

NEW YORK STATE Sexual Harassment Prevention Training

JULY 2018 EDITION



Combating
Sexual Harassment

Sexual Harassment in the Workplace

Crouse Hospital will protect all employees, volunteers, non-employees and medical staff members from sexual harassment. Sexual harassment will not be tolerated at Crouse Hospital.

This training program will:

- Help you better understand what is considered sexual harassment
- Advise you how to report sexual harassment
- Provide external reporting options



**Combating
Sexual Harassment**

What is Harassment?

Harassment is discrimination that consists of words, signs, jokes, pranks, intimidation, physical actions or violence directed at an individual due to any protected characteristic.



**Combating
Sexual Harassment**

Other Types of Workplace Harassment

Any harassment based on a protected characteristic is prohibited in the workplace and may lead to disciplinary action.

- Age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

Zero Tolerance

- Any harassing behavior will be investigated.
- Violators are subject to Federal, state and local laws as well as disciplinary and/or summary action as provided in the Crouse Health Hospital Medical Staff Bylaws and Rules and Regulations.
- Disciplinary action may be taken, including but not limited to termination of Medical Staff privileges.



**Combating
Sexual Harassment**

Sexual Harassment Overview

Sex discrimination includes:

- Any type of bias on the basis of sex
- Sexual harassment
- Sex stereotyping
- Discrimination on the basis of gender identity or the status of being transgender
- Discrimination on the basis of pregnancy



**Combating
Sexual Harassment**

What is Sexual Harassment?

Unwanted verbal or physical advance, a sexually explicit or derogatory statement, or a sexually discriminatory remark that is offensive or objectionable to the recipient, or which interferes with his or her job performance.

Types of Sexual Harassment:

- Hostile Environment
- Quid Pro Quo



**Combating
Sexual Harassment**

Hostile Environment

Sexual or discriminatory displays or publications anywhere in the workplace

Hostile actions taken against an individual because of that individual's sex



**Combating
Sexual Harassment**

Quid Pro Quo Sexual Harassment

Occurs when a person in authority trades, or attempts to trade, job benefits for sexual favors.

Occurs between an individual and a person in authority who has the ability to influence job benefits.



Who can be the Target?

Sexual harassment can occur between males and females, or between persons of the same sex.

The law protects employees, volunteers, non-employees and Medical Staff members who work at Crouse Hospital.



**Combating
Sexual Harassment**

Who can be the Perpetrator?

Anyone in the workplace:

- A coworker
- A supervisor or manager
- Any third-party (non-employee, intern, vendor, customer, Medical Staff member, etc.)



Where Can Workplace Sexual Harassment Occur?

Within the Hospital, off-site Surgery Centers, off-site patient care clinics and offices.

Whenever and wherever employees are fulfilling their work responsibilities, including:

- Employer-sponsored event
- Conferences
- Office parties



**Combating
Sexual Harassment**

Sex Stereotyping

Harassing a person because that person does not conform to gender stereotypes is sexual harassment.



**Combating
Sexual Harassment**

Protected Activities

Any employee, volunteer, non-employee and Medical Staff member engaged in “protected activity” is protected by law from retaliation.

Protected activities include:

- Making a complaint about harassment or suspected harassment
- Providing information during an investigation
- Testifying in connection with complaint



**Combating
Sexual Harassment**

What is Retaliation?

Any action to alter an individual's terms and conditions of employment or work activities *because* that individual engaged in protected activities.

Examples:

- Sudden change in work schedule or work location
- Demotion



**Combating
Sexual Harassment**

What is Not Retaliation

A negative employment, work activity or Medical Staff action is not retaliatory merely because it occurs after the individual engages in protected activity.



**Combating
Sexual Harassment**

Supervisory Personnel Responsibility

Supervisory Personnel are held to a high standard of behavior. They are:

- Required to report any harassment reported to them or which they observe.
- Responsible for any harassment or discrimination they should have known about.
- Expected to model appropriate behavior.



Mandatory Reporting

Supervisory Personnel must report any harassment they witness or of which they are aware, even if no one is objecting to it.

- Harassment must be promptly reported to the employer.
- Supervisory Personnel will be subject to discipline for failing to report suspected sexual harassment.
- Supervisory Personnel will also be subject to discipline for engaging in retaliation.



**Combating
Sexual Harassment**

What Should I Do If I Am Harassed?

Provide written or oral communication to the Chief Medical Officer, the Director of Corporate Compliance or the Director of Medical Staff Administration.

If you are in a situation that makes you feel unsafe,
contact Security at 315-470-7826

All incidents will be investigated.

Please refer to Complaint Form #8610 on next page.

Complaint Form For Reporting Sexual Harassment



Combating Sexual Harassment



If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to [person or office designated; contact information for designee or office; how the form can be submitted]. Once you submit this form, your employer must follow its sexual harassment prevention policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, your employer is still required to follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/combating-sexual-harassment

COMPLAINANT INFORMATION

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

(please select one)

SUPERVISORY INFORMATION

Immediate Supervisor's

Name: Title:

Work Phone:

Work Address:

COMPLAINANT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name:

Title:

Work Address:

Work Phone:

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

The last two questions are optional, but may help facilitate the investigation.

5. Have you previously complained or provided information (verbal or written) about sexual harassment at [Name of employer]? If yes, when and to whom did you complain or provide information?

Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts.

6. Have you filed a claim regarding this complaint with a federal, state or local government agency? Yes No

Have you instituted a legal suit or court action regarding this complaint?
Yes No

Have you hired an attorney with respect to this complaint?
Yes No

I request that [name of employer] investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation.

Signature: _____ Date: _____

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

What Should I Do If I Witness Sexual Harassment?

Anyone who witnesses or becomes aware of potential instances of sexual harassment should report it to the Chief Medical Officer, Director of Corporate Compliance, or Director of Medical Staff Administration.

It is unlawful for an employer to retaliate against you for reporting suspected sexual harassment or assisting in any investigation.

Investigation and Corrective Action

- Individuals who engage in sexual harassment or retaliation will be subject to remedial and/or disciplinary action.
- An investigation of any complaint will be completed within a reasonable timeframe.
- The investigation will be confidential to the extent possible.
- Individuals are required to cooperate as needed in an investigation.



Investigation Process

- The Chief Medical Officer, Director or Corporate Compliance and/or Director of Medical Staff Administration will conduct an immediate review of the allegations, and take interim action as appropriate.
- Relevant documents, emails or phone records will be requested, preserved and obtained.
- Interviews will be conducted.
- The individual who complained and the individual(s) accused of sexual harassment are notified of final determination and that appropriate administrative action has been taken.

Additional Protections and Remedies

A complaint alleging violation of the Human Rights Law may be filed either with the NYS Division of Human Rights (DHR) or in NYS Supreme Court.

- Complaints may be filed with DHR any time **within one year** of the alleged discrimination.
- You do not need to have an attorney to file.
- More information: www.DHR.ny.gov



**Combating
Sexual Harassment**

United States Equal Employment Opportunity Commission (EEOC)

- An individual can file a complaint with the EEOC anytime **within 300 days** from the alleged discrimination.
- You do not need to have an attorney to file.
- A complaint must be filed with the EEOC before you can file in federal court.
- More information: www.EEOC.gov.



Combating
Sexual Harassment

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination.

- Contact your county, city or town to find out if laws exist.

Harassment may constitute a crime if it involves instances of physical touching, coerced physical confinement or coerced sex acts.

- Contact the local police department.



**Combating
Sexual Harassment**

Summary

- Recognize harassment as inappropriate behavior.
- Harassment because of any protected characteristic is prohibited.
- Workplace harassment is employment discrimination.
- All harassment should be reported.
- All individuals have a responsibility to report harassment.



Important Resources

For additional information, visit:

www.ny.gov/combating-sexual-harassment-workplace



**Combating
Sexual Harassment**