

TEMPLE UNIVERSITY HEALTH SYSTEM ADMINISTRATIVE POLICIES AND PROCEDURES

NUMBER: **950.559**
TITLE: **POLICY AGAINST WORKPLACE HARASSMENT AND VIOLENCE**
EFFECTIVE DATE: **7/2006**
LAST REVISED: **2/2011**
REFERENCES: TUHS Policy #105.00 (Non-Discrimination in Employment),
TUHS Policy #950.544 (Corrective Action/ Discipline Policy),
TUHS Security Policies & Procedures, TUHS Core Values
ATTACHMENTS: TUHS General Complaint Form, Workplace Harassment Training
Acknowledgment Form, External Agencies Appendix
ISSUING AUTHORITY: TUHS Vice President of Human Resources

I. PURPOSE:

Temple University Health System (TUHS) is committed to providing a safe and secure working environment that emphasizes the dignity and worth of every member of its community and is free from discriminatory conduct, harassment, physical violence, threats and intimidation of any kind.

This policy is based on federal, state and local laws, including but not limited to Executive Order 11246, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Title IX of the Education Amendments of 1972, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Genetic Information Nondiscrimination Act of 2008, and the Pennsylvania Human Relations Act. These laws prohibit discrimination based on race, color, national origin, sex, and religion, age, pregnancy, marital status, veteran status, genetic information, real or perceived physical or mental disabilities, sexual orientation and marital status. Harassment based on any of these protected traits will not be tolerated.

The prohibition of workplace harassment and violence extends beyond the legal boundaries of federal, state, or local laws. If any employee feels harassed or intimidated in any way, for any reason, they are encouraged to immediately bring it to the attention of their supervisor, manager, Human Resources department or Employee Relations department. Employees can also submit a complaint form to the Human Resources Department and online through the employee intranet site. TUHS believes that harassment and violence are a form of serious misconduct that undermines the core

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values of the institution - respect, service and quality - and the integrity of the employment relationship.

This policy is designed to notify all members of the TUHS community of what conduct is prohibited; to ensure that all victims and potential victims of harassment or threats of violence are aware of their rights and to inform all members of the TUHS community about the procedures available within the health system for addressing and resolving these complaints.

II. SCOPE:

1. This policy shall apply to TUHS and all TUHS subsidiary corporations. Any reference to TUHS shall mean TUHS and its subsidiaries. This policy replaces all prior TUHS and TUHS subsidiary policies regarding the subject matter contained herein.
2. All TUHS departments are governed by this policy and procedure statement.
3. Human Resources shall conduct a training session on TUHS' workplace violence and harassment policy in the orientation required of all new employees. Follow-up educational efforts and information and training sessions for all members of the TUHS community will be undertaken with such frequency and in such a manner as to carry out the purposes of this policy.
4. Nothing in this policy constitutes a contract, express or implied. TUHS, in its sole discretion, may modify, alter, delete, suspend, or discontinue any part or parts of the policy, with or without prior notice to its employees. Any conflict between the provisions of this policy and any active collective bargaining agreement shall be governed by the collective bargaining agreement. This policy applies to all job applicants who have received conditional offers of employment and to all employees of TUHS and its subsidiaries.
5. This policy does not allow curtailment or censorship of constitutionally protected expression and will not be applied in a way that infringes upon an individual's constitutional rights of freedom of expression.

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III. POLICY:

A. General:

1. TUHS is committed to the maintenance of a community free from disruptive behavior, harassment, and workplace violence. This applies to all business relationships whether it is between a supervisor/ employee, worker/ co-worker, staff/ patient, employee/business invitee or other professional relationship.
2. Unprofessional, unwelcome, disruptive, bullying, harassing, and/or violent conduct and behavior are prohibited - whether the form is verbal, written (including text messages and e-mails), or physical. Conduct and behaviors that are prohibited include, but are not limited to, making sexual advances or sexually offensive motions or gestures, visual displays of pornography; creating a hostile work environment; disrupting the work of others; interfering with work performance; verbal abuse (such as offensive jokes, ridicule or mockery); intimidation of others (whether on or off duty or on or off site); physical abuse or violence; making pointed reference to weapons or bringing them to the workplace; displaying overt signs of hostility or anger; making threatening remarks or gestures; or displaying irrational or inappropriate behavior.
3. Harassment based on a protected trait is discrimination under federal, state, and local law. In addition to any corrective/ disciplinary action by TUHS, violation of this policy may result in civil damages and/or penalties under the law.
4. This policy is intended to protect employees from harassment or violence in the workplace from other employees, physicians, patients, visitors, vendors, or other members of the public.

B. Educational Component:

Educational efforts are essential to the establishment of an environment that is free from workplace harassment and violence. Education has at least three goals: a. ensuring that all persons are aware of their rights and responsibilities in the TUHS community, b. advising members of the TUHS community of unacceptable behavior, and c. informing all persons about the available mechanisms to address complaints of violations of this policy. All new TUHS employees and new members of management shall also undergo non-discrimination, anti-harassment, and anti-retaliation training upon initial employment.

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IV. DEFINITIONS

Hostile work environment: Any action based on a protected class that can be considered intimidating, or harassing with the intent of creating an environment that has the purpose or effect of unreasonably interfering with an individual's performance.

Disruptive conduct: Any action that creates a hostile work environment, unreasonably interferes with an individual's work performance, or otherwise interferes with or prevents regular work function or activities. This includes violent acts or threats of violent acts against another person or property.

Harassment: Harassment is any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, color, national origin, sex, religion, age, disability, marital status, sexual orientation, pregnancy, or other protected class that has the purpose or effect of creating an intimidating, hostile or offensive work environment; has the purpose or effect of unreasonably interfering with an employee's work performance; or affects an employee's employment opportunities or compensation.

Intimidation: An act towards another person that coerces or bullies, and which could reasonably cause the other person to fear for his or her safety or the safety of others.

Physical abuse: Any intentional movement of the body, which may include but is not limited to; touching, gestures, pushing, striking, stalking or any unwanted intrusion of "reasonable personal space" of an employee; any intentional use of any object towards an individual or property.

Threats of violence: A communicated intent to inflict physical or other harm against any person or property. Threats of violence can include actions short of actual physical contact or injury such as verbal, written or implicit threats or menacing or other aggressive behavior.

Verbal abuse: Any verbal expression issued with the intent of intimidation of another individual or group of individuals.

Violence: The use or attempted use of physical force against another person or property or other behavior that a reasonable person would interpret as violent.

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V. RESPONSIBILITIES

Managers: Management shall foster a work environment that is safe and free from harassment and workplace violence and shall take action immediately to reduce the effects of harassment, workplace violence and/or verbal or physical abuse. Management is responsible for immediately informing Human Resources and the respective administrator of all complaints and/or observations of harassment and/or workplace violence and to obtain direction regarding the management of such. Any manager who has knowledge of such behavior and takes no action to end it and/or report the conduct to the appropriate department will be subject to disciplinary action up to and including discharge. Management is also responsible for knowing and understanding this policy, explaining this policy to persons under their supervision, taking appropriate action to prevent unlawful discrimination and harassment, being receptive to concerns and complaints of unlawful discrimination and/or harassment, and taking appropriate action (including consultation with Human Resources when made aware of potential violations of this policy).

Employees: Employees will conduct themselves while on or off duty and on or off site in such a way to reduce the possibility of any conflicts or acts that would create a violent, abusive or unsafe workplace environment for themselves or others. Employees are expected to refrain from using any equipment, device, or method such as telephone, e-mail, facsimile or other communication device, whether or not owned by TUHS or the U.S. Mail or any other delivery service to commit, endorse, or otherwise encourage any act of violence, threat of violence, intimidation, or other disruptive conduct towards any persons covered by this policy.

Employees are expected to immediately notify their supervisor, next level manager, Security, or Human Resources of any act of violence, threat of violence or intimidation that they observe or experience. Failure to do so will result in disciplinary action up to and including discharge.

An employee shall immediately provide the Human Resources and Security Departments a copy of any order of protection (restraining order) which has been issued along with any information that is requested to identify the person named in the order (i.e. photo and/or description of the individual).

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VI. PROCEDURE:

A. Filing a Complaint.

The informal and formal complaint procedures set forth below are internal administrative procedures of TUHS. As to those forms of harassment or discrimination that also violate local, state or federal law, an aggrieved party may also file a complaint with the appropriate local, state, or federal agency or in a court with jurisdiction.

Informal Complaints

Informal complaints may be oral or written. In many instances, informal discussion, counseling, and mediation can be useful in resolving perceived instances of harassment and discrimination. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it.

Formal Complaints

If the complaint involves alleged harassment, discrimination, or other unprofessional behavior, employees should immediately file a formal administrative complaint with his/ her TUHS facility's Human Resources department or TUHS Employee Relations. The employee should complete and submit a General Complaint Form (available through Human Resources office or online) with as much detailed information as possible. TUHS Employee Relations may be contacted at: TUHS Human Resources/Employee Relations, 2450 W. Hunting Park Avenue, Philadelphia, PA 19129, Phone: (215) 707-8814, Fax: (215) 707-7696.

If the complaint involves a threat of violence or violent act, employees should immediately inform his/her manager or designee on duty and the Security department of any incident which has occurred on or off-site involving another individual. This includes threats by employees, as well as threats by physicians, patients, visitors, vendors, or other members of the public. When reporting a threat of violence, the employee should provide a complete description of the workplace violence behavior or action, the name of the employee(s) and the department of the threatening individual, if known, as well as any other identifying information.

An employee will remove him/herself from any situation that may result in workplace violence. This means that if confronted with a potential situation involving workplace violence, an employee must make a serious attempt to withdraw from the situation and report to his/her manager. While we do not expect employee to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to

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inform Human Resources if any employee exhibits behavior which could be a sign of a potentially dangerous situation.

B. Investigation

1. **If the complaint involves alleged harassment, discrimination, or other unprofessional behavior**, the TUHS entity AHD of Human Resources or the TUHS Employee Relations department is responsible for a prompt investigation.
2. **If the complaint involves a threat of violence or violent act**, the department manager or his/her designee in conjunction with Human Resources and Security department are responsible for a prompt investigation.
3. Incidents involving patients, physicians, students, contractors, vendors or other non-employees should also be reported to Human Resources for referral to the appropriate party for appropriate action.
4. The purpose of an investigation is to establish whether there is a reasonable basis for believing that a violation of this policy has occurred. The investigation may entail interviews of the complainant, the accused, and other persons believed to have pertinent factual knowledge. During such investigations, every reasonable effort will be made to protect the privacy rights of all parties, but confidentiality cannot be guaranteed.
5. **Opportunity to be Heard.** The investigation will afford the accused an opportunity to examine and respond to the allegations. The accused will be informed of the identity of the complainant, unless the alleged harassment or behavior occurred in public and the accused would have a fair opportunity to respond to the allegations without such disclosure.

C. Determination

1. Possible outcomes of the investigation are a judgment that the allegations are not warranted; a resolution of the complaint; or a judgment that there is a reasonable basis for believing that a violation of this policy has occurred. Human Resources or TUHS Employee Relations will inform the parties in writing about the outcome of the investigation.

Corrective Action/Disciplinary Proceedings. If the result of the investigation is a determination that there is a reasonable basis for believing that an alleged violation of this

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policy has occurred, then an appropriate officer from the entity will initiate formal corrective/disciplinary action, up to and including termination.

VII. Retaliation

Threats, other forms of intimidation, and retaliation in any form against any member of the TUHS community who exercises his or her right to initiate or participate in a complaint or inquiry in good faith under this policy is strictly prohibited, and will itself be cause for appropriate corrective/disciplinary action.

VIII. External Agencies where Complaints May be Filed

As to those forms of harassment that also violate state or federal law, an aggrieved employee may also file a complaint with the appropriate local, state, or federal agency or in a court with jurisdiction over the matter. A list of external agencies is appended to this policy statement.

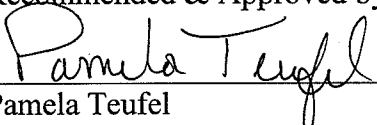
IX. Employee Assistance Program

The Employee Assistance Program (EAP) provides confidential counseling to employees who seek assistance in resolving concerns, including workplace violence and harassment concerns. The EAP will refer an employee with workplace violence or harassment questions or concerns to the individual's facility's human resources manager. EAP contact information is available on the TUHS employee website or through Human Resources or the TUHS Employee Benefits office.

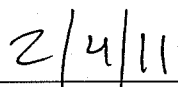
APPROVALS

Note: The signed original of this policy is on file with the TUHS Policy Coordinator.

Recommended & Approved by:



Pamela Teufel
Vice President for Human Resources



Date Signed

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APPENDIX

EXTERNAL AGENCIES WHERE COMPLAINTS MAY BE FILED

U.S. Department of Education

Office of Civil Rights
Wanamaker Building, Suite 515
100 Penn Square East
Philadelphia, PA 19107
215-656-8541; Fax 215-656-8605; TTY 215-656-8604
E-mail: OCR_Philadelphia@ed.gov
Web: www.ed.gov

Pennsylvania Human Relations Commission

110 N. 8th Street, Suite 501
Philadelphia, PA 19107
215-560-2496; Fax 215-560-3682; TTY 215-560-3599
Web: www.phrc.state.pa.us

U.S. Equal Employment Opportunity Commission

Philadelphia District
Office of the Bourse Building – Suite 400
21 S. Fifth Street
Philadelphia, PA 19106-2515
215-440-2601; Fax 215-440-2604 or 215-440-2632; TTY 215-440-2610
Web: www.eeoc.gov

Philadelphia Commission on Human Relations

The Curtis Center
601 Walnut St., Suite 300 S
Philadelphia, PA 19106
215-686-4670; Fax 215-686-4684
Web: www.phila.gov/humanrelations

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