


Montefiore

HUMAN RESOURCES POLICY AND PROCEDURE MANUAL	SUBJECT: Non-Discrimination and Anti-Harassment
APPROVED:  DAVID BRODSKY	POLICY NUMBER: VI-6
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	DATE ISSUED: 10/06/84
	DATE REVIEWED/REVISED: 08/26/16

GENERAL POLICY:

Montefiore Medical Center is committed to providing its Associates, patients and visitors with an environment free from discrimination, unlawful harassment and other harassing behavior. Maintaining such an environment is a responsibility shared equally by all Associates.

This policy applies to conduct both in the workplace and at work-related activities outside of the workplace (for example, an off-site business meeting or a business-related social event occurring after regular working hours).

POLICY APPLICABLE TO:

All Associates, (including, but not limited to, employed physicians, attending physicians, house staff, students, vendors, independent contractors, agency workers and volunteers).

PURPOSE:


The purpose of this policy is to:

- Foster a work environment characterized by respect, tolerance, and understanding;
- Recognize the strength, talent, and insight Montefiore draws from Associates with diverse views and experiences;
- Guarantee equal employment opportunity that is free from discrimination or harassment on the basis of race, color, religion, creed, national origin, alienage or citizenship status, age, sex, actual or presumed disability, history of disability, sexual orientation, gender identity or expression, genetic predisposition or carrier status, pregnancy, military status, marital status, or partnership status, or any other characteristic protected by law.
- Describe the procedure for reporting, investigating, and resolving complaints of discrimination, harassment, and retaliation.

NON-DISCRIMINATION

Montefiore draws strength, talent, and insight from the diverse views and experiences of its Associates. This diversity is a strategic asset to Montefiore because it helps the medical center recruit and retain the best possible Associates who, in turn, provide patients with the best possible care.

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To sustain this diversity, Montefiore will recruit, hire, train, transfer, promote, layoff and discharge Associates in all job classifications without regard to their race, color, religion, creed, national origin, alienage or citizenship status, age, sex, actual or presumed disability, history of disability, sexual orientation, gender identity or expression, genetic predisposition or carrier status, pregnancy, military status, marital status, or partnership status, or any other characteristic protected by law.


Likewise, Montefiore will make human resources and staffing decisions such as setting compensation, establishing work schedules, completing performance appraisals, delivering benefits, assigning tasks, reviewing requests for time off from work, allocating resources, and administering leave of absence and other policies without regard to race, color, religion, creed, national origin, alienage or citizenship status, age, sex, actual or presumed disability, history of disability, sexual orientation, gender identity or expression, genetic predisposition or carrier status, pregnancy, military status, marital status, or partnership status, or any other characteristics protected by law.

In accordance with Human Resources Policy VI-8 concerning the employment of qualified Associates with a disability, Montefiore will provide reasonable accommodations to Associates with disabilities so that they can perform the essential functions of their positions.

Examples of prohibited behavior include:

- Allowing racial, ethnic, sexual, or religious stereotypes or assumptions to influence hiring or promotional decisions, or an appraisal of an individual’s performance;
- Refusing to hire, transfer, or promote a qualified individual because of his/her age;
- Refusing to hire, transfer, or promote a qualified individual because of his/her religious beliefs or practices;
- Refusing to hire, transfer, or promote a qualified individual because he/she is responsible for caring for a child, parent, or a person with a disability;
- Refusing to hire, transfer, or promote a qualified individual because he/she speaks English with an accent, or because English is not his/her primary language;
- Refusing to hire, transfer, or promote a qualified individual because he/she is regarded as disabled or has a history of disability;
- Refusing to hire, transfer or promote a qualified individual because of perceived sexual orientation, or stated gender identity or expression;

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- Refusing to hire, transfer, or promote a qualified individual who is legally authorized to work in the United States because of the nature of his/her work authorization;
- Refusing to discuss with a disabled individual reasonable accommodations that would enable him/her to perform the essential functions of his/her position;
- Refusing to grant an individual a leave of absence to fulfill his/her military service obligations;
- Prohibiting Associates from conversing in a language other than English during their break periods or when not performing their duties;
- Refusing to hire, transfer, or promote a qualified individual because he/she is or may be pregnant, or may become pregnant in the future; or
- Using racial, ethnic, sexual, or religious slurs.

HARASSMENT

A. Unlawful Harassment Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility to or aversion toward an individual because of his/her race, color, sex, religion, creed, national origin, alienage or citizenship status, age, actual or presumed disability, history of disability, sexual orientation, gender identity or expression, or genetic predisposition or carrier status, pregnancy, military status, marital status, or partnership status or any other characteristics protected by law 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 may include (but is not limited to):

- Epithets, slurs or negative stereotyping;
- Threatening or intimidating acts;
- Denigrating jokes; or
- Displaying or circulating objects or written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail, the internet, or the mail).

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B. Sexual Harassment is a type of unlawful harassment. Sexual Harassment is defined in this policy and in federal guidelines as unwelcomed 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 and 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 the 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 non-subtle behaviors and may involve individuals of the same or different sex. Such behaviors may include one or more of the following:


- Touching or groping;
- Unwanted sexual advances or requests for sexual favors;
- Sexual jokes and innuendos;
- Verbal abuse of a sexual nature;
- Commentary on an individual's appearance or body;
- Leering;
- Insulting or obscene comments or gestures; or
- Displaying or circulating sexually suggestive objects or written or graphic material (including through e-mail, the internet or the mail).

C. Other Harassing Behavior: Harassing behavior that does not fall within the definitions above violates this policy and is contrary to the standards of Montefiore. Such behaviors may consist of verbal or physical conduct that has the effect of denigrating, belittling, ridiculing, or intimidating an individual.

RETALIATION IS PROHIBITED

This Policy prohibits retaliation including intimidation against any individual who (a) reports, in good faith, discrimination or harassment or retaliation; (b) participates in an investigation of such a report; or

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(c) conducts an investigation, effects discipline and/or reports prohibited conduct to a government agency. If an individual feels he or she is a victim of retaliation, he/she should make a complaint in the manner described below.

Montefiore will severely discipline any person who engages in retaliation. Such discipline may include (but is not limited to) a suspension without pay or discharge.

PROCEDURE:

REPORTING AN INCIDENT OF DISCRIMINATION, HARASSMENT, OR RETALIATION


Early reporting and intervention are the most effective methods of remedying actual and perceived discrimination, harassment, and retaliation. Therefore, Montefiore Medical Center strongly urges individuals to report promptly their complaints or concerns so that it can take rapid and effective action. The Medical Center urges individuals to make the complaint before the objectionable conduct becomes severe or pervasive.

Individuals who believe they have experienced discrimination, harassment or retaliation can make a complaint to any of the following persons:

- The individual's immediate Supervisor;
- The administrative or clinical leader of the individual's department;
- A Human Resources Business Partner;
- An Employee and Labor Relations Manager;
- The Director of Employee and Labor Relations;
- The Associate General Counsel for Labor and Employment;
- Corporate Compliance; or
- Hotline (1-800-662-8595).

An individual should not feel obligated to make a complaint to his/her immediate Supervisor first. The individual can complain to any of the persons listed immediately above.

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This policy does not preclude an individual who believes he/she experienced discrimination, harassment, or retaliation from promptly advising the offender that his/her conduct is unwelcomed and from requesting that the offender discontinue the objectionable conduct.

This policy relies, in part, on the good faith of Montefiore's Associates. If an Associate deliberately abuses this policy and files a false or malicious complaint, Montefiore may discipline the Associate. Such discipline may include (but is not limited to) a suspension without pay or discharge.

SUPERVISORS MUST REPORT DISCRIMINATION, HARASSMENT OR RETALIATION

Supervisory Associates are required, under this Policy, to promptly report to either a Business Partner or the Employee and Labor Relations Division of the Human Resources Department, any complaint they receive concerning discrimination, harassment or retaliation. Consistent with this policy, the Human Resources Business Partner or the Employee and Labor Relations Division will assist the supervisory staff member in determining the appropriate response to a complaint.

INVESTIGATION OF COMPLAINT


Montefiore will promptly investigate a complaint about discrimination, harassment or retaliation. The scope of the investigation depends on the nature of the complaint. 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 information relevant to the investigation. Depending on the circumstances and the nature of the allegations, a Supervisor in the department where the complaining Associate works, a representative from the Human Resources Department, or an outside party retained by Montefiore may conduct the investigation.

The Human Resources Department is responsible for ensuring that the investigation is prompt, thorough, fair, and accurate.

Montefiore will keep confidential the identities of the individuals involved in the investigation (including the person who made the complaint, the person accused of violating this Policy, and the persons interviewed during the investigation) only to the extent feasible to conduct an adequate investigation and take corrective action.

CORRECTIVE ACTION

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Montefiore will address a violation of this policy promptly and effectively. Depending on the circumstances, corrective action by the Medical Center may include one or more of the following measures:

- Counseling;
- Training;
- Disciplinary warning or suspension without pay;
- Denial of a promotion or pay increase;
- Reduction in wages;
- Demotion;
- Reassignment;
- Discharge;
- Reporting to professional and/or investigate authorities (such as the Office of Professional Discipline and the Office of Professional Medical Conduct);
- Termination of the relationship with the vendor;
- Termination of the relationship with the independent contractor.

In cases where the Medical Center concludes that this policy was not violated but that an Associate engaged in unprofessional or inappropriate conduct, the Medical Center may, in its discretion, discipline the Associate (including a suspension without pay or discharge) or reassign him/her to another Supervisor, department or location.

All Medical Center Human Resources policies and practices are guidelines and may be changed, modified or discontinued at any time by the Medical Center's Senior Vice President of Human Resources, or designee, with or without notice. Exceptions do not invalidate the basic policy.