

Department/Category: HUMAN RESOURCES / EMPLOYEE RELATIONS	Page 1 of 9	Policy # HR 04.0029
Title: NON-DISCRIMINATION, NON-HARASSMENT AND NON-RETALIATION	Review of: 07/06/2022	Effective Date: 08/01/2024
		Next Review: 08/01/2026

SCOPE: Applies to entities indicated below as well as their subsidiaries and affiliates

<input checked="" type="checkbox"/> NM – Northwestern Memorial Hospital	<input checked="" type="checkbox"/> NM – Lake Forest Hospital
<input checked="" type="checkbox"/> NM – Northwestern Medical Group - Academic Medical Center (AMC)	<input checked="" type="checkbox"/> NM – Central DuPage Hospital
<input checked="" type="checkbox"/> NM – Northwestern Medical Group - Northwestern Health Network (NHN)	<input checked="" type="checkbox"/> NM – Delnor Hospital
<input checked="" type="checkbox"/> NM – Regional Medical Group - Northwestern Health Network (NHN)	<input checked="" type="checkbox"/> NM – Valley West Hospital
<input checked="" type="checkbox"/> NM – Kishwaukee Hospital	<input checked="" type="checkbox"/> NM – Palos Community Hospital
<input checked="" type="checkbox"/> NM – Marianjoy Rehabilitation	<input checked="" type="checkbox"/> NM – System Functions / NMHC Employees
<input checked="" type="checkbox"/> NM – Huntley Hospital / <input checked="" type="checkbox"/> NM – McHenry Hospital / <input checked="" type="checkbox"/> NM – Woodstock Hospital	
Ambulatory Surgery Centers (Freestanding) <input checked="" type="checkbox"/> NM – Surgery Center River North <input checked="" type="checkbox"/> NM – Surgery Center Sycamore <input checked="" type="checkbox"/> NM – Surgery Center Warrenville <input checked="" type="checkbox"/> NM – Palos Health Surgery Center, LLC	<input checked="" type="checkbox"/> NM – Other **See “Scope/Persons/Areas Affected” Section below**

I. PURPOSE:

- A. Northwestern Memorial HealthCare (“NMHC”) is committed to a workplace free of unlawful discrimination, harassment and retaliation. NMHC prohibits any and all forms of harassment based on actual or perceived race, color, religion, age, sex, sexual orientation, gender identity, gender expression, marital status, national origin, physical or mental disability, veteran status, or any other protected status. Offensive or harassing behavior does not reflect NMHC’s organizational values of integrity, excellence, and teamwork and will not be tolerated. In addition, sexual harassment and retaliation for reporting sexual harassment are illegal in all jurisdictions where NMHC has a presence including in the City of Chicago.
- B. NMHC expects all employees to feel free to report concerns regarding harassment without fear of reprimand or retaliation. Retaliation against anyone for making a good-faith complaint or report of harassment under this policy or for cooperating in any investigation of a complaint or report based on a violation of this policy is strictly prohibited.
- C. This policy applies to all applicants, employees, students and interns, and prohibits harassment and retaliation whether engaged in by a co-worker, supervisor, physician, volunteer, agent, contractor and/or temporary worker, or by someone not directly connected to NMHC (such as a vendor, consultant, patient, or other visitor). For further guidance with instances in which a patient exhibits bias toward an NMHC staff member, see Health & Safety Policy #04.0027, Biased Patient Behavior Towards Staff.

- D. All employees share the responsibility of understanding and preventing harassment and retaliation, including bystanders who observe conduct that may constitute harassment. To ensure a workplace free of such action and to understand NMHC's requirements and procedures for reporting and investigating harassment and retaliation, all employees should review and understand all provisions of this policy and must complete all required annual training on non-harassment and non-retaliation. Staff who work in Chicago will complete one hour of training, and all individuals who supervise or manage staff who work in Chicago shall complete two hours of training. All employees who work in Chicago will also participate in one hour of bystander training annually. All employees should feel free to contact Human Resources with questions regarding this policy.

II. POLICY STATEMENT:

A. Definitions

1. Harassment: Harassment means verbal or physical conduct that denigrates or shows hostility toward an individual because of that individual's actual or perceived race, color, religion, age, sex, sexual orientation, gender identity, gender expression, marital status, national origin, physical or mental disability, veteran status or any status protected under applicable laws, and that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
2. Harassment may include but is not limited to:
 - a. Inappropriate physical contact or touching;
 - b. Written, spoken, or graphic communication or language that is inappropriate, offensive, denigrates or shows hostility or aversion toward an individual because of an individual's protected status, or that of the individual's relatives, friends, or associates, including slurs, epithets, or negative stereotyping;
 - c. Slurs, jokes, posters, cartoons, texts, emails, social media posts and messages and gestures that are inappropriate, offensive, denigrate or show hostility or aversion toward an individual because of an individual's actual or perceived protected status, or that of the individual's relatives, friends, or associates.
3. Any such conduct, whether in person or by use of electronic communications, will be considered a prohibited form of harassment if such conduct has the effect of creating an intimidating or hostile or offensive work environment, unreasonably interferes with a person's work performance, or adversely affects an individual's employment opportunities.
4. Sexual Harassment: Sexual harassment is unlawful under federal, state and local laws and ordinances and is contrary to NMHC's values. As used in this policy, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably and/or substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment; or (iv) such behavior involves sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.

- a. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:
 - i. Requesting, demanding or pressuring any applicant or employee for sexual favors or dates (e.g., if a date is requested and an applicant or employee declines, the request should not be repeated);
 - ii. Promising, directly or indirectly, an applicant or employee a job or reward or more favorable treatment at work, such as a promotion, if the applicant or employee complies with a sexually-oriented request such as a request for a date, physical contact, sexual favor, or other sexually oriented request;
 - iii. Threatening, directly or indirectly, to retaliate against an applicant or employee if the person refuses to accept or go along with a request for a date, physical contact, sexual favor, or other sexually oriented request;
 - iv. Denying, directly or indirectly, an applicant or employee an employment-related opportunity if the person refuses to accept or go along with a request for a date, physical contact, sexual favor, or other sexually oriented request;
 - v. Engaging in sexually-charged physical contact with or touching another applicant or employee in a way that is unwelcome;
 - vi. Displaying, storing, or transmitting pornographic or sexually oriented materials, including pictures, using NMHC equipment or facilities;
 - vii. Displaying, storing, or transmitting pornographic or sexually oriented materials, including pictures, to an applicant or employee including by electronic mail, text message, or a social media or direct messaging platform;
 - viii. Engaging in indecent exposure;
 - ix. Making sexual or romantic advances toward an applicant or employee and persisting despite the individual's rejection of the advance; or
 - x. Making sexual comments, jokes, innuendo, verbal abuse of a sexual nature, comments about an individual's body or sexual prowess, and/or insulting or obscene gestures.
 - xi. Giving personal gifts that imply an intimate relationship.
- b. Sexual harassment is not limited to any one gender, but can involve harassment by members of the same or another gender.
- c. Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if a single incident on its own may not be considered harassing.
- d. Although sexual harassment typically involves a person in a greater position of authority than the subject of harassment, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment and are subject to corrective/disciplinary action up to and including termination of employment.
- e. Consensual sexual or romantic relationships between employees who work together are deemed unwise and are prohibited if one employee has supervisory authority over the other employee.
- f. Harassment on the basis of an employee's actual or perceived gender identity is unlawful and contrary to NMHC's values. Any incident of harassment or violence based on gender identity or gender expression will be treated as prohibited harassment under this policy, investigated, and corrective/disciplinary action will be taken as appropriate.

5. Retaliation: Retaliation means any adverse action taken against an employee that is motivated by that employee's good faith complaint or report of a violation of this policy or cooperation in an NMHC investigation.

B. Addressing Harassment / Making a Complaint

1. In some instances, employees may wish to attempt to handle harassment by confronting the offender if the employee is comfortable doing so.
 - a. In those situations, if the employee feels comfortable doing so, the employee may state that the conduct is unwelcome and offensive, and request that the offending behavior stop immediately.
 - b. If an employee tells another employee that they find the second employee's behavior or conversation unwelcome and asks that employee to stop, the request must be honored even if the offender feels the recipient is being oversensitive.
 - c. Even if the employee informs the offender that the conduct is unwelcome, and even if that employee feels that the situation has been resolved, the conduct must still be reported to the manager and/or Human Resources, along with how the situation was resolved or handled.
2. Any individual making a complaint regarding harassment, sexual harassment, or retaliation will be treated courteously. Complaints will be handled as swiftly as possible and confidentially to the extent necessary and feasible in light of the circumstances surrounding the complaint.
3. All incidents of harassment, and/or retaliation should be reported. It is every employee's responsibility to notify a member of management and/or Human Resources of any conduct in violation of this policy. Employees may make complaints or reports on behalf of themselves or others either verbally or in writing, and are not required to comply with paragraph B.1.a above.
4. If reporting the complaint to a manager is not deemed to be appropriate by the employee, a Director, other member of management, or a member of Human Resources may be contacted using the My NM Service Center. The employee may also call the Corporate Compliance and Integrity confidential 24/7 hotline at (844) 339-6271, or directly contact the Corporate Compliance & Integrity at 312-926-4800 or compliance@nm.org. They may also submit an online complaint by clicking on "Compliance Report" on the NM Interactive home page.
5. Any employee who observes another employee being subjected to harassment or retaliation should immediately use one or more of the reporting procedures identified above. Bystanders to harassing conduct who observe but do not report it may be determined to be in violation of this policy.
6. When aware of conduct that may violate this policy, managers are required to investigate and take immediate corrective action if warranted. Appropriate action, depending on the circumstances, may include corrective action up to and including termination of employment or termination of services. Human Resources should be notified immediately if a member of management becomes aware of a situation involving any alleged conduct that may violate this policy.
7. If harassment and/or retaliation continue after an employee reports it in accordance with this policy, the employee should report the continuing behavior to a Human Resources Business Partner or Director by contacting MyNM Service Center or the Corporate Compliance and Integrity Confidential Hotline at (844) 339-6271.
8. Government resources through federal, state and local human relations departments are available to individuals who may be experiencing workplace harassment.

C. The Complaint Process

1. Managers must deal expeditiously and fairly with allegations of conduct that may violate this policy within their departments, whether or not there has been a written or formal complaint. This includes following the steps below in partnership with the appropriate Human Resources team member.
2. Managers must inform their Human Resources Business Partner of the allegation, and act promptly in conjunction with Human Resources to investigate the harassment or inappropriate conduct. Managers who knowingly allow or tolerate harassment or inappropriate sexually oriented conduct are in violation of this policy and are subject to corrective action up to and including termination of employment.
3. After a complaint is made, Human Resources will work with management to conduct an appropriate investigation of the complaint. While not every investigation will be identical, an appropriate investigation of a complaint of harassment or retaliation will involve certain steps, including but not limited to:
 - a. Ensure that both the individual filing the complaint, the alleged subject of harassment if a complaint was filed on behalf of another, and the accused individual are aware of the seriousness of the complaint and the conduct underlying any complaint;
 - b. Explain NMHC's harassment policy and investigation procedures to the complainant and the accused individual(s);
 - c. Explore informal means of resolving a complaint;
 - d. Maintain confidentiality to the extent possible during an investigation;
 - e. Arrange for an investigation of the alleged harassment and the preparation of a written report; and
 - f. If criminal activities are alleged, Human Resources will notify Security, who will take responsibility for notifying the police as appropriate.
4. Human Resources and the manager will contact the reporting employee at the conclusion of the investigation.
5. If the reporting employee has any questions about the status of the investigation while it is being conducted, such questions should be directed to the Human Resources representative who is conducting or directing the investigation.
6. HR takes all complaints seriously, including anonymous reports, and will attempt, along with management, to investigate and resolve these issues. However, since reports are kept as confidential as possible, employees are encouraged to be forthcoming with their identity so that HR and managers can conduct a thorough investigation and achieve a resolution.

D. Resolution

1. Harassment is considered a form of employee misconduct and is strictly prohibited. Corrective/disciplinary action up to and including termination will be taken against any employee engaging in conduct that is substantiated to violate NMHC policies.
2. Supervisors or managers may be subject to corrective action if they have knowledge of conduct or behavior that may constitute discrimination, harassment, or retaliation yet take no action to investigate and remediate, as necessary, the inappropriate conduct or behavior.
3. Substantiated violations of this policy will result in appropriate remedial measures, depending on the nature of the violation. Remedial measures may include corrective/disciplinary action up to and including termination of employment. Individuals who violate NMHC policies also may be designated as ineligible for rehire, depending on the circumstances.

4. All violations of this policy are serious, even for a first offense, and corrective action can include counseling, training, written warnings, or termination of employment. A violation of this policy may also result in an impact to the violator's present or future work assignments, eligibility for promotion, and/or compensation.
5. Corrective/disciplinary action will be administered based on discussions with and recommendations from Human Resources and, if necessary, the Office of the General Counsel. Documentation of corrective/disciplinary action will be retained in accordance with NMHC's practices for personnel records. If the accused individual is not an employee of an NMHC entity but is affiliated with NMHC, Human Resources and the Office of the General Counsel generally will confer for a determination regarding the appropriate remedial measures for substantiated violations of this policy.
6. If it is determined that a contract or temporary worker, or someone not directly connected to NMHC (such as an outside vendor, consultant, or other visitor), has engaged in conduct that violates this policy, NMHC will take appropriate action depending on the circumstances, such as requesting that the person be removed from assignment to NMHC or removed from the premises.
7. If the reporting employee or individual about whom a complaint was reported is not satisfied with the outcome of an investigation, a written rebuttal detailing the concern may be submitted to the Director of Human Resources for consideration.

E. Retaliation Prohibited

1. It is also a violation of this policy for any individual to retaliate in any way against employees for coming forward to register a harassment complaint on behalf of themselves or others. Such an action would be considered a separate offense for disciplinary purposes.
2. While retaliation is strictly prohibited, filing a malicious or false complaint is considered misconduct and will be subject to corrective/disciplinary action, and such action may include counseling, training, written warnings, or termination of employment.

F. Confidentiality

1. All information obtained related to a complaint is considered confidential and only disclosed on a need-to-know basis to investigate and resolve the matter, or as otherwise required by law. However, it may be necessary to reveal the identity of the complaining employee to the alleged harasser and witnesses in order to conduct a thorough investigation. Generally, Human Resources documentation collected in connection with a complaint of harassment or inappropriate sexually oriented conduct will be confidentially maintained for a period of at least three (3) years after the complaint has been resolved or longer as otherwise required.
2. No record of a complaint is kept in the complainant's personnel file.

III. COMMUNICATION OF POLICY:

NMHC's non-discrimination, non-harassment and non-retaliation policies and expectations will be communicated through various means including, but not limited to, electronic web sites, new employee orientations, training, and distribution as appropriate to vendors and others.

IV. SCOPE/PERSONS/AREAS AFFECTED:

This policy applies to all regular and temporary, full-time, part-time and casual employees of the NMHC, as well as volunteers and others providing service at all NMHC locations and entities.

V. MODIFICATIONS:

This Policy creates no rights, contractual or otherwise. Statements of policy contained herein are not made for the purpose of inducing any person to become or remain an employee of NMHC, and should not be considered “promises” or as granting of rights. NMHC may add to, subtract from and/or modify this Policy at any time without notice for any reason. Nothing contained in this Policy impairs the right of an employee or NMHC to terminate the employment relationship at will.

VI. RESPONSIBILITIES:

- A. Employees are responsible for notifying management if they are subjected to or are aware of harassment or retaliation.
- B. Management is responsible for ensuring an environment free from harassment and retaliation, and for taking appropriate action in response to reports of harassment and retaliation.
- C. Employees who have questions concerning this policy are encouraged to reach out to their managers, directors or to their Human Resources Business Partner.

VII. NON-DISCRIMINATION:

NMHC is a community of caregivers who welcome, respect and serve all people without regard to age, race, color, national origin, religion, culture, language, physical or mental disability, socioeconomic status, sex, sexual orientation, gender identity or expression, and military or veteran status, or any other status protected under applicable laws.

VIII. POLICY UPDATE SCHEDULE:

This Policy is reviewed or updated every two (2) years or more often as appropriate.

IX. RELEVANT REFERENCES:

[Human Resources Policy #04.0001, Equal Employment Opportunity](#)

[Health & Safety Policy #04.0027, Biased Patient Behavior Towards Staff](#)

[Human Resources Policy #04.0023, Corrective Action](#)

[Human Resources Policy #04.0022, Standards of Professional Conduct](#)

[Human Resources Policy #04.0034, Union Disciplinary Action](#)

[Human Resources Policy #04.0028, Confidential Employee / Applicant Records](#)

Additional Resources for Filing Sexual Harassment Complaints

In addition to internal NMHC’s reporting methods, employees have the right to file charges of sexual harassment with the government agencies listed below. All external charges of discrimination in which NMHC or any NMHC entity is identified as a Respondent, should be immediately directed to Human Resources.

Chicago Commission on Human Relations
740 N. Sedgwick, 4th Floor
Chicago, IL 60654
312-744-4111
cchr@cityofchicago.org

U.S. Equal Employment Opportunity Commission (EEOC)
Chicago District Office 230 South Dearborn St., Suite 1866 Chicago, Illinois 60604
321-872-9744
866-740-3953 (TTY)
<https://publicportal.eeoc.gov/Portal/Login.aspx>

Illinois Department of Human Rights
555 W. Monroe Street, Suite 700
Chicago, IL 60601
312-814-6200
312-740-3953 (TTY)

X. APPENDICES:

None

XI. APPROVAL:

Responsible Party:	<u>Teresa Chapman</u> Director HR
Reviewers:	OGC – Employment Compliance
Committee	None
Approval Party:	<u>Elizabeth Quinn</u> Senior Vice President, Administration Electronic Approval: 07/31/2024

XII. REVIEW HISTORY:

Written: 08/21/2011 (New NMHC 09/01/2015)
Reviewed/Revised: 08/01/2016, 08/01/2018, 08/22/2021, 07/06/2022, 08/01/2024