

A. Sexual and Other Unlawful Harassment

The Clinic is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated. The Radiology Clinic provides ongoing sexual harassment training to ensure you the opportunity to work in an environment free of sexual and other unlawful harassment.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission or rejection of the conduct is used as a basis for making

employment decisions; OR

- The conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Other forms of prohibited harassment:

In addition to inappropriate conduct based on sex, the conduct forbidden by this policy specifically includes, but is not limited to (a) epithets, slurs, negative stereotyping, kidding, teasing, joking or intimidating acts that are based on a person's protected status, and (b) written or electronic or graphic material circulated within the workplace that shows hostility toward a person or group because of a person's protected status or characteristic. This includes racial epithets, degrading comments about one's ethnicity or age or religion, or discrimination toward an individual because of that individual's race, color, religion, sex, national origin, ancestry, citizenship status (with regard to employment), age, physical or mental disability, genetic information, or military service.

How to Complain:

If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately to the Chief Executive Officer, Chief Operating Officer, Business Office Manager, Director of Clinical Support, or an HR representative. It is the responsibility of each employee who feels he/she has been sexually or unlawfully harassed by another employee, a patient or any other individual to report such incident immediately. You can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. The individual alleging harassment (complaining party) will give his/her written statement to the investigator(s). The investigator(s) will then interview the complaining party. The alleged harasser (accused) will be asked to give a written response. The investigator(s) will then interview the accused. Witnesses, if any, will be interviewed by the investigator(s). If it is finally determined that the alleged conduct constitutes sexual harassment, the accused will be appropriately disciplined, based upon the facts of the incident. Depending upon the severity of the conduct and the frequency of the conduct, discipline may include termination. Equally serious is a false accusation of sexual harassment, and such a false accusation will result in appropriate disciplinary action against the complaining party, based upon the facts. When the investigation is completed, you will be informed of the outcome of the investigation.

Retaliatory action against any employee who charges sexual harassment or other unlawful harassment or any witness in an harassment allegation will not be tolerated.

This policy applies to all employees, including those with an express, written employment contract. Employees should use the same reporting procedures to report unlawful harassment by any third party on the Clinic's premises. The Clinic will not tolerate unlawful harassment of its employees from any source and will take appropriate steps within its control to timely address any misconduct by third parties.



U.S. Equal Employment Opportunity Commission FACT SHEET

Sexual Harassment

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

FIND THIS ARTICLE ON THE WEB AT:

Facts About Sexual Harassment FSE/4
<http://www.eeoc.gov/facts/fs-sex.html>

SEE ALSO:

Filing a Charge of Discrimination
<http://www.eeoc.gov/employees/charge.cfm>