

Subject: EMPLOYEE RELATIONS	Page 1 of 6	Policy # NMHC HR 04.0029 Version: 4.0
Title: HARASSMENT AND RETALIATION	Revision of: 9/1/2018	Effective Date: 9/01/2018 Removal Date:

SCOPE:

<input checked="" type="checkbox"/> NM – Northwestern Memorial Hospital	<input checked="" type="checkbox"/> NM – Lake Forest Hospital
<input checked="" type="checkbox"/> NM – Northwestern Medical Group	<input checked="" type="checkbox"/> NM – Central DuPage Hospital
<input checked="" type="checkbox"/> NM – Regional Medical Group	<input checked="" type="checkbox"/> NM – Delnor Hospital
<input checked="" type="checkbox"/> NM – Kishwaukee Hospital	<input checked="" type="checkbox"/> NM – Valley West Hospital
<input checked="" type="checkbox"/> NM – Marianjoy Rehabilitation	<input checked="" type="checkbox"/> NM – Northwestern Memorial HealthCare
<input checked="" type="checkbox"/> NM – Huntley/McHenry/Woodstock Hosp	

I. PURPOSE:

Northwestern Memorial HealthCare (“NM”) is committed to a workplace free of harassment and retaliation. NM strongly disapproves of, and will not tolerate, any and all forms of harassment based on race, color, religion, age, sex, sexual orientation, gender identity, gender expression, marital status, national origin, disability, veteran status, or any other protected status. Offensive or harassing behavior does not reflect NM’s organizational values of integrity, excellence, and teamwork and will not be tolerated.

NM also expects all employees to be free to report concerns regarding harassment without fear of reprimand or retaliation. Retaliation against anyone for making a good-faith complaint of harassment or for cooperating in any investigation of a complaint based on a violation of this policy is strictly prohibited.

This policy applies to all applicants and employees, and prohibits harassment and retaliation whether engaged in by a co-worker, supervisor, physician, volunteer, agent, contractor and/or temporary worker, or by someone not directly connected to NM (such as a vendor, consultant, patient, or other visitor).

All employees share the responsibility of understanding and preventing harassment and retaliation. To ensure a workplace free of such action and to understand NM’s requirements and procedures for reporting and investigating harassment and retaliation, all employees should review and understand all provisions of this policy. All employees should feel free to contact Human Resources with questions regarding this policy.

II. POLICY STATEMENT:

A. **Definitions**

1. Harassment: Harassment means verbal or physical conduct that denigrates or shows hostility toward an individual because of that individual's race, color, religion, age, sex, sexual orientation, gender identity, gender expression, marital status, national origin, disability, veteran status or any protected status, and that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
2. Harassment may include but is not limited to:
 - a. Inappropriate physical contact or touching;
 - b. Written, spoken, or graphic communication or language that is inappropriate, offensive, denigrates or shows hostility or aversion toward an individual because of an individual's protected status, or that of the individual's relatives, friends, or associates, including slurs, epithets, or negative stereotyping;
 - c. Slurs, jokes, posters, cartoons, texts, emails, social media posts and messages and gestures that are inappropriate, offensive, denigrate or show hostility or aversion toward an individual because of an individual's protected status, or that of the individual's relatives, friends, or associates.
3. Any such conduct will be considered a prohibited form of harassment if such conduct has the effect of creating an intimidating or hostile or offensive work environment, unreasonably interferes with a person's work performance, or adversely affect an individual's employment opportunities.
4. Harassment is considered a form of employee misconduct and is strictly prohibited. Disciplinary action up to and including termination will be taken against any employee engaging in this type of behavior.
5. Any supervisor or manager who has knowledge of such behavior yet takes no action to end it is also subject to disciplinary action.
6. Sexual Harassment: Sexual harassment is unlawful under both state and federal law, and is contrary to NM's values. As used in this policy, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, written 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 work environment.
 - a. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:
 - i. Requesting, demanding or pressuring any employee for sexual favors or dates (e.g., if a date is requested and an employee declines, the request should not be repeated);
 - ii. Promising, directly or indirectly, an employee a reward or more favorable treatment at work if the employee complies with a sexually-oriented request such as a request for a date, physical contact, sexual favor, or other sexually oriented request;
 - iii. Threatening, directly or indirectly, to retaliate against an employee if the employee refuses to accept or go along with a request for a date, physical contact, sexual favor, or other sexually oriented request;

- iv. Denying, directly or indirectly, an employee an employment-related opportunity if the employee refuses to accept or go along with a request for a date, physical contact, sexual favor, or other sexually oriented request;
 - v. Engaging in sexually-charged physical contact with or touching another employee in a way that is unwelcome;
 - vi. displaying, storing, or transmitting pornographic or sexually oriented materials using NM equipment or facilities;
 - vii. Displaying, storing, or transmitting pornographic or sexually oriented materials to an employee;
 - viii. Engaging in indecent exposure;
 - ix. Making sexual or romantic advances toward an employee and persisting despite the employee's rejection of the advance; or
 - x. Sexual comments, jokes, innuendo, verbal abuse of a sexual nature, comments about an individual's body or sexual prowess, and/or insulting or obscene gestures.
- b. Sexual harassment can involve males or females being harassed by members of either sex.
- c. Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if a single incident on its own may not be considered harassing.
- d. Although sexual harassment typically involves a person in a greater position of authority than the victim, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment and are subject to disciplinary action up to and including termination of employment.
- e. Consensual sexual or romantic relationships between employees are deemed unwise and are prohibited if one employee has supervisory authority over the other employee.
- f. Harassment on the basis of an employee's actual or perceived gender identity is unlawful and contrary to NM's values. Any incident of harassment or violence based on gender identity or gender expression will be treated as prohibited harassment under this policy, investigated, and corrective action will be taken as appropriate.
7. Retaliation: Retaliation means any adverse action taken against an employee that is motivated by that employee's good faith complaint of a violation of this policy or cooperation in an NM investigation.

B. Addressing Harassment / Making a Complaint

- 1. In some instances, some individuals may wish to attempt to handle harassment by confronting the offender if the person is comfortable doing so.
 - a. In those situations, if the employee feels comfortable doing so, he or she may state that the conduct is unwelcome and offensive, and request that the offending behavior stop immediately.
 - b. If an employee tells another employee that he/she finds that employee's behavior or conversation unwelcome and asks that employee to stop, the request must be honored even if the offender feels the recipient is being oversensitive.
 - c. Even if the employee informs the offender that the conduct is unwelcome, and even if that employee feels that the situation has been resolved, the conduct must still be

reported to the manager and/or Human Resources, along with how the situation was resolved or handled.

2. Any individual making a complaint regarding harassment, sexual harassment, or retaliation will be treated courteously. Complaints will be handled as swiftly as possible and confidentially to the extent necessary and feasible in light of the circumstances surrounding the complaint.
3. All incidents of harassment, and/or retaliation should be reported. It is every employee's responsibility to notify a member of management and/or Human Resources of any conduct in violation of this policy. Employees may make complaints on behalf of themselves or others either verbally or in writing, and are not required to comply with paragraphs B.1.a above.
4. If reporting the complaint to a manager is not deemed to be appropriate by the employee, a Director other member of management, a member of Human Resources may be contacted by calling MyHR at (312) 926-6947, or by calling the Corporate Integrity confidential hotline at (844) 339-6271.
5. Any employee who observes another employee being subjected to harassment or retaliation should be immediately reported by following the reporting procedures identified above. If you are a bystander to such conduct and do not report it, it is a violation of this policy.
6. When aware of a violation of this policy, managers are required to intervene on behalf of the employee being subject to harassment and take immediate corrective action, which may include disciplinary action against the harasser up to and including termination of employment or termination of services. Human Resources should be notified immediately if a member of management becomes aware of a situation involving potential harassment.
7. If harassment and/or retaliation continue after you report it in accordance with this policy, you should report the continuing behavior to the Director of Human Resources or Senior Vice President of Human Resources.

C. The Complaint Process

1. Managers must deal expeditiously and fairly with allegations of conduct that violates this policy within their departments, whether or not there has been a written or formal complaint.
2. Managers must inform the Director of Human Resources or other appropriate Human Resources employee of the allegation, and act promptly in conjunction with Human Resources to investigate the harassment or inappropriate conduct. Managers who knowingly allow or tolerate harassment or inappropriate sexually oriented conduct are in violation of this policy and are subject to discipline, up to and including termination of employment.
3. After a complaint is made, Human Resources will conduct or direct an appropriate investigation of the complaint. While not every investigation will be identical, an appropriate investigation of a complaint of harassment or retaliation will involve certain steps, including but not limited to:
 - a. Ensure that both the individual filing the complaint, the alleged victim if a complaint was filed on behalf of another, and the accused individual are aware of the seriousness of the complaint and the conduct underlying any complaint;
 - b. Explain NM's harassment policy and investigation procedures to the complainant and the accused individual;
 - c. Explore informal means of resolving a complaint;

- d. Maintain confidentiality to the extent possible during an investigation;
 - e. Arrange for an investigation of the alleged harassment and the preparation of a written report; and
 - f. If criminal activities are alleged, Human Resources will notify Security, who will take responsibility for notifying the police as appropriate.
4. Human Resources will contact the reporting employee at the conclusion of the investigation.
 5. If the reporting employee has any questions about the status of the investigation while it is being conducted, such questions should be directed to the Human Resources representative who is conducting or directing the investigation.
 6. HR takes all complaints seriously, including anonymous reports, and will attempt to investigate and resolve these issues. However, since reports are kept as confidential as possible, we encourage employees to be forthcoming with their identity in order to conduct a thorough investigation and achieve a resolution.

D. Resolution

1. If it is determined that an employee has engaged in conduct that violates this policy, appropriate disciplinary action will be taken depending on the nature of the violation.
2. All violations of this policy are serious, even for a first offense, and disciplinary action can include counseling, training, written and verbal warnings, and termination of employment. A violation of this policy may also result in an impact to the violator's present or future assignments, eligibility for promotion, and/or compensation.
3. Discipline will be administered based on discussions with and recommendations from Human Resources and, if necessary the Office of the General Counsel. Documentation of disciplinary action will be placed in the disciplined individual's personnel file. If the accused individual is not an employee of an NM entity but is affiliated with NM, a determination will be made by Human Resources and the Office of the General Counsel regarding the appropriate action to take.
4. If it is determined that a contract or temporary worker, or someone not directly connected to NM (such as an outside vendor, consultant, or other visitor), has engaged in conduct that violates this policy, appropriate action will be taken depending on the circumstances, such as requesting that the person be removed from assignment to NM or removed from the premises.
5. Managers who are determined to be responsible for allowing violations of this policy to occur may also face discipline or other corrective action if their action/inaction contributed to the environment which led to the offending conduct. Such disciplinary and other action can include counseling, training, written and verbal warnings, and termination of employment. A supervisor's or manager's present or future assignments, promotability, and/or compensation may also be impacted.
6. If the reporting employee or individual about whom a complaint was reported is not satisfied with the outcome of an investigation, a written appeal detailing the concern may be submitted to the Director of Human Resources for consideration.

E. Retaliation Prohibited

1. It is also a violation of this policy for any individual to retaliate in any way against any employee for coming forward to register a harassment complaint on behalf of themselves or others. Such an action would be considered a separate offense for disciplinary purposes.

2. While retaliation is strictly prohibited, filing a malicious or false complaint is considered misconduct and will be subject to disciplinary action, and such action may include counseling, training, written and verbal warnings, or termination of employment

F. Confidentiality

1. All information obtained related to a complaint is to be held in strict confidence and only disclosed on a need-to-know basis to investigate and resolve the matter. However, it may be necessary to reveal the identity of the complainant to the respondent and witnesses in order to conduct a thorough investigation. Generally, documentation collected in connection with a complaint of harassment or inappropriate sexually oriented conduct will be confidentially maintained by Human Resources for a period of at least three (3) years after the complaint has been resolved.
2. A copy of the investigation report and the final decision is included in the personnel file of the respondent only if the investigation concluded that the individual engaged in prohibited conduct.
3. No record of a complaint is kept in the complainant's personnel file.

III. COMMUNICATION OF POLICY:

NM's policy on harassment and inappropriate sexually oriented conduct will be communicated through various means including, but not limited to, electronic web sites, new employee orientations, and distribution as appropriate to vendors and others.

IV. PERSONS AFFECTED:

This policy applies to all regular and temporary, full-time, part-time and casual employees of the NM, as well as volunteers and others providing service at all such entities.

V. MODIFICATIONS:

This Policy creates no rights, contractual or otherwise. Statements of policy contained herein are not made for the purpose of inducing any person to become or remain an employee of NM, and should not be considered "promises" or as granting of rights. NM may add to, subtract from and/or modify this Policy at any time without notice for any reason. Nothing contained in this Policy impairs the right of an employee or NM to terminate the employment relationship at will.

VI. RESPONSIBILITIES:

- A. Employees are responsible for notifying management if they are aware of harassment.
- B. Management is responsible for ensuring an environment free from harassment, and for taking appropriate action in response to reports of harassment.
- C. Questions concerning this policy may be referred to your manager, your director or to Human Resources.

VII. POLICY UPDATE SCHEDULE:

This Policy will be updated every five years or more often as appropriate.

VIII. RELEVANT REFERENCES:

Human Resources Policy #04.0001, Equal Employment Opportunity

IX. APPENDICES:

None

Responsible Party: Kristine E. Jagnow
Director HR Compliance and Policies

Reviewers: Employee Relations
Office of the General Counsel
VP, HR, NMHC

Committee None

Approval Party: Michael Vivoda
Senior Vice President, Human Resources

REVIEW HISTORY:

Revised: 08/21/2011—New NMHC; 9/1/2015;
12/18/2016, 8/1/2018

X. APPROVAL: