 ADMINISTRATIVE POLICY MANUAL	THE CHILDREN'S HOSPITAL OF PHILADELPHIA	No. A-4-18
	Title: NON-DISCRIMINATION HARASSMENT AND RETALIATION	Page 1 of 6 Effective Date: 05/11/2022

POLICY

It is the policy of the Hospital to prohibit unlawful discrimination and discriminatory harassment on the basis of race, color, religion, sex, age, national origin, ancestry, sexual orientation, gender identity/expression, marital status, disability, veteran’s status, genetic information, victim of domestic or sexual violence status or other protected classifications to the extent required by applicable laws. Such conduct is prohibited whether engaged in by fellow employees or supervisors or by outside vendors, patients, visitors or other non-employees who conduct business with the Hospital, and whether in the workplace or in other work-related settings, such as on business trips, at conferences and at business related social events.

In compliance with Title IX of the Educational Amendments of 1972, Children’s Hospital of Philadelphia is committed to providing an environment free of discrimination on the basis of sex, including, but not limited to, sex-based disparate treatment, sexual misconduct and sexual harassment in all of its educational programs and activities.

Retaliation against anyone who has, in good faith, reported, raised concerns about or participated in an investigation or other proceeding regarding discrimination, discriminatory harassment or retaliation, will not be tolerated, and is prohibited by this policy, and by applicable law. Such retaliation is prohibited regardless of whether the complaint or concern at issue relates to the individual who raises it or who is participating in the investigation or proceeding. All employees are required by this policy to report incidents of discrimination, discriminatory harassment and retaliation to Human Resources, regardless of the offender or the person toward whom the offensive conduct is directed. Violations of this policy will be subject to appropriate corrective action under the Hospital’s Rules of Conduct and/or other applicable policies.


PURPOSE

The Hospital is committed to maintaining a workplace environment that encourages and fosters appropriate conduct and respect for individual values. Essential to the Hospital’s culture of respect is a workplace free from unlawful discrimination, discriminatory harassment, including sexual harassment, and retaliation. The purpose of this policy is to set forth expectations, rules and procedures to help ensure such a discrimination-free workplace exists. The Hospital will make every reasonable effort to familiarize its workforce with this policy and to investigate and resolve appropriately reports of violations under this policy.

SCOPE

This policy applies to employees of the Hospital and its affiliated entities, Trustees and Officers of the Hospital and The Children’s Hospital Foundation and entities affiliated with either of them, members of the Hospital Medical Staff, members of the Hospital Research Staff, and directors and employees of the Children’s Hospital of Philadelphia Practice Association practice plans. This policy also prohibits discrimination, discriminatory harassment and retaliation by Hospital personnel against any person, as well as discrimination, discriminatory harassment and retaliation directed towards Hospital personnel by contractors, consultants, suppliers, vendors, visitors, students, volunteers and other non-employees, when such conduct occurs on Hospital property or in connection with Hospital activities or the performance of Hospital work.

Please contact your [HR Business Partner](#) for more information about the procedures for reporting and addressing conduct in violation of this policy, except as follows:

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Procedures for reporting and addressing conduct by physicians and dentists who are members of the Hospital's Medical Staff in violation of this policy may be found in the Disruptive Behavior by a Member of the Medical Staff Policy, A-4-22_ and Process of Addressing Reports of Disruptive Behavior by a Member of the Medical Staff Job Aid.

Procedures for reporting and addressing conduct by patients, families, and visitors in violation of this policy may be found in Patient and Family Rights and Responsibilities Policy

DEFINITIONS AND EXAMPLES


- A. Discrimination – discrimination prohibited under this policy is when an employee is harassed or treated differently with respect to the terms, conditions, privileges and perquisites of his or her employment because of his or her race, color, religion, sex, age, national origin, ancestry, sexual orientation, gender identity, marital status, disability, veteran's status, genetic information, victim of domestic or sexual violence status or membership in any category protected by law ("protected classification").

Examples –

1. Preferential treatment of an employee, or a promise of preferential treatment to an individual on the basis of his or her protected classification;
 2. The denial or threat of denial of employment, employment benefits or advancement on the basis of the individual's protected classifications;
 3. Harassment based on an individual's protected classification ("discriminatory harassment"); or
 4. A neutral practice that has an impact on members of a protected classification, such as written tests, height/weight requirements and other subjective procedures such as interviews, promotions, reprimands where such neutral practice is without a legitimate business justification.
- B. Discriminatory Harassment – A form of discrimination characterized by unwelcome verbal or physical acts against an individual because of his or her protected classification where such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment. Prohibited acts of discriminatory harassment can take a variety of forms ranging from subtle joking (such as racial or religious jokes) to actual physical contact or violence. At times the offender may be unaware that his or her conduct is offensive or harassing to others. However, such lack of awareness will not excuse a violation of this policy. Discriminatory harassment may occur between employees of the same or of different rank and between persons of the same or different protected classification.

Examples –


1. Offensive statements, materials, unwelcome jokes or gestures directed toward another, or degrading comments which involve the other's protected classifications;

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2. The display of offensive pictures, cartoons or other materials involving a protected classification;
 3. Physical assault against another or against another's property because of the other's protected classification.
- C. Sexual Harassment – a form of discriminatory harassment based on gender that consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex-based nature where:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 2. An employment decision is based on that individual's acceptance or rejection of such conduct; or
 3. 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. Sexual harassment may occur between employees of the same or of different rank, and between persons of the same or a different gender.

Examples - Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual favors or contact to actual physical contact. At times the offender may be unaware that his or her conduct is offensive or harassing to others. However, such lack of awareness will not excuse a violation of this policy. Examples of conduct that could be considered sexual harassment under this policy include but are not limited to:

1. Repeated instances of unwelcome flirting, pressure for dates, sexual comments or unnecessary/unwelcome touching;
2. Sexually suggestive jokes or gestures, or sexually orientated or degrading comments about another;
3. Preferential treatment, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct; or the denial or threat of denial of employment, employment benefits or advancement for refusal to consent to sexual advances;
4. The display of sexually oriented pictures, posters, or other sexually oriented material;
5. Non-consensual physical sexual contact including rape and attempted rape;
6. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex;
7. Inappropriate references to anatomy or sexual activity or discussions surrounding such topics not directly related to patient care, in the workplace and/or while performing work duties.

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IMPLEMENTATION

I. Reporting Conduct in Violation of Policy

If an employee believes that he or she has been subjected to discrimination, discriminatory harassment or retaliation may report the situation/incident to any of the following:

- The employee's HR Business Partner and/or HR Manager
- The employee's direct supervisor or department head, who will report it to HR
- A staff member in the Office of Diversity & Inclusion
- Any Hospital leader, who will contact HR for assistance
- The Compliance Hotline – call 866-246-7456 or go to www.mycompliancereport.com, use "CHOP" as the access ID (the Hotline allows for anonymous or non-anonymous reporting at the reporter's choice)


It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses. The identity of an individual who submits a good faith report, a witness who provides information regarding a report, and/or the target of the complaint will be kept confidential to the extent possible consistent with a thorough and impartial investigation. The sharing of confidential information outside of the procedure, could be considered retaliation, and is a violation of this policy. Although anonymous reporting is possible through the Compliance Hotline, the Hospital's investigation into the reported conduct may be limited without the ability to speak with the reporting party and ask questions.

The Hospital urges prompt reporting of complaints so that it can conduct a timely investigation and take appropriate action to remediate prohibited conduct and prevent such conduct from recurring. However, due to the sensitivity of these problems and because of the emotional toll such misconduct may have on the individual, there is no fixed deadline for reporting discrimination, harassment and/or retaliation. Delayed reporting under this policy, therefore, will not in and of itself preclude the Hospital from taking appropriate action.

II. Responding to Reports

A. Investigations

The Hospital's Human Resources Department will conduct a prompt and appropriate investigation of reports of discrimination, discriminatory harassment and retaliation made under this policy. The Human Resources Department may elect to retain an outside vendor to perform the investigation depending on the facts and circumstances. Please contact your [HR Business Partner](#) for more information about the procedures for informing employees, reporting a complaint, responding to complaints.

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B. Managers and Supervisors

Managers and supervisors must respond expeditiously and fairly to reports of discrimination, discriminatory harassment, and/or retaliation within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible violations of this policy seriously no matter how minor or who is involved.
- Ensure that retaliation, harassment or discrimination is immediately reported to HR so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation, harassment, discrimination or prohibited conduct from recurring during and after any investigations or complaints.
- Ensure that there is no retaliation against the reporter for reporting violations of this policy, including if such report was filed against the manager.
- Keep identities of individuals who submit a good faith report, witnesses who provide information and the target of the complaint confidential to the extent practical. Careless or intentional release of confidential information may be considered retaliation and subject to the rules of conduct.


Managers and supervisors who knowingly allow or tolerate discrimination, discriminatory harassment or retaliation, including the failure to immediately report such conduct to HR, are in violation of this policy and subject to discipline up to and including termination.

C. Confidentiality

All inquiries, complaints and investigations are treated confidentially. Information contained in a report of, or learned through an investigation into discrimination, discriminatory harassment or retaliation is kept as confidential as possible and would be shared only on a need to know basis. The parties involved in investigations take adequate steps to ensure that individuals are protected from retaliation during the period of the investigation and thereafter. All information pertaining to a complaint or investigation is maintained by the HR Department in secure files.

D. Protection against Retaliation

The Hospital will not in any way retaliate against an individual who in good faith reports discrimination, discriminatory harassment or retaliation, or who participates in an investigation or proceeding regarding such a report; nor will it permit anyone to do so. Retaliation is a serious violation of this Policy and must be reported immediately. Any person found to have retaliated against another individual for making a good faith report under this policy, or for participating in an investigation or proceeding regarding discrimination, discriminatory harassment or retaliation will be subject to the same discipline or other corrective actions provided for discrimination or harassment offenders.

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E. Corrective/Disciplinary Action

Individuals found to have violated this policy will be subject to corrective action. Corrective action will be in accordance with the nature and severity of the violation, and may include termination. Disciplinary actions are set forth more fully in the Hospital's Human Resource Policy and Procedures Manual, including Policy 5-2 (Rules of Conduct), Policy 5-3 (Employee Separation) and Policy 5-4 (Demotion). Discipline for a violation of this policy need not be progressive. Any discipline imposed is within the sole discretion of the Hospital. Corrective action for members of the Medical Staff will be in accordance with the Medical Staff Bylaws.

Where discrimination, discriminatory harassment or retaliation is found to exist, the Hospital will take prompt and effective action to eliminate the conduct. If an investigation results in a finding that an individual knowingly or maliciously made a false accusation against another under this policy the individual will be subject to appropriate discipline up to and including discharge from employment.

RESPONSIBILITY FOR THE MAINTENANCE OF THIS POLICY

PRESIDENT & CEO

Supersedes 05/11/2020	Approved by Signature: _____ Calvin U. Allen, SVP, CHRO or Designee
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