

RIVERSIDE COUNTY REGIONAL MEDICAL CENTER

Personnel Section Policies and Procedures

Page 1 of 4

POLICY No. 400.3

SUBJECT: HARASSMENT AND COMPLAINT PROCEDURE

REFERENCES: Title VII, Sec. 703, Civil Rights Act of 1964, BOS Policy C-25 and RCRMC Policy No. 400.2

REPLACES: HSA Policy P-7, dated 05/05/97, as revised 03/23/00

APPROVED BY: {Signature on File}
Director/CEO

EFFECTIVE: 05/05/97

Updated: 03/25/03

BACKGROUND

Sexual harassment, as defined by the Equal Employment Opportunity Commission, is “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.”

The Equal Employment Opportunity Commission further states that an employer is responsible for the acts of its supervisors and other employees, regardless of whether the acts were authorized or forbidden and regardless of whether the employer knew or should have known of the acts.

POLICY

The Riverside County Regional Medical Center (RCRMC) believes in the practice of Equal Employment Opportunity for all its employees and for those persons seeking employment with RCRMC. Consistent with this practice, RCRMC takes reasonable steps to provide a work environment free of sexual harassment and other discriminatory practices. Harassment on the basis of sex is a violation of Section 703 of Title VII, Civil Rights Act of 1964. (Refer to RCRMC Policy No. 400.2, Nondiscrimination, for additional direction.)

Sexual harassment includes but is not limited to: 1) unwanted sexual advances, 2) offering employment benefits in exchange for sexual favors, 3) making or threatening reprisals after a negative response to sexual advances, 4) visual conduct; i.e., leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters, 5) verbal conduct; i.e., making or using derogatory comments, epithets, slurs, and jokes, 6) verbal sexual advances or propositions, 7) 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, 8) physical conduct; i.e., touching, assault, or impeding or blocking movement.

In reaffirming RCRMC practices to promote a work environment free of sexual harassment and other discriminatory practices, RCRMC deems any act of sexual harassment as unacceptable behavior. While there is no intent to regulate or control relationships or social interactions of employees which are freely entered into and within the parameters of contributing to a professional work environment, any behavior constituting sexual harassment or any allegations of sexual harassment will be thoroughly investigated. All employees will perform their duties and responsibilities in a professional manner at all times.

Substantiated violations of this policy will result in the implementation of corrective and/or disciplinary measures up to and including termination.

RCRMC supervisors and managers must attend the County class on sexual harassment designed for them. All other RCRMC employees must attend the non-supervisor/non-manager sexual harassment class offered by the County for County employees. All employees must acknowledge receipt of this policy.

PROCEDURES

Complaints of sexual harassment occurring at a work site should be directed to the County Human Resources Office or to the affected employee's department manager, Assistant Hospital Administrator, or supervisor. Human Resources Services Manager should be advised of circumstances involved in the complaint to assure that appropriate follow-up measures are taken. Employees need not follow the chain of command when reporting incidents of sexual harassment. Refer to BOS Policy C-25, Harassment Policy and Complaint Procedure, and RCRMC Policy No. 400.2, Nondiscrimination, for additional information.

a. **Guidelines for Employees:** Employees who feel they have been discriminated against or sexually harassed are encouraged to take the following steps:

1. Notify the individual that the particular behavior is offensive and unwelcome and it will be reported. If this places the employee in an uncomfortable position, the employee should consult with the supervisor/manager, administration, or the County Human Resources Department.

2. Notify a supervisor as soon as practical. It is the employee's responsibility

to bring sexual harassment complaints to the attention of a supervisor or other contact person to ensure proper follow-up.

3. Feelings of harassment are the perception of the victim not the perpetrator. Complaints can include anyone, such as non-RCRMC employees, vendors, and the general public, as well as RCRMC or other County employees.

4. All records and information relating to investigations of harassment and resulting disciplinary action shall be confidential except to the extent disclosure is required by law.

5. These procedures do not preclude an employee from filing a complaint with the County of Riverside Human Resources Department, Human Relations Division, or with State or federal compliance agencies, or from pursuing civil actions. Complaints may be made orally or in writing.

6. Employees will not be subject to retaliatory action or reprisal as a result of filing a formal or an informal complaint. Should any retaliatory action occur, it should be reported Immediately to the County Human Resources Department. Substantiated complaints of retaliation will result in the implementation of corrective, disciplinary measures.

b. **Additional Guidelines for Managers and Supervisors**

1. Managers and supervisors are responsible for acting on sexual harassment or incidents of discrimination when they know or should have known of the incident by the nature of their position (even if a complaint has not been made). Human Resources must be contacted prior to the supervisor/manager instigating any disciplinary action in these matters.

2. Whether a complaining party requests action or not, the manager or supervisor must follow through with the complaint process. Managers or supervisors who fail to take action or follow the complaint process may be subject to disciplinary measures.

3. In coordination with County Human Resources, managers and supervisors will act to prevent harassment by:

(a) Ensuring that all personnel have access to updated training and information.

(b) Taking all complaints seriously.

(c) Assuring that immediate and affirmative action is taken.

(d) Thoroughly investigating and documenting each complaint within ten (10) days of receipt. (Refer to BOS Policy C-25, Harassment and Complaint Procedure.)

5. Affecting appropriate remedies that may include disciplinary action through termination.

SUBJECT: HARASSMENT AND COMPLAINT PROCEDURE

Page 4 of 4
RCRMC POLICY No. 400.3

RCRMC is committed to these prevention measures as well as to the other procedures and guidelines of this policy. By these means, RCRMC assures all employees that discrimination and acts of sexual harassment shall not be tolerated within RCRMC.