



LOMA LINDA UNIVERSITY
ADVENTIST HEALTH SCIENCES CENTER

OPERATING POLICY

CATEGORY:	HUMAN RESOURCE MANAGEMENT	CODE:	I-16
SUBJECT:	NON-DISCRIMINATION AND ANTI-HARASSMENT	EFFECTIVE:	02/2004
		REPLACES:	---
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A. GENERAL RULE AND DEFINITIONS:

1. Loma Linda University Adventist Health Sciences Center (LLUAHSC) is committed to providing a work environment that is free of discrimination and harassment in any form. In keeping with this commitment, LLUAHSC strictly prohibits all forms of harassment, including sexual harassment and harassment based on race, color, national origin, medical condition, physical handicap, or age. Also prohibited is retaliation of any kind against individuals who file valid complaints or who assist in a LLUAHSC investigation.
2. Sexual harassment is reprehensible and will not be tolerated by LLUAHSC. It subverts the mission of LLUAHSC and threatens the careers, educational experience, and well-being of employees and patients.
3. Unlawful discrimination is generally defined as actions taken regarding the terms and conditions of one's employment based upon age, race, gender, veteran status, disability, or national origin.
4. For purposes of this policy, sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where either
 - 4.1 submission to such conduct is made explicitly or implicitly a term or condition of employment;
 - 4.2 An employment decision is based on an individual's acceptance or rejection of that conduct; or
 - 4.3 such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
5. Examples of sexual harassment: Sexual harassment encompasses any perceived sexual attention that is unwanted or inappropriate. Examples of the verbal or physical conduct prohibited by this policy include, but are not limited to:

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- 5.1. Physical assault, touching
- 5.2. Direct or implied threats that submission to sexual advances will be a condition of employment, raises, promotions, etc.
- 5.3. Direct or subtle propositions of a sexual nature
- 5.4. Dating, requesting dates, or entering into a romantic relationship between two employees wherein one employee is in a position of power over the other or is able to exert influence over the other employee's conditions of employment. Therefore, no supervisor shall date or enter into a romantic relationship with a person under his/her supervision.
- 5.5. A pattern of conduct that would discomfort or humiliate, or both, a person at whom the conduct was directed, including unnecessary touching, remarks of a sexual nature about a person's clothing or body, remarks about sexual activity or sexual preference, or speculations about previous sexual experiences.
- 5.6. Displaying posters, calendars, graffiti objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic, or bringing into the work environment or possessing any such material to read, display, or view at work.

NOTE: A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or customarily accepted for the accomplishment of routine work in and around the work place and who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
- 5.7. Use of computers, including the Internet and the e-mail system, to transmit, communicate, or receive sexually suggestive, pornographic, or sexually explicit pictures, messages or materials.
- 5.8. Without establishing a pattern of doing so, engaging in isolated conduct of the kind described above, or exhibiting a pattern of engaging in such conduct.

6. To the extent possible, confidentiality will be respected, and those notified shall be only those with a need to know of the investigation of a complaint. and any subsequent action taken in response to the complaint.

B. EMPLOYEE RIGHTS AND RESPONSIBILITIES

- 1. LLUAHSC employees, contract employees, students, interns and volunteers shall not engage in any harassing or discriminating behaviors. Those found to have acted in violation of this policy shall be subject to appropriate disciplinary action, including warnings, reprimands, suspensions, and/or discharge.

2. Employees who, without establishing a pattern of doing so, engage in isolated conduct of the kind described in Section A, may be directed to undertake an educational program designed to help them understand the harm that they are doing. Nonetheless, LLUAHSC retains its right to discipline, up to and including termination, when any such conduct is engaged in, whether it rises to the level of sexual harassment as defined by the law or not.

3. Employees shall be guaranteed that complaints of violations as described in Section A will be taken seriously and investigated. All complaints of sexual harassment shall be reported promptly to the Office of the President, either by the employee directly, or by the supervisor to whom it is reported.

NOTE: Those observing sexual harassment or retaliation should report it to the Office of the President immediately. The complainant need not be the target of the harassment or retaliation.

4. Retaliation against an employee for complaining of sexual harassment shall be prohibited and subject to disciplinary action.

5. Intentionally lying about, falsely denying, exerting pressure, or otherwise attempting to cover up conduct such as that described in pars. 3-5.8 shall be prohibited and subject to disciplinary action.

6. Employees subjected to sexual harassment or discrimination shall, if possible or feasible:

6.1 Inform the perpetrator that the conduct is considered offensive and should stop.

6.2 Immediately notify their supervisor or, if the supervisor is the alleged perpetrator, notify the supervisor's superior and include:

- a. The facts of the incident or incidents
- b. The names of the individuals involved

NOTE: There shall be no retaliation for making a complaint in good faith. If the employee is in doubt about whether unlawful harassment or retaliation has occurred, he or she should contact the Office of the President for clarification and assistance.

7. The employee may also file a complaint of discrimination or unlawful harassment with the Federal Equal Employment Opportunity Commission at 255, East Temple Street, 4th floor, Los Angeles, CA 90012 (213) 894-1000.

8. A complainant found to have been intentionally dishonest in making the allegations shall be subject to discipline.

9. The employee shall address questions concerning this policy to the Executive Vice President of Administration and Finance.

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C. THE OFFICE OF THE PRESIDENT RESPONSIBILITIES

1. The Office of the President shall take responsibility to receive, investigate, and resolve complaints involving violations of the provisions of this policy and to recommend to management the imposition of appropriate sanctions against violators.

1.1 A prompt and thorough investigation shall be conducted, with confidentiality maintained to the extent possible.

1.2 Upon completion of the investigation, where warranted, appropriate corrective action shall be taken to eliminate the harassment, which may include, but not be limited to:

- a. counseling
- b. reassignment of the perpetrator
- c. discipline, up to and including termination.

Approved: LLUAHSC Board of Trustees - February 2004

APPROVED:

Senior Vice President, Human Resource Management and
Risk Management

Date

President

Date

Corporate Secretary

Date