



## **POLICY: Non-Discrimination and Anti-Harassment**

<i>Original Implementation Date:</i>	7/2016	<i>Date Reviewed/ Revised:</i>	12/24/2019	<i>Area of Responsibility:</i>	Human Resources	<i>Version:</i>	2
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**PURPOSE:** Sun Health has adopted a policy of “zero-tolerance” with respect to unlawful discrimination or employee harassment.

**POLICY:** Sun Health expressly prohibits any form of unlawful discrimination or employee harassment based on race, color, national or ethnic origin, age, religion, disability, sex, sexual orientation, gender identity, genetics, veteran status or any other characteristic protected under applicable federal or state law. Improper interference with the ability of employees to perform their expected job duties is not tolerated.

With respect to discrimination, harassment or sexual harassment, Sun Health prohibits the following:

1. Derogatory comments, jokes, innuendos, and offensive statements.
2. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
  - Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
  - Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:

- Derogatory comments or jokes about any person's race, religion, ethnicity, sexual orientation, and the like.
- Foul or obscene language.
- Offensive E-mail, voice-mail, or text messages.
- Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body.
- Sexually suggestive touching.
- Grabbing, groping, kissing, fondling.
- Violating someone's "personal space".
- Offensive whistling.
- Lewd, off-color, sexually oriented comments or jokes.
- Leering, staring, stalking.
- Suggestive or sexually explicit posters, calendars, photographs, graffiti, or cartoons.
- Unwanted or offensive letters or poems.
- Sitting or gesturing sexually.
- Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities deficiencies, or prowess.
- Questions about one's sex life or experiences.

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- Repeated requests for dates.
- Sexual favors in return for employment requests, or threats if sexual favors are not provided.
- Sexual assault or rape.
- Any other conduct or behavior deemed inappropriate by Sun Health.

All employees are responsible for respecting the rights of their coworkers. Further, each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise.

**Supervisory Relationships with Employees:** In furtherance of this policy, Sun Health prohibits supervisors and managers from maintaining a family, romantic or sexual relationship with any subordinate. Such relationships can be disruptive to the work environment, create a conflict or the appearance of a conflict of interest, and lead to charges of favoritism, discrimination, and claims of indirect sexual harassment. While Sun Health has no desire to interfere with the private lives of its employees, or their off-duty conduct, where such conduct impacts upon the work environment in a negative manner, such as noted above, Sun Health reserves the right to take whatever action is appropriate in its discretion to protect its interests.

If a romantic or sexual relationship between a supervisor/manager and a subordinate should develop, it shall be the responsibility and mandatory obligation of the supervisor/manager to promptly disclose the existence of the relationship to Human Resources. The subordinate may make the disclosure as well, but the burden of doing so shall be upon the supervisor/manager. In addition, and in order for the company to deal effectively with any potentially adverse consequences such a relationship may have on the working environment, any person who believes that he or she has been adversely affected by such a relationship, notwithstanding its disclosure, is encouraged to make his or her views about the matter known to Human Resources. This policy shall apply without regard to gender and without regard to the sexual orientation of the participants in a relationship of the kind described.

If a working relationship develops between employees where a close emotional, physical, or romantic tie would cause a conflict of interest, such as where one employee supervises the other or has any influence over the other's employment, performance appraisal, salary, promotions, or disciplinary actions, or works in a position in which a potential problem or safety, security, supervision, or morale could arise, the company will make a decision regarding job placement or transfer.

### **Complaint Procedure**

If you experience any job-related harassment based on your sex, race, national origin, disability, or another factor, or believe that you or another employee has been treated in an unlawful, discriminatory manner, promptly report the incident to your immediate supervisor or Human Resources. The complaint may be submitted by email, in person or any way deemed appropriate. This policy applies to all incidents of alleged discrimination or harassment, including those which occur off-premises, or off-hours, where the alleged offender is a Supervisor, coworker, or even a non-employee with whom the employee is involved, directly or indirectly, in a business or potential business relationship.

Should the alleged discrimination or harassment occur at a time other than your normal business hours, your complaint should be filed as early as practicable on the first business day following the alleged incident.

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Sun Health takes complaints of discrimination and harassment very seriously. Thus, there is no need to follow any formal chain of command when filing a complaint or when discussing or expressing any issue of concern regarding alleged discrimination or harassment, and you may bypass anyone in your direct chain of command and file your complaint or discuss or express any issue of concern with the Director of Human Resources at any time. The company will investigate all complaints. Complaints will be kept confidential to the maximum extent possible. All employees have a duty to cooperate fully with Sun Health in connection with any such investigation.

**Disciplinary Actions:** If Sun Health determines that an employee is guilty of discriminating against or harassing another individual, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment. Disciplinary action may be taken against an employee that violates this policy, even if the misconduct does not rise to a violation of law (for example, isolated instances of misconduct).

**Retaliation:** Sun Health prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. Retaliation is any adverse action taken against an employee by another employee or by the organization for reporting unlawful discrimination or harassment, or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by the organization or a federal or state enforcement agency regarding unlawful discrimination or harassment. Sun Health absolutely forbids retaliation by employees, including supervisors and management, or others doing business with the organization. If you believe retaliation has occurred, immediately report it to Human Resources. Any report of retaliatory conduct will be promptly investigated and appropriate disciplinary actions, up to and including termination will be taken.

**RELATED POLICIES:** *Workplace Investigations, Equal Employment Opportunities, Individuals with Disabilities, Workplace Violence.*