Catholic Health	**CATHOLIC HEALTH**	Effective Date: 10/09/2018
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	Subject: Anti-Harassment Policy	Page: 1 of 9
	Distribution: All Manual Holders	
	Responsible Department: Human Resources	
	Cross Reference: CH Record Retention and Destruction Policy	
	Signature: Anthony Pellicano, Chief HR Officer	

BACKGROUND:

Catholic Health ("CH") is committed to maintaining a workplace free from all forms of harassment, including sexual harassment. CH is also committed to maintaining a workplace free of retaliation against individuals for reporting harassment in good faith or for participating in the investigation and resolution of reported harassment.

Sexual harassment is a form of sex discrimination and is unlawful under federal, New York State and local law. Retaliation against a complainant, witness, or any other individual participating in the reporting or investigation of sexual harassment is also unlawful under federal, New York State and local law. The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.) which prohibits discrimination on the basis of certain protected characteristics. The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which prohibits sexual harassment, applies to all employers in New York State. Additionally, many localities enforce laws protecting individuals from sexual harassment and discrimination.

This Policy, along with the attached complaint form are intended to comply with New York State law.

POLICY:

CH prohibits all forms of harassment against employees on the basis of race, color, national origin, religion, sex, age, disability and genetic information and other characteristics protected by law.

CH prohibits all forms of sexual harassment against employees, applicants for employment, interns (paid or unpaid), contractors, and persons conducting business with CH or any CH Entity. Examples of prohibited sexual harassment are attached hereto as Exhibit A.

CH prohibits retaliation against individuals who, in good faith, complain of any form of harassment on the basis of a protected characteristic including sexual harassment. No person covered by this policy shall be subject to adverse employment action including being discharged, disciplined, or discriminated against for reporting an incident of harassment, providing information, or otherwise assisting in any investigation of harassment, including any investigation of a sexual harassment complaint.

CH will conduct a prompt, thorough investigation of all allegations of harassment and retaliation. Any person who is found to have engaged in any form of harassment or retaliation may be subject to corrective and/or disciplinary action, up to and including termination. Additionally, any supervisory or managerial personnel who knowingly allowed harassment or retaliation to occur may be subject to corrective and/or disciplinary action, up to and including termination.

DEFINITIONS:

Age-based harassment: Age-based harassment is harassment of an individual because she or he is 40 years old or older.

Color-based harassment: Color-based harassment is harassment based on an individual's skin tone.

Disability-based harassment: Disability-based harassment is harassment based on an individual's actual or perceived physical or mental disability. Disability-based harassment also includes harassment because of a request for or receipt of a reasonable accommodation.

Genetic information harassment: Genetic information harassment includes, but is not limited to, harassment based upon an individual's (or the family member of an individual's) genetic test, family medical history, requests for receipt of genetic services by an individual or a family member.

National origin harassment: National origin harassment is harassment based on an individual's (or her or his ancestor's) actual or perceived place of origin, ethnic or cultural characteristics, or linguistic characteristics.

Race-based harassment: Race-based harassment is harassment based on an individual's actual or perceived race and/or specific race-linked traits.

Religious harassment: Religious harassment is harassment based on an individual's religion, religious practices, or dress. Religious harassment also includes harassment because of a request for or receipt of a religious accommodation.

Sex-based harassment: Sex-based harassment is harassment based on an individual's sex, including an individual's sexual orientation, sex stereotypes, and gender. Sex-based harassment also includes harassment based on pregnancy, childbirth, lactation and related medical conditions.

Sexual Harassment Definitions

Sexual harassment: Sexual harassment means unwelcome sexual advances, requests for sexual favors, or 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 the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Quid pro quo Sexual Harassment: Sexual harassment also occurs when a person of authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or other terms, conditions or privileges of employment.

Protected Individual: For purposes of sexual harassment, "protected individual" shall include any employee, applicant for employment, intern, fellow, volunteer, or other individual, paid or unpaid, involved in the operation of CH, as well as contractors, vendors, or any employee of a contractor or vendor, or any consultant.

PROCEDURE:

A. *Instructions to File a Complaint of Harassment or Sexual Harassment*

1. Protected Individuals who believe they have been subjected to any form of harassment are encouraged to attempt to resolve the matter informally by discussing the situation with the individual engaging in such conduct. The Protected Individual should make it known that the conduct is offensive and unwelcome. If the Protected Individual is in any way uncomfortable addressing the offender directly, or if the offending conduct continues, the Protected Individual is encouraged to utilize the following procedures.

2. In addition to addressing perceived harassment with the offender, complaints of any type of harassment may be filed in writing or orally by any Protected Individual to any supervisor, managerial employee, administrator, or Human Resources representative.

3. Any supervisory, managerial, or other employee who becomes aware of conduct of a sexually harassing nature must report such conduct to the CH entity's Vice President of Human Resources (or other Human Resources official at the relevant CH entity) so that it can be fully investigated.

4. Complaints of sexual harassment may be made using the attached Complaint Form (Exhibit B) or orally. If a Protected Individual makes an oral complaint of sexual harassment, the individual who receives such a complaint shall encourage the Employee to fill out the attached Complaint Form. If the Employee does not fill out the complaint form, the person receiving the complaint shall fill out the Complaint Form on the basis of the oral complaint. If the Complaint Form is completed by an individual other than an HR Representative, the person completing the Complaint Form shall forward to the CH entity's Human Resources department.

5. Employees also have the right to file a complaint of harassment, including sexual harassment, with the EEOC and the New York State Division of Human Rights. If the harassment includes physical touching, coerced physical confinement, or coerced sex acts, you may also contact the local Police Department. Employees experiencing sexual harassment may also contact the free and confidential New York sexual harassment line at 1-800-HARASS-3.

B. *Investigation of a Complaint of Harassment*

1. Each CH Entity's Vice President of Human Resources ("VP of Human Resources") or other Human Resources official ("HR Representative") designated by the VP of Human Resources shall be the individual designated to investigate complaints of harassment for that CH Entity.

2. Upon receipt of a complaint of harassment, the individual receiving such complaint, whether oral or written, shall immediately report the complaint to the CH entity's Human Resources department.

3. Upon receipt of the complaint, the VP of Human Resources or the HR Representative shall review to determine whether she or he has a conflict of interest. If so, the HR Representative shall notify the VP of Human Resources, or, if the VP of Human Resources has the conflict, she or he shall notify the CH System Senior Vice President and Chief Human Resources Officer. Either the VP of Human Resources or, as applicable, the CH System Senior Vice President and Chief Human Resources Officer will designate a new individual to investigate the complaint.

4. The VP of Human Resources, HR Representative or, as applicable, an individual designated by the CH System Senior Vice President and Chief Human Resources Officer, shall investigate the complaint. In most instances, such investigation shall be completed within ninety (90) days of the filing of the complaint.

5. At the conclusion of the investigation, the VP of Human Resources, HR Representative or, as applicable, an individual designated by the CH System Senior Vice President and Chief Human Resources Officer, shall advise the complainant that the investigation has concluded and inform the complainant of the findings of the investigation and, if necessary, shall implement any remedial actions taken to address the complaint.

C. *Special Procedures for the Investigation of a Complaint of Sexual Harassment*

1. The VP of Human Resources or HR Representative shall be the designated individual for the investigation of complaints of sexual harassment.

2. Upon receipt of a complaint of sexual harassment, the individual receiving such complaint, whether oral or written, shall immediately report the complaint to the CH entity's Human Resources department.

3. Upon receipt of the complaint, the VP of Human Resources or the HR Representative shall review to determine whether she or he has a conflict of interest. If so, the HR Representative shall notify the VP of Human Resources, or, if the VP of Human Resources has the conflict, she or he shall notify the CH System Senior Vice President and Chief Human Resources Officer. Either the VP of Human Resources or, as applicable, the CH System Senior Vice President and Chief Human Resources Officer will designate a new individual to investigate the complaint.

4. The VP of Human Resources, HR Representative or, as applicable, an individual designated by the CH System Senior Vice President and Chief Human Resources Officer, shall investigate the complaint. In most instances, such investigation shall be completed within ninety (90) days of the filing of the complaint.

5. During such investigation, the complaint of sexual harassment, including the complainant's identity, witnesses and the identity of the alleged harasser shall be kept confidential to the extent practicable.

6. The VP of Human Resources, HR Representative or, as applicable, an individual designated by the CH System Senior Vice President and Chief Human Resources Officer, shall develop a preliminary investigation plan which shall include, at a minimum:

    a. An examination of the circumstances surrounding the allegations; the employment history of the parties; the place, date, location, time and duration of the incident in question; and any prior relevant incidents or allegations, whether reported or unreported.

    b. Identification of the complainant, alleged harasser, and any relevant witnesses.

    c. Communication with the Office of General Counsel to determine whether a legal hold request for any relevant documents, emails or phone records should be distributed.

    d. A determination of any necessary site visits.

    e. An interview of the complainant, where necessary.

    f. An interview of the alleged harasser, where necessary, which shall conform to the requirements of any applicable collective bargaining agreement or law.

g. Any other relevant information relating to the allegations.

7. The VP of Human Resources, HR Representative or, as applicable, an individual designated by the CH System Senior Vice President and Chief Human Resources Officer shall conduct the investigation in accordance with the investigation plan.

8. Upon completion of the investigation, the VP of Human Resources, HR Representative or, as applicable, an individual designated by the CH System Senior Vice President and Chief Human Resources Officer, shall draft a report that contains the below items. The report and the associated documentation may be retained by the CH entity's Human Resources Office in accordance with the CH Record Retention and Destruction Policy.

   a. A summary of the relevant documents.

   b. A list of all individuals interviewed and a summary of their statements.

   c. A timeline of events.

   d. A summary of prior relevant incidents.

   e. An analysis of the allegations and evidence.

9. The VP of Human Resources, HR Representative or, as applicable, an individual designated by the CH System Senior Vice President and Chief Human Resources Officer shall notify the complainant of the final determination and, if necessary, shall implement any corrective action.

10. Remedial steps may be taken to prevent intimidation, retaliation, or coercion of the complainant, including, but not limited to, preventing the alleged harasser from contacting the complainant or from discussing the substance of the complaint with the complainant, or removing the alleged harasser from the workplace.

Exhibit A
EXAMPLES OF PROHIBITED SEXUAL HARASSMENT

The following describes some of the types of acts that may be unlawful sexual harassment and are prohibited by this Policy:

1. Physical assaults of a sexual nature, such as:

a. Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body;

b. Rape, sexual battery, molestation or attempts to commit these assaults.

2. Unwanted sexual advances or propositions, such as:

a. Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance, evaluation, a promotion or other job benefits or detriments;

b. Subtle or obvious pressure for unwelcome sexual activities.

3. Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.

4. Sexual or discriminatory displays or publications anywhere in the workplace, such as:

a. Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on clothing, workplace computers or cell phones, sexual displays as visible body art, and/or sharing sexual displays while in the workplace.

5. Hostile actions taken against an individual because of that individual's sex, sexual orientation, or gender identity, such as:

a. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;

b. Sabotaging an individual's work;

c. Bullying, yelling, name-calling.

Exhibit B
COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT

New York State law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment. If you believe that you have been subjected to sexual harassment, you may complete this form and submit it to the Vice President of Human Resources or other Human Resources officials at your CH entity. Once you submit this form, the Sexual Harassment procedures outlined above will be followed. You may also make an oral report without submitting this form.

Complainant Information

Name:

Home Address:

Phone Number:

Email:

Employer:

Work Address:

Job Title and Shift:

Complaint Information

1. Your complaint of Sexual Harassment is made against:
   Name:

   Employer Name:

   Work Address:

   Job Title and Shift:

   Relationship to you (Check): □ Supervisor □ Subordinate □ Coworker □ Other

2. Date Sexual Harassment Occurred:

Form continues on next page.

3. Describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Use additional sheets of paper if necessary and attach any necessary documents.

4. Is the conduct continuing? (Check) □ Yes □ No

5. List the name and contact information of any witnesses or individuals that may have information related to your complaint.

Complainant Signature _____ *Date* _____

If this form was completed by an individual other than the complainant, please sign below and provide this form the Human Resources department.

Signature _____ *Date* _____

Print Name _____

Title _____ *CH Entity* _____