

 <p>THE UNIVERSITY OF NEW MEXICO HEALTH SCIENCES CENTER</p>	<b>Human Resources Policies and Procedures</b>
<b>University Hospitals</b>	<b>Primary Age Group: All</b>
<b>330 -SEXUAL HARASSMENT</b>	

**1. POLICY**

It is the policy of the University of New Mexico Health Sciences Center (UNMHSC) Clinical Operations that sexual harassment will not be tolerated at University Hospitals. It is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972.

**2. POLICY CROSS REFERENCE**

170 - Equal Employment Opportunity/Affirmative Action

**3. DEFINITION**

Harassment is unlawful if it is directed toward an individual because of his/her sex, race, color, religion, age, national origin, handicap or disability. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- 3.1** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or advancement.
- 3.2** Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- 3.3** 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.
- 3.4** Sexual harassment may include any hostility directed towards an employee because of gender, even if that hostility is not sexual in nature.

**3.5 Examples of Sexual Harassment**

Examples of sexual harassment which shall not be tolerated include, but are not limited to:

- Suggestive or obscene letters, e-mails, notes, invitations.

- Jokes of a sexual nature.
- Discussion of sexual activities.
- Impeding or blocking movement, touching, or any physical interference with normal work.
- Sexually oriented gestures, displaying sexually suggestive or derogatory objects, pictures, cartoons or posters. The situation will be evaluated for appropriateness such as art displayed in the Hospitals versus a centerfold in an office setting.
- Threats or suggestions that lack of sexual favors will result in retaliation, withholding support for promotions or transfers, change in assignments or poor performance reviews.

### **3.6 Examples of Hostile Work Environment**

Examples of hostile work environment which shall not be tolerated include, but are not limited to, the following:

- Crude or offensive language.
- Demeaning or inappropriate gestures.
- Derogatory comments, epithets or racial slurs.
- Abuse, either physical, verbal, written or electronic.
- Any other activity which unreasonably interferes with an employee's work performance and creates a work environment that is intimidating, abusive, hostile and offensive.

## **4. PURPOSE**

As an Equal Opportunity Employer, the Hospitals have a strict policy against unlawful sexual harassment. Unlawful harassment and hostile work environment will not be tolerated on the part of any employee, contractor, vendor, etc. The Hospitals are committed to creating and maintaining a community in which all staff members can work together in an atmosphere free from all forms of harassment, exploitation or intimidation. It is the intent of the Hospitals to take whatever action may be necessary to prevent, correct and, if necessary, to discipline behavior which violates this policy.

## **5. PROCEDURE**

- 5.1** In determining whether the alleged conduct constitutes sexual harassment or hostile work environment, consideration shall be given to the record as a whole and to the totality of the circumstances, including the nature of the alleged sexual advances or harassment and the context in which the alleged incidents occurred.
- 5.2** If an employee believes he/she has been subjected to unlawful sexual harassment or hostile work environment, the employee should immediately report the harassment to the appropriate supervisor and the Hospitals' Human Resources Department. Any reports made to a supervisor must be reported immediately by the supervisor to the Senior Human Resources Representative.
- 5.3** The Human Resources Department will investigate the incident(s) of alleged sexual harassment or hostile work environment in a prompt and confidential manner in order to determine the facts. Allegations of sexual harassment or hostile work environment will be handled confidentially to the extent necessary to conduct a thorough investigation.

- 5.4** As appropriate, the investigation will be conducted in accordance with the following steps:
- 5.4.1 The allegation(s) will be investigated the Human Resources Department by interviewing witnesses or other individuals who may be able to corroborate either position.
  - 5.4.2 The individual(s) accused of harassment or hostile work environment will be interviewed.
  - 5.4.3 The validity of the complaint will be determined based upon an analysis of the facts and the evidence brought forward by witnesses during the investigation.
  - 5.4.4 At the conclusion of the investigation, the Senior Human Resources Representative will meet with the appropriate individual(s) to discuss disposition of the complaint and findings of the investigation.
- 5.5** Employees who are determined to have unlawfully sexually harassed other(s) or created a hostile work environment will be subject to disciplinary action up to and including termination.
- 5.6** Employees who are determined to have falsely accused others of sexual harassment or hostile work environment for retaliation or any other reason will be subject to disciplinary action up to and including termination.
- 5.7** Documentation of investigations will be not be placed in the employee's personnel file, but will be secured in another area of the Human Resources Department to assure confidentiality.

## **6. RETALIATION**

Retaliation against any employee or individual for filing a sexual harassment or hostile work environment complaint is strictly prohibited.

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Reviewed By: Debra S. Stacy, Senior Human Resources Representative

Approved By: \_\_\_\_\_  
Stephen W. McKernan, Associate Vice President, Clinical Operations  
Approved Date: 12/07/2001  
(policy330.doc)

### **Summary of Revisions:**

1. Cross references added, 12/7/2001.
2. Addition of hostile work environment throughout policy, 12/7/2001.
3. Article 3.5 Discussion of sexual activities added, 12/7/2001.
4. Article 3.6 added, 12/7/2001.
5. Article 5.4 added, 12/7/2001.
6. Article 5.6 added, 12/7/2001.

**Supersedes Policy Sexual Harassment, June 1, 2001.**