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**Harassment,
Discrimination and
Retaliation**

APPROVALS:

SLT: 07/02/20; MEC: 07/06/20; BOD: 2Q-20

Scope: Medical Center Beckman Research Philanthropy Foundation

I. PURPOSE / BACKGROUND

This document sets forth the institution’s policy regarding harassment, discrimination and retaliation; explains the mechanism for reporting harassment, discrimination and/or retaliation and the review of any charges of harassment, discrimination and/or retaliation by those who feel they have or may have experienced such unlawful conduct; and describes the potential consequences of any unlawful harassment, discrimination and/or retaliation.

City of Hope (“COH”), which includes City of Hope National Medical Center (“COHNMC”), City of Hope Medical Foundation (“COHMF”), and the Beckman Research Institute (“BRI”), is committed to maintaining a work environment free from unlawful harassment, discrimination and retaliation. This includes harassment and discrimination based on gender, gender identity, gender expression, pregnancy, perceived pregnancy, childbirth, breastfeeding and any pregnancy-related medical conditions, as well as harassment and discrimination based on such factors as race, color, religious creed (including religious dress and religious grooming), national origin, citizenship, ancestry, age, physical disability, mental disability, medical condition, genetic information, legally protected family care or medical leave status, marital status, sexual orientation, domestic partner status, military status, veteran status, military caregiver status, or any other basis protected by federal, state or local laws.

COH will not tolerate any conduct that constitutes unlawful harassment, discrimination or retaliation by anyone. Employees found to be in violation of this policy will face disciplinary action up to and including immediate termination of employment without prior progressive discipline. Medical Staff Members will be disciplined by the employer and/or by Medical Staff leadership in accordance with applicable rules and policies. Third parties who violate this policy will be appropriately addressed.

It is important to understand that even unintentional behavior may constitute unlawful harassment or discrimination. Therefore, any behavior that may be perceived as offensive or creating a hostile working environment, regardless of intent, is unacceptable.

Examples of conduct that could constitute harassment are set forth in Appendix One.

II. POLICY

A. Reporting and Investigating Harassment, Discrimination and Retaliation:

1. COH is committed to taking all reasonable steps to prevent harassment, discrimination and retaliation from occurring in the work environment. If you feel that you have been harassed, discriminated against, or retaliated against as prohibited by this policy, whether by one of your co-employees, a client or vendor, a member of management, or

any third party doing business with COH, or if you have witnessed what you believe to be harassment, discrimination or retaliation, you should promptly report the incident to your supervisor or Human Resources. You may also report any issues and concerns on a completely confidential basis by completing a TIPS form or by contacting Corporate Compliance.

2. Any supervisor who receives a complaint of harassment, discrimination or retaliation, through any channel, must immediately inform Human Resources. If the alleged conduct involves a COH Medical Staff Member, Human Resources must inform the COH Medical Staff President as well as the Member's employer.
3. COH will conduct a fair and timely investigation whenever it receives an allegation of harassment, discrimination or retaliation reported through the channels outlined in this policy. COH may in appropriate cases refer harassment, discrimination or retaliation complaints to a third party for investigation. Complaints and investigations will be kept confidential to the extent possible.

B. Potential Remedies and Solutions:

1. The response to the issues and conclusions raised through COH's reporting and investigation procedures detailed above will depend upon the facts revealed and the conclusions reached. In each case, COH will consider the available information, the circumstances, the interests of COH and those involved, and other relevant factors in determining the appropriate response to the situation.
2. If it is determined that unlawful harassment, discrimination or retaliation has occurred, COH will take appropriate corrective action, which may include disciplinary action up to and including termination of employment. Any such action will be kept confidential to the extent possible. Medical Staff Members will be disciplined by the employer and/or by Medical Staff leadership in accordance with their respective rules and policies. Additionally, appropriate action will be taken to remedy the injury, if any, to the individual subjected to the harassment, discrimination or retaliation.

C. Retaliation Against Complainants/Participants Prohibited:

1. No one will be retaliated against for making a complaint, for preventing unlawful practices, for participating in an investigation, or for participating in a proceeding or hearing conducted by a government agency. Any such acts of retaliation should be reported immediately.
2. Notwithstanding the above, anyone who knowingly makes a false claim or knowingly provides false information in the course of an investigation will be subject to disciplinary action up to and including immediate termination of employment without prior progressive discipline.

D. Pay Transparency Nondiscrimination Provision:

1. The following notice is provided in compliance with Executive Order 11246, as required by the Office of Federal Contract Compliance Programs (OFCCP), due to COH's status as a covered federal contractor:

COH will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as part of their essential job functions cannot disclose the pay of other employees or applicants to individuals

who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by COH, or (c) consistent with COH's legal duty to furnish information. 41 CFR 60-1.35(c).

Owner: Executive Director, Employee and Labor Relations

Sponsor: Chief Human Resources and Diversity Officer

Policy History:

Reviewed: 2/98; 9/98; 1/99; 11/01; 12/03; 8/01/07; 09/08/11, 01/01/12; 12/20/12

Revised: 2/98; 9/98; 1/99, 11/01; 8/04; 11/01/07; 03/05/12; 12/20/12

References:

1. Medical Staff Bylaws
 - a. Section 3.8, "Harassment Prohibited"
 - b. Article 8, "Corrective Action"
2. Medical Staff Rules and Regulations
 - a. Section 25.0, "Professional Code of Conduct and Ethical Obligations"

Related Policies:

1. Disciplinary Action
2. Disruptive Behavior
3. Event Identification and Tracking System (TIPS) *
4. Grievance and Dispute Resolution
5. Patient Complaints and Grievances
6. Sentinel, Never and Adverse Event Evaluation, Reporting and Disclosure
7. Vendor Relations / Sales Representatives

Related Form:

1. TIPS – Tracking Information for Patient Safety Form (ACCESS ONLINE TIPS REPORTING) *

Medical Staff Related Policies:

1. Professional Conduct: Behavior Standards Policy
2. Professional Conduct: Clinical Expectations Policy

Appendix One – Acronyms, Terms and Definitions Applicable to this Policy

1. **City of Hope ("COH")** – City of Hope National Medical Center ("COHNMC"), Beckman Research Institute ("BRI"), Philanthropy and City of Hope Medical Foundation ("COHMF"), collectively referred to as City of Hope ("COH"), for the purposes of this policy.
2. **City of Hope Employee** – An individual who is compensated via COH's payroll system in any capacity of employment status (note: this would cover per diem, temps, part-time) and whose work status is established and fully governed by COH.
3. **Medical Staff Member** – Any practitioner (including physicians and psychologists) who is currently appointed to the COHNMC Medical Staff.
4. **Medical Center** – Refers to all facilities covered by City of Hope National Medical Center's hospital license.
5. **Harassment** – For purposes of this policy, harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive or hostile work environment or that interferes with an employee's work performance. Such conduct constitutes harassment when: (a) submission to the conduct is made either an explicit or implicit condition of employment; (b) submission or rejection of the conduct is used as the basis for an employment decision; or (c) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment. Harassing conduct may take many forms and may include, but is not limited to, the following (when based upon an employee's protected status as noted above): slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons, violating someone's "personal space," foul or obscene language, leering, stalking, staring unwanted or offensive letters or poems, offensive email, or voicemail messages.
6. **Sexual Harassment** – For purposes of this policy, sexual harassment includes, but is not limited to, all of the prohibited actions above, as well as other unwelcome conduct, such as requests for sexual favors, conversation containing sexual comments, and other unwelcome sexual advances. Sexually harassing conduct need not be motivated by sexual desire to be a violation of this policy.