

HOLLYWOOD PRESBYTERIAN MEDICAL CENTER

Manual: Human Resources	
Title: Equal Employment Opportunity, Discrimination, Harassment, and Retaliation Prevention	
Formulated: February 2019	Page 1 of 9
Reviewed Only: (no changes)	Revised: 4/20; 9/22
Date Approved: September 28, 2022	

Purpose:

Consistent with the Hollywood Presbyterian Medical Center (HPMC) Employee Code of Conduct, Work Rules policy and applicable law, HPMC is committed to sustaining a work environment that is free from discrimination, harassment, and retaliation. In keeping with this commitment, HPMC strongly disapproves of, and will not tolerate, any kind of harassment, discrimination, or retaliation by any employee or third party doing business with or providing services to HPMC.

Scope:

This policy applies to all employees. Third parties doing business with or providing services to HPMC are also expected to comply with this policy.

Definitions:

- 1. Harassment on the basis of any protected characteristic** is strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of any protected characteristic, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts based on a protected characteristic; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group based on a protected characteristic (including through e-mail, text message, posting on social media, or other electronic communication).

- 2. Sexual harassment** is a form of sex discrimination and is illegal under federal, state and local laws. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender identity or expression, and the status of being transgender. Sexual harassment can occur between any individuals, regardless of their sex, gender or sexual orientation.

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For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal 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 working environment, even if the individual is not the intended target of the sexual harassment. Sexual harassment that occurs when a person in authority tries to trade job benefits for sexual favors is also called "quid pro quo" harassment. Job benefits in this context can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment.

Sexual harassment may include a range of subtle and not so subtle behaviors. Depending on the circumstances, these behaviors may include, but are not limited to:

- a. Physical acts of a sexual nature, such as touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body, as well as rape, sexual battery, molestation or attempts to commit these assaults.
- b. Unwanted sexual advances or propositions, such as requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits or detriments.
- c. Subtle or obvious pressure for unwelcome sexual activities.
- d. Sexually oriented gestures, words, signs, noises, remarks, jokes, pranks, innuendo or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- e. Sexually explicit or derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

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- f. Commentary about an individual's body, sexual prowess or sexual deficiencies.
- g. Leering, catcalls, or other insulting or obscene comments or gestures.
- h. Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying or circulating pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic (including through posting on walls, e-mail, text message, instant messenger, social media, or other electronic communication).
- i. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or the status of being transgender, such as interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job; sabotaging an individual's work; intimidation; and bullying, yelling and name-calling.
- j. Sex stereotyping is when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- k. Other physical, verbal or visual conduct of a sexual nature.
- l. Sex-based harassment, that is, harassment not involving sexual activity or language (*i.e.*, male manager yells only at female employees and not males). May also constitute discrimination if it is severe and pervasive and directed at employees because of their sex.

Policy:

Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, HPMC expects that all relationships among persons in the workplace will be businesslike and free of bias, prejudice and harassment.

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Equal Employment Opportunity

It is the policy of HPMC to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, national origin, religion, creed, sex, gender, age, disability (mental or physical), medical condition, citizenship or alienage status, marital status, domestic partnership or civil union status, sexual orientation, gender identity and/or expression, military or veteran status, domestic violence victim status, pregnancy, childbirth, breastfeeding or related medical conditions, ancestry, nationality, genetic information, predisposition or carrier status, or any other characteristic protected by federal, state, or local law ("protected characteristics"). HPMC prohibits and will not tolerate any such discrimination or harassment.

This policy extends to every phase of the employment process and to all terms and conditions of employment, including without limitation, recruiting, hiring, training, promoting, compensation, benefits, transfers, layoffs, recalls, termination, and HPMC-sponsored programs. All employment and promotion decisions are made on the basis of job-related criteria, recognizing the principle of equal employment opportunity.

Any employee who violates this policy shall be subject to appropriate disciplinary action, up to and including termination of employment.

Individuals and Conduct Covered

This policy applies to all applicants and employees (including interns and volunteers) regardless of immigration status, and prohibits harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to HPMC (*i.e.*, an outside vendor, consultant, patient, or visitor).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-linked setting outside the workplace, such as during business trips, business meetings and business-related social events or parties. Calls, texts, emails and social media usage by covered individuals in violation of this policy may constitute unlawful workplace harassment, even if they occur away from HPMC premises, on personal devices, or during non-work hours.

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Retaliation is Prohibited

HPMC prohibits retaliation against any individual who reports discrimination or harassment (whether internally or with any anti-discrimination agency), encourages a fellow employee to report discrimination or harassment, or participates in an investigation of such reports, including testifying or assisting in a proceeding involving discrimination or harassment under any applicable anti-discrimination law. Such retaliation is unlawful under federal, state, and, where applicable, local law.

Adverse action need not be job-related or occur on HPMC premises to constitute unlawful retaliation.

Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that complained of practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Any individual who believes they have been subject to such retaliation should report such conduct pursuant to the Complaint Procedure set forth below.

Procedure:

Complaint Procedure

1. Reporting an Incident of Harassment Discrimination or Retaliation

HPMC strongly urges the reporting of all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who have experienced conduct that they believe is contrary to HPMC's policy or who have concerns about such matters should immediately notify one or more of the following before the conduct becomes severe or pervasive:

- Vice President of Human Resources or designee

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- Director or manager of Human Resources Department
- A Department director, manager, or supervisor
- Chief Executive Officer
- Any other member of the HPMC management or Senior Leadership Team
- HPMC Compliance Hotline

Individuals are **not** required to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the HPMC-designated representatives or reporting avenues represented above.

Reports of discrimination, harassment or retaliation may be made verbally or in writing.

A supervisor or manager who receives a complaint of misconduct or information about suspected discrimination, harassment or retaliation under this policy (or who has knowledge of misconduct) **is required** to immediately report the suspected misconduct to the Vice President of Human Resources or his or her designee. In addition to being subject to discipline if they engage in discriminatory, harassing or retaliatory conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected discrimination, harassment or retaliation, or for otherwise knowingly allowing such conduct to continue.

Early reporting and intervention have proven to be the most effective methods of resolving actual or perceived incidents of discrimination or harassment. Therefore, while no fixed reporting period has been established, HPMC strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. HPMC will make every effort to stop alleged discrimination, harassment or retaliation before it becomes severe or pervasive, but can do so only with the cooperation of its employees.

2. Important Notice to All Employees

Employees who have experienced conduct they believe is contrary to this policy have the right to take advantage of this complaint procedure. An employee's failure to take advantage of this complaint procedure could affect his or her right to pursue legal action. Also, please note that federal, state and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

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Individuals who believe they are being subjected to discriminatory or harassing conduct are encouraged to promptly advise the offender that his or her behavior is unwelcome and request that it stop.

However, advising the offender that his or her behavior is unwelcome and/or requesting that it stop shall *not* constitute a complaint under this procedure even if the offender is one of the designated representatives identified above.

3. The Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly, fairly and impartially. The selected investigator will provide all parties appropriate due process and reach reasonable conclusions based on the evidence collected. While the process may vary from case to case, the investigation generally will be documented and may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The investigation may also include review of documents relevant to the investigation that are reasonably available or accessible. Where appropriate, notification will be made to the complainant and the individual(s) about whom the complaint was made of the results of the investigation and corrective actions.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with the ability to conduct an adequate investigation and take appropriate corrective action.

4. Responsive Action

At the conclusion of the investigation, HPMC will promptly initiate any appropriate remedial action. Responsive action, if determined necessary, may include training, referral to counseling, monitoring of the offender, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, demotion, reassignment, temporary suspension without pay, termination, or any other action HPMC believes appropriate under the circumstances.

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5. Appeals

An employee who has made a complaint of discrimination, harassment or retaliation and who does not agree with its resolution may appeal the matter to the Chief Operating Officer.

An employee who has a complaint of discrimination, harassment or retaliation may be required to submit the complaint to one or more applicable arbitration procedures. Copies of these procedures are available from Human Resources.

6. Additional Enforcement

Employees should be aware that the Federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and pursue complaints of discrimination, harassment and retaliation. Employees who believe that they have been unlawfully harassed or discriminated or retaliated against may file a complaint with either of these agencies. The EEOC and the DFEH serve as neutral fact finders and also attempt to help the parties voluntarily resolve disputes, if possible.

7. Conclusion

This policy should not, and may not, be used as a basis for excluding or separating individuals on the basis of any protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of HPMC prohibit disparate treatment on the basis of any protected characteristic, with regard to terms, conditions, and privileges of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

Summary of Responsibilities:

Employees

1. Report any known or suspected act of discrimination, harassment or retaliation promptly.

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2. Refrain from engaging in any acts of discrimination, harassment or retaliation, or in any other conduct in violation of this policy.

Supervisors

Promptly report to the Vice President of Human Resources or designee any known or suspected act of discrimination, harassment or retaliation, or in any other conduct in violation of this policy.

Human Resources

1. Ensure that all reports under this policy are immediately investigated.
2. Create an action plan for resolution of any concerns or complaints about conduct in potential violation of this policy, including consultation with management/legal counsel about appropriate corrective action, if any.
3. Communicate with concerned or complaining employees about status and results of investigation and action plan for resolution of a problem, if any.
4. Human Resources will distribute this Policy to all employees in a manner that ensures that all employees have read and acknowledge receipt of it.

References:

None.