Baptist Health South Florida

**POLICY NO.: BHSF-5075**
**TYPE: Administrative**

**POLICY TITLE:** Policy Prohibiting Harassment and Discrimination (formerly Employee Dignity and Respect)

**Responsible Department:** Human Resources

**Creation Date:** 12/01/00
**Review Date:**
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**SUMMARY & PURPOSE:**
To assure a work environment free of all forms of harassment and discrimination, where all employees are treated with dignity and respect.

**POLICY:**
Baptist Health South Florida is committed to providing an environment where employees are treated with dignity and respect, and where the environment is free from all forms of harassment or discrimination, so that employees can perform effectively and experience personal and professional satisfaction from their work.

Baptist Health expressly prohibits, and has a zero tolerance for, any form of unlawful harassment or discrimination based upon race, color, religion, ancestry, sex, pregnancy, national origin, age, handicap/disability, marital status, familial status, genetic information with respect to the applicant or employee, sexual orientation, or any other classification protected by applicable federal, state or local law.

**SCOPE/APPLICABILITY:**
This policy applies to all Baptist Health applicants, employees, physicians, volunteers, Board members, contractors, agents, or anyone who has contact with Baptist Health applicants, employees, or volunteers.

**PROCEDURES TO ENSURE COMPLIANCE:**
1. Definitions:
   a. Sexual harassment. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of

unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; use of Baptist Health inter-office mail, computers, E-Mail, Instant Messaging and Voice Mail to display and/or transmit, including through regular mail, electronic mail or instant messaging, of pornographic, sexually explicit images, videos, messages and/or cartoons and other physical, verbal or visual conduct of a sexual nature, as well as the display of such images, messages, and/or cartoons in the employee's workspace. Sex-based harassment that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

b. Harassment on the basis of any other protected characteristic also is strictly prohibited. For the purposes of this policy, harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, ancestry, sex, pregnancy, national origin, age, disability, marital status, familial status or sexual orientation or any other characteristic protected by applicable federal, state and local laws or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

   Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

2. Individuals and Conduct Covered:
   This policy prohibits employees from displaying any form of harassment, discrimination and retaliation.

   Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as company sponsored events, during business trips, business meetings and business-related social events.

3. Leadership Accountability:
   As representatives of the organization, leaders are held to a very high standard in ensuring an environment free from all forms of harassment, discrimination or retaliation. Leaders must follow the procedures as outlined in this policy and report all incidents that they have observed or which have been brought to their attention immediately to Human Resources.

4. Retaliation Is Prohibited:
   Baptist Health prohibits retaliation against any individual who reports discrimination or harassment or participates in any investigation.

5. Reporting an Incident of Harassment, Discrimination or Retaliation:
   a. Baptist Health strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct which is contrary to this policy or who have observed the disrespect or harassment of another person must report the incident promptly to their leader and/or Human Resources. The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing

conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

b. IMPORTANT NOTICE TO ALL EMPLOYEES: Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action.

c. All reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action, and will be disclosed only on a need-to-know basis to others in order to investigate and resolve the matter.

d. At the close of the investigation, the employee who made the complaint will be informed of the results of the investigation.
   i. If it is determined that harassment, discrimination or retaliation has taken place, the employee initiating the complaint shall be informed of such and that the proper steps will be taken to cease that behavior.
   ii. If it cannot be determined that harassment, discrimination or retaliation has taken place, the employee initiating the complaint shall be informed that the evidence was inconclusive.

**SUPPORTING/REFERENCE DOCUMENTATION:**
N/A

**RELATED POLICIES, PROCEDURES, AND ASSOCIATED FORMS:**

- BHSF Administrative Policies – Human Resources:
  - 5050 Equal Employment Opportunity
  - 5250 Employee Conduct
  - 5300 Corrective Action
  - 5600 Termination of Employment

**ENFORCEMENT & SANCTIONS:**
Violation of this policy may lead to disciplinary action, up to and including termination of employment.