

**Highland Hospital  
Human Resources Policy Manual**

**Non-Discrimination and Non-Harassment Policy**

Policy #130  
Reissued: 09/29/2016

**POLICY:** Discrimination based on any legally protected status is strictly prohibited. The Hospital has adopted a zero-tolerance policy with respect to any behavior, including verbal or physical conduct, which constitutes discrimination or harassment in any form. The Hospital thus expressly prohibits any form of unlawful employee harassment or discrimination based on an individual's age, race, religion, creed, color, national origin, sex, pregnancy, disability, sexual orientation, gender identity or expression, marital status, military status, or any other status protected by applicable local, state, or federal law.

**I. COMPLIANCE**

Improper interference with the ability of the Hospital's employees to perform their expected job duties because of an employee's protected characteristics, or for any reason, will not be tolerated. Any employee found to be engaging in any type of unlawful discrimination or harassment in violation of this policy will be subject to disciplinary action, up to and including unpaid suspension and/or termination of employment.

All employees must therefore refrain from any action or conduct which could be viewed as prohibited by this policy, including offensive and inappropriate sexual behavior or language at work and other kinds of sexual harassment; as well as other types of harassment due to an individual's protected status.

Similarly, all members of the Hospital community are accountable for compliance with this policy. This policy prohibits harassment of employees, applicants, residents, vendors, or guests by managers, supervisors, and non-supervisory employees. Harassment of employees or applicants by outsiders, including without limitation clients, customers, contractors, suppliers and their employees who may have business with the Hospital, is also prohibited. The Hospital will take appropriate action consistent with this policy to address harassment of Hospital employees by non-employees.

Any employee or other person covered by this policy who has questions or concerns about any type of discrimination or harassment in the workplace should bring these issues to the attention of his/her supervisor, or to another manager of the Hospital with whom the employee feels more comfortable, or to the Human Resources Department, consistent with the Complaint Procedure outlined below. Concerns can be raised and reports made regarding discrimination and harassment without fear of retaliation. Any employee or other person who is found to have engaged in retaliation prohibited by this policy will be subject to appropriate disciplinary action, up to and including unpaid suspension and/or termination of employment.

The Hospital is committed to assisting victims of harassment and discrimination by taking corrective actions against violations of this policy. Thus, violations of this policy may lead to disciplinary action, up to and including unpaid

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suspension and/or termination.

II. EXAMPLE OF TYPES OF HARRASSMENT

For purposes of this policy, sexual harassment may include 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 an individual's employment;
2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Under this definition, the following is a non-exclusive list of the types of risky behaviors that give rise to a claim of sexual harassment or may constitute sexual harassment depending on the nature, frequency, and severity of the behavior:

- repeated comments about an individual's body, clothing, or lifestyle which have sexual implications or which demean that individual's sexuality or gender;
- repeated offensive sexual flirtations, leering, or ogling;
- inappropriate and offensive sexual advances and propositions;
- display of sexually demeaning objects or pictures;
- implied or direct threats or insinuations that an individual's refusal to submit to sexual advances will adversely affect the individual's status, evaluation, wages, advancement, duties or career development;
- solicitation of sexual activity or behavior with a corresponding express or implied promise of rewards to the individual's evaluation, wages, advancement, assigned duties, or career development;
- unnecessary touching, patting, pinching, or brushing another's body or clothing;
- stalking, telephone or computer harassment, or sexual assault.

The Hospital regards as racial, ethnic, national origin, or color harassment any verbal or physical act, which is intended to cause or could reasonably be expected to cause individuals or groups to feel intimidated, demeaned, or abused because of their race, color, ethnic background, or national origin. Risky behaviors that may give rise to a claim of racial, ethnic, national origin, or color harassment or that may constitute such harassment, depending on the circumstances, frequency, and severity of the behaviors, may include but are not limited to:

- negative comments about an individual because of an accent and/or

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- primary language;
- unfairness toward others because of an accent and/or primary language;
- racial or ethnic graffiti, pictures, or cartoons;
- racial or ethnic jokes or stereotyping activities;
- racially or ethnically degrading and derogatory words, epithets, statements, or physical acts.

**III. COMPLAINT PROCEDURE**

We are all responsible for maintaining a work environment free of discrimination and harassment.

If you are aware of or believe that you have been subjected to any job-related harassment, including but not limited to sexual harassment, or believe that you have been treated in an unlawful, discriminatory manner, you must promptly report the incident to your supervisor or manager. If the complaint involves your immediate supervisor or manager, or if you feel uncomfortable discussing the matter with your supervisor or manager, you should report the matter to Amy Taney, Chief Human Resources Officer (Office E225A; Phone 341-0118) or Cindy Becker, VP & Chief Operating Officer (Office Phone 341-6711), or to another manager of the Hospital with whom you feel more comfortable. This policy relates to all incidents of alleged discrimination or harassment, including those that occur off-premises or off-hours, and where the alleged offender is a supervisor, co-worker, or even a non-employee with whom the employee is involved, directly or indirectly, in a business or potential business relationship.

All complaints under this policy will be investigated promptly and, where appropriate, corrective action will be taken to stop the discrimination or harassment and prevent its reoccurrence. Any employee who is found to have engaged in discrimination or harassment prohibited by this policy will be subject to appropriate discipline, up to and including unpaid suspension and/or termination of employment. All information regarding an investigation of such complaints will be protected as confidential to the extent possible.

The Hospital prohibits any form of retaliation against any employee for filing a good-faith complaint under this policy or for participating in a complaint investigation. Any employee who is found to have engaged in retaliation prohibited by this policy will be subject to appropriate discipline, up to and including unpaid suspension and/or termination of employment.

If, after investigating any complaint of discrimination or harassment, the Hospital determines that the complaint was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information, up to and including unpaid suspension and/or termination of employment.

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Supervisors observing or learning of any alleged incidents of harassment or discrimination should take immediate action to stop it, whenever appropriate, and should report the incident to Amy Taney, Chief Human Resources Officer (Office E225A; Phone 341-0118) or Cindy Becker, VP & Chief Operating Officer (Office S206; Phone 341-6711). Any manager or supervisor who is made aware of harassment or discrimination and fails to report it or to take appropriate corrective action pursuant to this policy may be subject to disciplinary action, up to and including unpaid suspension and/or termination.

IV. WHISTLEBLOWER LAW

The Whistleblower Law of the State of New York prohibits taking or threatening retaliatory action, including but not limited to discharge, suspension, demotion or other adverse employment action, against an employee who brings or threatens to bring to a supervisor's or public body's attention either (1) a policy or practice of the employer that presents a substantial or specific danger to the public health or (2) a policy or practice of the employer that constitutes health care fraud. To be protected under the Whistleblower Law, however, the employee must first bring the matter to the attention of a supervisor and give the employer a reasonable opportunity to correct such activity, and an actual violation of the law (i.e., meaning not merely an employee's speculative, reasonable or good faith belief of a violation) must have been alleged.

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