

<b>Policy Title:</b> Harassment-Free Work Environment	<b>Policy Number:</b> 767
<b>Policy Sponsor:</b> Kim Jensen	<b>Policy Category:</b> Human Resources
<b>Effective Date:</b> 2/2015	<b>Approval Signature/Title:</b> Kim Jensen, Chief, Human Resources Officer – Human Resources
<b>Approval Date:</b> 2/2015	
<b>Revision Date:</b> February 1, 2019	

**Purpose:**

Avera promotes a professional work environment that is respectful and free from harassment. No person should be subjected to unsolicited or unwelcome sexual overtones or abusive behavior (verbal, visual, or physical) from other employees, physicians, patients, family members, visitors, volunteers, students, residents, vendors, customers, contractors and the general public.

**Policy Statement:**

Conduct which is abusive, unsolicited and/or unwelcome including sexual, verbal, visual or physical in nature involving other employees, physicians, patients, family members, visitors, volunteers, students, residents, vendors, customers, contractors and the general public is a violation of this policy and will not be tolerated.

Harassment, threats, intimidation, and aggressive or violent behavior of other employees, physicians, patients, family members, visitors, volunteers, students, residents, vendors, customers, contractors and the general public will not be tolerated.

**Definitions:**

The Equal Employment Opportunity Commission (EEOC) guidelines state that unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, e.g., promotion, training, timekeeping or overtime assignments, etc.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an 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 work environment.

Harassment is a form of threat and includes but is not limited to the following:

**Verbal Harassment:** Verbal threats toward persons or property; the use of vulgar, profane or socially unacceptable language; disparaging or derogatory comments or slurs; offensive flirtations and propositions; verbal intimidation; exaggerated criticism or name-calling.

**Visual Harassment:** Derogatory or offensive posters, cartoons, publications or drawings.

**Physical Harassment:** Altercations; vandalism; stalking; assault; unwelcome physical contact including patting, pinching or brushing against another person.

**Policy Implementation:**

1. Leaders will ensure that the work environment is free of harassment or intimidation of any person.
2. An employee who feels subjected to harassment or abuse should make it clear to the alleged harasser that such behavior is offensive and unwelcome.
3. An employee should report any harassment complaints to their leader and/or the Human Resource Officer or designee for a proper investigation to occur. The complaint may be made verbally or in writing. Any harassment complaint must be forwarded to the Human Resource Officer or designee to determine appropriate action to be taken.
4. If an employee suspects that another person is being harassed or abused they should report it to their Leader and/or Human Resource Officer or designee immediately.
5. The Human Resource Officer or his/her designee must be involved in all harassment investigation which may include: interviewing the complainant, interviewing the accused, interviewing any identified witnesses, and identifying if corrective action is necessary.
6. If determined appropriate, corrective action will follow the corrective action policy/procedure.
7. The investigation is a confidential procedure and no retaliation will occur due to a report of suspected harassment.
8. All investigations will be conducted in a timely manner.

<b>Review Frequency:</b>	36 months
<b>Review Completion Dates/Name of Reviewer:</b>	February 1, 2019/HR
<b>References:</b>	
<b>Legal/Compliance Review:</b>	February 1, 2019/Legal

*This policy was developed as a guide and is not intended to define any employment standard and does not suggest or provide contractual rights of employment. This policy should be used as a guide, however, unless prevented by law. Avera leaders may deviate from this guide to respond to individualized circumstances.*