



Regional Academic Affairs

TITLE: Harassment/Sexual Harassment POLICY NUMBER: S-25

DEPARTMENT: Graduate Medical Education Effective Date: 7/01
Revised: 10/23
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POLICY:

Mercy Health (MH) is committed to providing a workplace where all faculty, residents and associates (“associates” can work together productively to support the Ministry’s mission, free from harassment or retaliation.

PURPOSE:

- A. Recognize and uphold the dignity of each associate, workforce member, and all persons involved with the Ministry
- B. Abide by laws prohibiting harassment and retaliation for filing a complaint, assisting in a complaint investigation, or as otherwise prohibited by applicable law.
- C. Individuals who violate this policy may be subject to corrective action, up to and including termination of employment. Policy number S-04, Due Process will be followed for appropriate follow-up action.

This policy and commitment applies to all associates and workforce members of MH and extends to all persons involved in the Ministry, including medical students, allied health care students, volunteers, patients, contractors, vendor personnel, workforce members, and temporary staff.

DEFINITIONS

Sexual Harassment – unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct, has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Quid Pro Quo – Making an associate’s submission to sexual acts an explicit or implicit term or condition of the individual’s employment or the basis of an employment decision (e.g., promotion, transfer, raise, etc.) impacting the individual.

Hostile Work Environment – when harassing or discriminatory conduct is so severe and pervasive it interferes with an individual’s ability to perform their job; creates an intimidating, offensive, threatening, or humiliating work environment; or causes a situation where an associate’s psychological well-being is adversely affected.

Third-Party Conduct – engaging in consensual sexual conduct or discussion in such a manner as to create a hostile environment for an uninvolved third party.

Harassment – Any conduct, active or passive that creates a work environment that a reasonable person would consider hostile or threatening, including words or actions intended to create fear, belittle another person, or instigate, to anger, or provoke.

Retaliation – An act that adversely affects an associate’s employment because of their engaging in protected activity. Protected activities include complaining about Policy Policy Name: Last Reviewed Date: 4/28/2023 Page: 4 Version: Non-Harassment 2.0 Last Modified Date: 4/28/2023 Original Date: 4/1/2019 discrimination or harassment or participating in an investigation regarding discrimination or harassment.

Forced or Compulsory Labor – occurs when individuals are compelled against their will to provide work or service using force, fraud, or coercion.

Human Trafficking – is the unlawful act of recruitment, transportation, transfer, and coercing people to benefit from their work or services, typically in the form of forced labor or sexual exploitation.

Third-Party Sexual Harassment – harassment of an associate by someone other than another associate, such as by a client, customer, vendor, or service provider.

Bon Secours Mercy Health (BSMH) - is the parent organization of Mercy Health

Policy Details

- a. MH forbids all forms of sexual and non-sexual harassment, verbal and nonverbal harassment, and retaliation.
 - i. Harassment can occur between anyone associated with MH, e.g., an associate and a supervisor; coworkers; a patient and a staff member; a physician, contractor, or a third party.
- b. The following examples of sexual harassment are intended to be guidelines and not exclusive:
 - i. Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:
 1. Made explicitly or implicitly a term or condition of employment
 2. Used as a basis for an employment decision
 3. Unreasonably interferes with an associate’s work performance or creates an intimidating, hostile, or otherwise offensive environment
 - ii. Verbal sexual harassment includes but is not limited to:
 1. Innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, and threats
 2. Request for any type of sexual favors, including repeated and unwelcome requests for dates
 3. Kidding or jokes that are sexual in nature and unwelcome
 - iii. Nonverbal sexual harassment includes but is not limited to:
 1. Distribution, display, or discussion of any written or graphic material
 2. Show hostility toward an individual or group because of sex
 3. Suggestive or insulting sounds, leering, staring; whistling; or obscene gestures
 4. All forms of communication that could be deemed sexual in nature and offensive
 - iv. Physical sexual harassment includes but is not limited to:
 1. Unwanted physical contact
 2. Forced sexual intercourse or assault
 3. Quid Pro Quo
- c. Non-Sexual Harassment can be verbal or nonverbal. The following examples are intended to be guidelines and not exclusive when determining if harassment took place
 - i. Verbal harassment includes but is not limited to:
 1. Comments that are offensive or unwelcome 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
 2. Including epithets, slurs, and negative stereotyping
 - ii. Nonverbal harassment includes but is not limited to:

1. Distribution, display, and other print materials that ridicule, denigrate, insult, belittle or show hostility, aversion, or disrespect toward an individual or group, protected class, or protected activity
- d. Reporting a Concern
- i. Associates or applications that are subject to harassment or witness the same must report the concern to any manager or senior leader, or if you believe you have been subject to harassment, retaliation, or witnessed the same, you must report the concern to your manager, a senior leader, or
 1. Human Resources by contacting Advice and Counsel
 - a. Via phone at 877-692-7780 and option #2
 - b. HR ServiceNow Form
 - i. Go to the HR ServiceNow Portal
 - ii. Click the Workplace Worry-Advice and Counsel can help widget/image
 - c. If an associate wishes to remain anonymous, they need to contact the Bon Secours Mercy Health (BSMH) Ethics Help Line
 - i. 888-302-9224
 - ii. BSMH Ethics Help Line
 - ii. When leaders are notified of an issue, they must act and consult with Human Resources.
 - iii. When an associate notifies BSMH of any concern, we will promptly commence an investigation. BSMH will thoroughly investigate the complaint.
 - iv. Where instances of harassment are substantiated, BSMH will apply the corrective action policy and may involve proper authorities as required.
 - v. After investigating a complaint, if BSMH determines that an associate knowingly provided false or intentionally misleading information regarding the complaint or during the investigation, the associate may be subject to corrective action.
 - vi. BSMH prohibits any form of retaliation against any associate for filing a bona fide complaint, participating in a complaint investigation, or as set forth under applicable law.
- e. Anti -Human Trafficking
- i. Mercy Health (MH) values are human dignity, integrity, compassion, stewardship, and service. MH is committed to those values while promoting and creating workplaces and communities that are free from human trafficking, unlawful child labor, and forced labor
 - ii. All associates and workforce members are expected to refrain from violating ethical conduct standards and illegal activity, including human trafficking.
 - iii. Associates in violation of this policy or BSMH Code of Conduct are subject to corrective action, including termination of employment.

PROGRAM DIRECTOR/EDUCATION DIRECTOR RESPONSIBILITY

To promote sensitivity and awareness of this issue, it is important that program directors' be knowledgeable and keenly aware of the problem of harassment. They have an affirmative duty to keep their workplace free from harassment of any kind and shall take appropriate steps to prevent and eliminate such harassment. Any incidents of this nature or questions concerning this policy should be discussed with the CAO.

If a program director becomes aware of any violation or possible violation of these guidelines, the incident must be reported to the Human Resources Department.

DISCLAIMER

Bon Secours Mercy Health's (BSMH) Non-Harassment Policy BSMH-HR-DIV_003 is the primary source for this policy and will remain the primary source for questions on definition, policy and procedures. BSMH has the right to amend this policy from time to time.

RELATED POLICIES/RESOURCES

BSMH Code of Conduct [Booklet]

Non-Discrimination Policy [BSMH-HR-DIV_004]

Equal Employment Opportunity Policy [BSMH-HR-DIV_001]

Approved by:



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