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Sponsor: *Mark Sprada: SVP, CHIEF HR OFFICER*
Section: *HR-Diversity & Inclusion*
Manuals: *Human Resources*

HR-001-020 EEO/Anti-Discrimination/Harassment

I. Purpose

The policy establishes guidelines which are consistent with Federal, state and local laws and sets forth Broward Health's policy, that all employees have the right to work in an environment free from discrimination on the basis of race, color, national origin, gender, gender identity or gender expression, pregnancy, sexual orientation, religion, age, disability, military status, genetic information or any other characteristic protected under applicable federal or state law.

Statement

Broward Health is committed to cultivating and sustaining a culture of equal opportunity and inclusion in all aspects of its personnel procedures and practices including the recruitment, development and retention of a diverse, inclusive, engaged and highly competent workforce. Broward Health does not discriminate on the basis of race, color, national origin, gender, gender identity or gender expression, pregnancy, sexual orientation, religion, age, disability, military status, genetic information or any other characteristic protected under applicable federal or state law.

II. Definitions

- A. **Harassment:** Harassment is defined as unwelcome conduct based on characteristics protected under applicable federal or state law when: 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the offensive conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- B. **Sexual Harassment:** is defined as unwelcome conduct of a sexual nature when:
 1. Submission to such conduct is either an explicit or implicit term or condition of employment (e.g., promotion, raises, training, timekeeping or overtime, assignments, etc.); or
 2. Submission to or rejection of the conduct is used as a basis for making employment decisions; or
 3. The conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

Sexual Harassment is prohibited whether it is between members of the opposite sex or members of the same sex. Examples of offensive conduct that may contribute to an unlawful

hostile environment include but is not limited to:

- a. Offensive or sexual: language, jokes, gestures, comments, slurs, epithets (nicknames) or name calling, objects or pictures.
 - b. Physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs.
 - c. Interference with work performance.
- C. **Discrimination:** Conduct that adversely impacts the terms and conditions of employment based on prohibited factors.
- D. **Employee:** For the purposes of this policy only, the definition of employee will include any individual performing a service for the District in return for the payment of a salary or a fee.

III. Policy

A. Guidelines and Scope:

It is Broward Health's position that harassing or discriminatory behavior only serves to undermine the integrity of the employment relationship. For that reason, all employees, medical staff, vendors, and independent contractors are covered by and expected to comply with this policy and take appropriate measures to prevent unlawful harassment and/or discrimination on the basis of race, color, national origin, gender, gender identity or gender expression, pregnancy, sexual orientation, religion, age, disability, military status, genetic information or any other characteristic protected under applicable federal or state law.

B. Management and Responsibility

It will be the responsibility of each Regional CEO, in collaboration with the Regional Chief Human Resources Officer and Department of Workforce Diversity, Inclusion and Advocacy to ensure that all employees, medical staff, vendors, and independent contractors under the Region's responsibility are made fully aware of their rights and responsibilities under this policy as well as the rights of each employee to seek redress in the event of harassment or discrimination.

C. Reporting Mechanisms

Any allegation of discrimination or harassment that is made known to any employee, medical staff, vendor or independent contractor of Broward Health, whether it occurs to themselves or another employee, vendor, independent contractor, or patient, visitor, or medical staff **must be reported immediately to that employee's Department Manager and to the Regional Chief Human Resources Officer.** A report of potential discrimination or harassment may also be made to the Diversity Hotline at 954-473-7323. Notifying non-management personnel of allegations will not qualify as notification to Broward Health of potential harassment or discrimination.

D. Investigation

All reported claims of discrimination or harassment must be investigated and addressed. The Regional Chief Human Resources Officer in collaboration with the Department of Workforce Diversity, Inclusion and Advocacy will be responsible for investigating allegations; and making determinations on appropriate action needed to resolve the matter. If it appears that there is no foundation to the allegation and the allegation was made without malicious intent, no record will be made of the allegation in either the alleged offender or complainant's personnel records. However, the department of Workforce Diversity, Inclusion and Advocacy as well as the Regional Chief Human

Resources Officer or designee will maintain a copy of the records of the investigation. Should the investigation support cause for the complaint, Risk Management will be notified and provided with a copy of the records of the investigation and appropriate disciplinary action will be taken.

E. Disciplinary Action

If a basis for the complaint is established, appropriate action will follow and will be commensurate with the scope and severity of the occurrence. If it is demonstrated that an allegation of harassment or discrimination was not in good faith, appropriate action will be taken. These may include personnel actions including but not limited to: warnings, demotion, suspension, termination, sanctions, reprimands, or the denial of staff privileges. Additionally, every effort will be made to provide appropriate relief for the employee(s) against whom the harassment was directed.

F. Confidentiality

Broward Health recognizes that confidentiality is integral to the investigation and resolution of allegations of harassment and/or discrimination. Therefore all investigations and meetings surrounding such matters will be designed, to the maximum extent possible, to protect the privacy of and minimize suspicion toward the accused as well as the complainant or other participants of the investigation. Only individuals responsible for investigating and enforcing civil rights matters will have access to confidential communications resulting from the receipt and investigation of a complaint.

G. Medical Staff, Vendors and Independent Contractors

Members of medical staff, vendors and independent contractors, will be subject to the terms and conditions of this policy including but not limited to any other applicable BH policies, contract agreements, regulations etc. based on their status.

Allegations of harassment or discrimination that are made against members of medical staff will be referred by the responsible Regional CEO and Regional HR department to the appropriate Chief of Staff or Medical Director. The Chief of Staff or Medical Director, Regional HR department and the Department of Workforce Diversity, Inclusion and Advocacy will be responsible for investigating allegations against members of medical staff, and making determinations on appropriate action needed to resolve the matter.

Allegations of harassment or discrimination that are made against vendors or independent contractors should be directed to the employee's Regional Human Resource department and the Department of Workforce Diversity, Inclusion and Advocacy for investigation and resolution.

H. Non-retaliation

Broward Health prohibits harassment or retaliation against individuals for reporting in good faith a complaint of discrimination or harassment, filing subsequent charge, testifying, or participating in any way in a related investigation, proceeding, or lawsuit; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

INTERPRETATION AND ADMINISTRATION

Ongoing administration and interpretation of this policy is the responsibility of the Regional CEO and Regional Chief Human Resources Officer in collaboration with the Department of Workforce Diversity, Inclusion and Advocacy. Consistency of System wide application and final interpretation is the responsibility of the EVP/ Chief Human Resources Officer.

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
	Melanie Hatcher: VP, HUMAN RESOURCES	07/2018
	Rosana Beltres: MGR, HR STRATEGIC OPS	07/2018

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