

## Non-Discrimination, Harassment or Retaliation Policy

<b>Target Group:</b> Cleveland Clinic United States locations		<b>Original Date of Issue:</b> 04/01/1993	<b>Version</b> 4
<b>Approved by:</b>  Board of Directors- Main, BOG/MEC- Main , Linda McHugh	<b>Date Last Approved/Reviewed:</b>  11/13/2019	<b>Prepared by:</b>  Donald Corpora (Executive Director Enterprise HR Services)	<b>Effective Date</b>  11/13/2019
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## Purpose

This policy affirms Cleveland Clinic's commitment to provide a work environment that is free from discrimination or harassment, defines the types of prohibited harassment, and provides a process for reporting and investigating complaints of discrimination, harassment, and/or retaliation.

## Policy Statement

Cleveland Clinic is committed to providing a work environment in which all individuals are treated with respect and dignity. It is the policy of Cleveland Clinic to ensure that the work environment is free from discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, gender expression, pregnancy, marital status, age, national origin, disability, military status, citizenship, genetic information, or any other characteristic protected by federal, state, or local law. Cleveland Clinic prohibits any such discrimination, harassment, and/or retaliation.

This policy applies to all employees/physicians/vendors/third parties/contractors or contracted employees/students/volunteers affiliated with or under contract with Cleveland Clinic. Conduct prohibited by these policies is unacceptable in the workplace or in any work-related setting outside the workplace, such as during business trips or business meetings. Those individuals who engage in acts prohibited by this policy, regardless of status, position or title, will be subject to appropriate action, including but not limited to corrective action up to and including discharge.

## Definitions

**Cleveland Clinic United States locations** Includes the main campus, Avon, Euclid, Fairview, Hillcrest, Lutheran, Marymount, Medina, South Pointe, Children's Hospital for Rehabilitation, Cleveland Clinic Florida, Cleveland Clinic Hospital (Weston), Coral Springs Ambulatory Surgery Center, and all Family Health Centers, Physician practice sites, Nevada practice sites, Emergency Departments, Express Care Centers, Urgent Care Centers and Ambulatory Surgical Centers reporting to these facilities.

**Sexual Harassment** constitutes discrimination and for purposes of this policy, is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment (sometimes referred to as "quid pro quo" sexual harassment); or
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual (sometimes referred to as "quid pro quo" sexual harassment); or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment (sometimes referred to as "hostile work environment" sexual harassment).

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending upon the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors;

sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering; whistling; touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures, offensive images on the computer or email messages; and other physical, verbal or visual conduct of a sexual nature.

**Harassment** on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, graphic or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, gender identity, nationality, ethnicity, ancestry, age, disability, marital status, pregnancy, military status, citizenship, genetic information, protected activity (i.e. opposition to prohibited discrimination or participation in the complaint or investigation process) or any other characteristic protected by law that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment; or
- has the purpose or effect of unreasonably interfering with an individual's work performance; or
- otherwise adversely affects the individual's employment opportunities.

Harassing conduct can be physical, verbal and/or nonverbal/visual in nature and includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; offensive images on the computer or email messages, and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

## **Policy Implementation**

### **Communication of Policy**

This policy will be communicated to employees and physicians at the time of hire and periodically throughout their employment with Cleveland Clinic. The other individuals to whom this policy applies will be made aware of it at or around the commencement of their affiliation with Cleveland Clinic.

### **Reporting an Incident of Harassment, Discrimination, or Retaliation**

Cleveland Clinic encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been subjected to discrimination, harassment, or retaliation are encouraged to immediately report their concerns to their manager, Human Resources representative, the Corporate Compliance Reporting Line 1-800-826-9294, the Office of Diversity and Inclusion, or the Law Department (or, if it involves a member of the Professional Staff, report to the Office of Professional Staff Affairs; if it involves a private practice physician in a Regional Hospital, report to the President, CMO, Chief of Staff of the Regional Hospital (or according to local policy); if it involves a participant in a Cleveland Clinic educational program, report to the Title IX Coordinator).

In addition, Cleveland Clinic encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. Cleveland Clinic recognizes, however, that an individual may prefer to pursue the matter through formal

complaint procedures.

In determining whether alleged conduct constitutes harassment, discrimination or retaliation, the totality of the circumstances will be thoroughly considered, including the type of conduct and the context in which it allegedly occurred. While no reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. To assist in the prompt and thorough investigation of the complaint, employees are encouraged to provide a written summary of the acts complained of providing as much detail as possible including the name, title and department of the alleged harasser; a description of the alleged incidents including dates, locations and the presence of witnesses; and the identity of other employees who may have also been subject to the inappropriate treatment.

### **Responsibility/Duty to Act**

Individuals who receive reports of discrimination, harassment, or retaliation or who observe conduct in violation of this policy should take all such complaints/situations seriously, no matter how minor, and must contact their Human Resources representative (or, if the matter involves a member of the Professional Staff, contact the Office of Professional Staff Affairs; if the matter involves a private practice physician in a Regional Hospital, contact the President, CMO or Chief of Staff of the Regional Hospital (or according to local policy); if the matter involves a participant in a Cleveland Clinic educational program, contact the Title IX Coordinator immediately for assistance in investigating and responding to these concerns. Supervisors should also take any appropriate action to prevent retaliation or prohibited conduct from recurring both during and after investigation of complaints. Supervisors who knowingly tolerate harassment, discrimination or retaliation are in violation of this policy and are subject to corrective action.

### **Investigation of Complaints**

All reported allegations of harassment, discrimination, or retaliation will be investigated promptly. While the timeline for completion of the investigation will depend upon the facts and circumstances of the specific complaint, the Cleveland Clinic will endeavor to complete the investigation within thirty (30) days. This investigation 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. Reports of sex discrimination, sexual harassment, sexual violence and retaliation in an educational program shall be investigated in accordance with the procedures implementing the Sexual Misconduct in Education Policy.

### **Corrective Action**

Misconduct constituting harassment, discrimination, or retaliation is in direct conflict with the mission and values of the organization and will not be tolerated. Responsive action may include, for example, training, referral to counseling, reassignment and/or corrective action, up to and including discharge, as appropriate under the circumstances.

### **Confidentiality**

Confidentiality will be maintained throughout the investigatory process to the extent consistent

with adequate investigation and appropriate corrective action.

The individual(s) reporting the concerns and the individual(s) accused of violating this policy will be apprised when the investigation is complete.

### **Statement of Non-Retaliation**

Cleveland Clinic forbids retaliation against any employee for reporting, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing conducted by Cleveland Clinic or a federal, state, or local court or enforcement agency or bringing or lodging a complaint of discrimination or harassment or engaging in any other activity protected by law. Employees should report any incidents of retaliation to their supervisor, to any other manager, to Human Resources, or, if the matter involves a member of the Professional Staff, to the Office of Professional Staff Affairs immediately; or if the matter involves a private practice physician in a Regional Hospital, the President, CMO or Chief of Staff of the Regional Hospital, or if the matter involves a participant in a Cleveland Clinic educational program, the Title IX Coordinator. Reports of retaliatory conduct will be objectively and thoroughly investigated in accordance with the procedure outlined above. If a report of retaliation is substantiated, appropriate corrective action, up to and including discharge, will be taken.

### **Regulatory Requirement/References**

Age Discrimination in Employment Act of 1967, as amended

Americans with Disabilities Act of 1990, as amended

Section 504 of the Rehabilitation Act

Title VII of the Civil Rights Act of 1965, as amended

Title IX of the Education Amendments of 1972

Florida Statutes, Title 44, Chapter 613

Ohio Revised Code, Title 41, Chapter 4112:

City of Cleveland, Ohio Code of Ordinances, Part Six, Title 5

Cuyahoga County, Ohio Code, Title 15

[Corrective Action Policy](#)

[Equal Employment Opportunity/Workforce Diversity and Inclusion Policy](#)

Sexual Misconduct in Education Policy

### **Oversight and Responsibility**

Human Resources is responsible for developing and revising this policy.

Human Resources, the Office of Professional Staff Affairs, and the Title IX Coordinator and/or the Law Department, as appropriate, are responsible for working in collaboration with institute, regional hospital and department management in the investigation of complaints of harassment, discrimination, or retaliation.

Our Executive Leaders, Administrators, Directors, Managers, and Supervisors are responsible for maintaining a work environment that is free from discrimination, harassment, and retaliation and for acting upon or reporting conduct that violates this policy. This responsibility includes the absolute necessity to immediately report to Human Resources (or, if the matter involves a member of the Professional Staff, report to the Office of Professional Staff Affairs; if it involves a private physician in a Regional Hospital, report to the President, CMO, Chief of Staff of the Regional Hospital (or according to local policy); if it involves a participant in a Cleveland Clinic educational program, report to the Title IX Coordinator) any apparent acts of discrimination,

harassment, or retaliation either directly witnessed or brought to their attention by another individual.

Employees are responsible for reporting perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position.

It is the responsibility of each hospital, institute, department and discipline to implement the policy and to draft and operationalize related procedures to the policy if applicable.

**Other Background Information**

**Issuing Office:** HR Services, Human Resources, Office of Diversity and Inclusion, Office of Professional Staff Affairs, Chief Academic Office.