
 - Mimicking
 - Use of derogatory terms
 - Racial or ethnic slurs
 - Starting or spreading rumors about a person’s personal life (*Refer to Human Resources Policy 1004 No Gossip*)
- Nonverbal harassment- such as the distribution, display, or discussion of any written or graphic material that ridicules, criticizes, insults, belittles, or shows hostility, aversion, or disrespect toward an individual or group because of national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status.
 - Offensive graffiti, drawings, cartoons, or pictures

	HARASSMENT AND DISCRIMINATION	REFERENCE # 1017
	DEPARTMENT: HOSPITAL-WIDE	PAGE: 2 OF: 4
APPROVED BY: HUMAN RESOURCES, HOSPITAL ADMINISTRATION, AND BOARD OF COMMISSIONERS		REVISED: 08/01/2024 APPROVED: 07/05/2018

Definition of Sexual Harassment:

Franklin Medical Center prohibits all forms of harassment, including sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical harassment of a sexual nature when submission to or rejection of such conduct is used as the basis of employment decisions or such conduct creates an intimidating, hostile, or offensive working environment.

Examples of Sexual Harassment Include, but is not limited to:

- Physical acts of sexual assault (*Refer to Human Resources Policy 1020 Workplace Violence*)
- Requests for sexual favors
- Verbal harassment of a sexual nature, including jokes referring to sexual acts or sexual orientation
- Unwelcome sexual advances
- Unwanted touching or physical contact
- Discussing sexual relations/stories/fantasies
- Unwanted sexually explicit photos, emails, or text messages
- Exposing oneself or performing sexual acts on oneself
- Making conditions of employment or advancement dependent on sexual favors, either explicitly or implicitly

Harassing behavior does not have to be directed at a complainant for it to violate this policy. While one employee may welcome the harassing behavior, it can be perceived by others as harassment due to creating a hostile and un-safe working environment.

Harassment can be initiated towards a person of the same and opposite sex of the aggressor. It can also be between supervisors, managers, and employees.

Consensual Romantic or Sexual Relationships:


Franklin Medical Center strongly discourages romantic or sexual relationships between Directors/Supervisors and their direct/indirect reports. Such relationships tend to create compromising conflicts of interest or appearance of such conflicts including favoritism or bias in employment decisions. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department or other actions may be taken which may result in a demotion or termination.

If any employee of Franklin Medical Center enters into a consensual relationship that is romantic or sexual in nature with an employee who reports directly or indirectly to that employee, or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the Human Resources Department.

Employees engaged in a consensual romantic or sexual relationship where neither employee reports directly or indirectly to the other, does not have to report the relationship to their immediate director or the Human Resources Department.

Complaint Procedure:

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The Human Resources Department will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the Human Resources Department.

	HARASSMENT AND DISCRIMINATION	REFERENCE # 1017
	DEPARTMENT: HOSPITAL-WIDE	PAGE: 3 OF: 4
APPROVED BY: HUMAN RESOURCES, HOSPITAL ADMINISTRATION, AND BOARD OF COMMISSIONERS		REVISED: 08/01/2024 APPROVED: 07/05/2018

If you are being discriminated against or harassed at work, or witness workplace discrimination or harassment, including sexual harassment, you are responsible for notifying the Human Resources Department. If you are being harassed at work, or witness workplace harassment, including sexual harassment, you should tell the harasser directly that their behavior is unwelcomed and must stop.


The Human Resources Department will investigate each reported case of discrimination and harassment, including sexual harassment. The following is the procedure for submitting a complaint regarding harassment, discrimination, or retaliation to the Human Resources Department:

- 1.) Complaint should be submitted as soon as possible after an incident has occurred, preferably in writing. The Human Resources Representative may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the Human Resources Representative will dictate the verbal complaint.
- 2.) Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the Human Resources Representative will notify Administration and may seek advisement from the Hospital's legal counsel.
- 3.) The Human Resources Representative will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
- 4.) If necessary, the Human Resources Department can separate the complainant and respondent by internal transfer(s) or administrative leave.
- 5.) During the investigation, the Human Resources Representative will interview the complainant, the respondent, and any witnesses to determine whether the alleged conduct occurred. Other management employees such as applicable Administrative Directors, Departmental Directors, and Supervisors; as well as the Hospital's legal counsel can assist the Human Resources Department with conducting interviews. Other applicable supporting documentation will be gathered during the investigation phase such as recordings (audio and video), text messages, emails, photos, etc.
- 6.) Upon conclusion of a thorough, fair, and complete investigation, the Human Resources Representative and/or applicable management employees (Administrative Directors, Departmental Directors, Supervisors) and the Hospital's Legal Counsel will determine if there is sufficient evidence supporting that a violation of this policy occurred.
- 7.) If it is determined that a violation of this policy occurred the Human Resources Representative along with applicable management employees and the Hospital's Legal Counsel will recommend appropriate action that may include disciplinary action, up to and including termination (*Refer to Human Resources Policy 1012 Disciplinary Action*). The appropriate action will depend on the following factors:
 - a. The severity, frequency and pervasiveness of the conduct
 - b. Prior complaints made by the complainant
 - c. Prior complaints made against the respondent; and
 - d. The quality of evidence (e.g., firsthand knowledge, credible corroboration)

If the investigation is inconclusive or if it is determined that there was no violation of the policy, but potentially problematic conduct may have occurred, the Human Resources Representative may recommend appropriate preventative action.

If it is determined through investigation that the complainant knowingly filed a false sexual harassment complaint against the respondent, he/she will be disciplined, up to and including termination. (*Refer to Human Resources Policy 1012 Disciplinary Action*). If it is determined that the complainant knowingly filed a false harassment complaint, they also may be responsible for any legal fees incurred.

- 8.) Hospital Administration is responsible for reviewing the Human Resources Representative and/or applicable

	HARASSMENT AND DISCRIMINATION	REFERENCE # 1017
	DEPARTMENT: HOSPITAL-WIDE	PAGE: 4 OF: 4
APPROVED BY: HUMAN RESOURCES, HOSPITAL ADMINISTRATION, AND BOARD OF COMMISSIONERS		REVISED: 08/01/2024 APPROVED: 07/05/2018

management employee's and Hospital Legal Counsel findings and recommendations and decide what action, if any, will be taken.

- 9.) Once a final decision is made by Hospital Administration, the Human Resources Representative and/or the applicable Administrative Director and Departmental Director will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

Mandatory Training:

All employees are required to complete one (1) hour of training regarding preventing sexual harassment on an annual basis. Anyone who supervises employees or any employee who may receive or investigate a sexual harassment complaint is required to receive additional sexual harassment training for managers on an annual basis.

All trainings must be complete annually. The Human Resources Department will maintain records of compliance for each employee's training. Failure to complete the mandatory training requirement(s) may result in disciplinary action, up to and including termination.