

Sexual Harassment and Abuse Policy

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INTRODUCTION

Neighborhood Health (NH) is committed to preventing sexual harassment, abuse, and similar inappropriate conduct toward its patients, clients, and its employees, and appropriately responding to any concerns or complaints of harassment, abuse, or inappropriate conduct.

There are two parts to this commitment: prevention and response.

Prevention includes:

- Careful hiring of qualified staff and recruitment of volunteers after appropriate and thorough background, abuse, and criminal checks.
- Maintaining a policy against harassment, abuse, and inappropriate conduct.
- Acknowledgment of receipt of policy in writing before staff and volunteer personnel engage in work on behalf of Neighborhood Health.
- Required annual education and training of all employees about the policy.

Response includes:

- Instituting a complaint procedure for patients, clients, parents, and employees to utilize if they have witnessed or are aware of conduct that may violate this policy.
- Instituting investigation and response guidelines.

Policy

Neighborhood Health is committed to maintaining a professional environment in which all employees, patients, and clients are treated with respect and dignity. This professional atmosphere promotes equal opportunities and prohibits all forms of harassment, unlawful discrimination, exploitation, or intimidation. This policy applies to all staff, volunteers, contractors, visitors, clients, patients, and parents of minor clients and patients. Conduct such as violence, harassment, sexual abuse, inappropriate relations, and inappropriate discrimination based on personal characteristics and relations will not be tolerated.

NH recognizes that its healthcare and education mission requires an environment of professionalism and trust. Actions that detract from this environment are to be guarded against. Relationships between staff and patients or clients, and those between supervisor and employee should be built on professionalism and trust and should be consistent with Neighborhood Health's mission and should avoid even the appearance of a conflict of interest, exploitation, personal favoritism, or bias. Accordingly, no member of the staff or volunteer staff shall:

- Engage in a sexual/romantic or otherwise inappropriate relationship (whether or not consensual) with any patient or client; or

- Engage in a sexual/romantic/amorous/social/personal relationship with any person over whom they have authority or influence, as such relationship may be a conflict of interest, impair objectivity, or create the appearance of impropriety, bias, or favoritism.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as gender, gender identity/preference, color, race, ancestry, religion, national origin, age, disability, veteran, or another protected group status. Harassment includes conduct that demeans or shows hostility or aversion toward an individual because of his or her protected status or that of his or her relatives, friends, or associates. Harassment or abuse, whether verbal or physical or occurring in or out of NH buildings, work sites and offices, at NH sponsored functions or activities, or elsewhere is unacceptable and will not be tolerated.

Sexual harassment may be described as unwanted sexual advances, request for sexual favors and other physical conduct and expressive behavior of a sexual nature where: Submission to such conduct is an explicit or implicit term or condition of an individual's employment or success; or rejection of such conduct is used as the basis for an employment decision; or such conduct has the purpose or effect of unreasonably interfering with the individuals' professional performance; or creating an intimidating, hostile or offensive environment.

No member of the staff or volunteer may engage in any conduct of a sexual nature with any patient or client. Reporting of any such conduct, or suspicion of such conduct, is mandatory.

Although it is impossible to list all possible examples of harassment, abuse, poor judgment, or unprofessional conduct which may violate this policy, the following examples shall serve to illustrate the kind of conduct, speech, and behavior that is prohibited:

- Verbal abuse of a sexual, racial, ethnic, or religious nature;
- Commenting upon an individual's body or clothing in a sexually offensive manner;
- Unwelcome or inappropriate touching of another person;
- Degrading words to describe an individual's race, age, sex, religion, ancestry, or disability;
- Similarly, degrading objects, pictures, magazines, e-mails, cartoons, or computer images;
- Graphic verbal commentary relating to an individual's body, sexual prowess, or sexual deficiencies;
- Coerced sexual activities;
- Unwanted sexual advances;
- Demands for sexual favors;
- Inappropriate sexually-oriented verbal "kidding", teasing or jokes;
- Sexually suggestive, foul, or obscene language or gestures;
- Displays of sexually suggestive, foul, or obscene printed or visual material or objects;
- Inappropriate physical contact such as patting, pinching, or brushing against another's body;
- Request for others to perform inappropriate personal errands.

NH discourages any such conduct regardless of the circumstances. Good judgment should prevail and persons employed and volunteering with NH must avoid any behavior or conduct that could reasonably be interpreted as unlawful harassment, abuse, or inappropriate behavior.

CONDUCT WITH YOUTH

NH staff and volunteers working with youth shall maintain an open and trustworthy relationship between youth and adult caregivers, educators, counselors, and supervisors.

NH staff will use a team approach of two unrelated adults to manage youth activities to the extent possible when activities are not in public places with access of others.

Physical contact with youth is necessary in a healthcare environment. It should be completely nonsexual and when it may be misconstrued should occur with another staff member present.

For one-on-one counseling and education with youth, closed doors will be avoided as much as possible.

When working with youth, illegal and legal use and/or possession of drugs and/or alcohol must be avoided at all times.

Staff and volunteers should not provide shared, private, overnight accommodation for individual young people. For overnight trips, there will be one adult for every five youth with a minimum of two adults present. When both male and female youth are participating there will be both male and female leaders.

There is zero tolerance for sexual abuse perpetrated on children or other vulnerable persons in the care of staff and volunteers.

Operating Procedure

NH encourages individuals who believe they are harassed or abused to clearly and promptly notify the offender that the behavior is unwelcome. If the individual does not wish to approach the offender directly, or if the notice does not end the harassment, then the individual should immediately notify the Director of Quality Improvement, Chief Human Resources Officer (CHRO) and/or CEO or by calling 1-866-684-0412.

Any staff member or volunteer witnessing such conduct or suspecting such conduct that violates this policy is required to immediately report such behavior to the Director of Quality Improvement, CHRO, or the CEO.

A patient or client, or parent of a patient or client, who feels he or she or their child has been abused or harassed may consult a NH staff member or volunteer who is required to immediately report the potential violation of policy to the Director of Quality Improvement or the CEO. This must be reported regardless of whether the patient or client has requested confidentiality.

REPORTING:

As required by Tennessee Law regarding reporting requirements for child abuse, NH personnel will comply with those requirements promptly and exactly as required by law. Whenever a staff member has reasonable cause to believe that a minor child or vulnerable adult has been subject to sexual or physical abuse or neglect, that person must make an immediate report to Child Protective Services.

INVESTIGATION

Upon receiving notification of a complaint under this policy, the Director of Quality Improvement, CHRO, or CEO shall respond in a prompt, confidential, and thorough manner. They will comply with applicable provisions of civil law requiring reports for abuse of minors, vulnerable persons, and elderly. They will verify that a necessary report has been filed with state authorities. The accused party may be placed on immediate administrative leave. Every attempt will be made to complete the investigation within 5 days of the complaint.

They will promptly begin an investigation into the facts and circumstances of the complaint. The Director of Quality Improvement, CHRO, and/or CEO shall contact NH legal counsel immediately for guidance and aid in the investigation.

Any complaint shall be put in writing by the individual receiving the complaint to ensure an accurate record of the incident.

There will be no retaliation against anyone for reporting harassment or abuse or for cooperating with the investigation of a complaint.

NH will honor a complainant's request for confidentiality regarding any complaint and the result of its investigation to the fullest extent practicable.

Upon receipt of a complaint or other specific information regarding possible harassment or abuse, the person responsible for the investigation shall:

- Promptly and confidentially investigate the incident and surrounding circumstances by talking to, and obtaining signed statements from, witnesses or other persons having information. All parties shall be interviewed by two NH staff and those interviewed will be advised of their right to have someone of their choosing present.
- After conducting the first interviews, the investigator should advise the alleged offender of the complaint.
- If the allegation is not proven or admitted, the investigator shall conduct further investigation until he/she has made determination or it becomes apparent that further investigation is unlikely to produce more information.
- If the investigation confirms that a violation of this policy has occurred, the investigator shall report findings to the CEO in writing with a recommendation for disciplinary action or remedial measures. The CEO will evaluate the information and recommendations. More information may be collected. The CEO will render the final decision.
- After the investigation, the CEO or the CHRO will advise the complaining person of the outcome of the investigation.

DISCIPLINE

When the investigation determines someone has violated this policy, appropriate corrective action will be taken. This may include, but is not limited to:

- Oral or written reprimand
- Referral to counseling
- Reassignment
- Suspension without pay
- Termination of employment