1) **Applicability:**

- North Carolina Baptist Hospital (NCBH)
- Lexington Medical Center (LMC)
- Wake Forest University Health Sciences (WFUS)
- NCBH Outpatient Endoscopy
- Premier Surgery Center
- Davie Medical Center (DMC)
- Wilkes Medical Center (WMC)
- High Point Medical Center (HPMC)
- Wake Forest Imaging (WFBI)
- Wake Forest Health Network (WFHN)

2) **Originator:** Senior Vice President and Chief People Officer

3) **Scope:** All WFBH staff, faculty, physicians and non-employees

4) **General Policy Statement (Entities Affected / Responsible Party for Implementation)**

Wake Forest Baptist Health (“WFBH”) is committed to diversity, inclusion and committed to treating all with dignity and respect. WFBH does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, disability, age, religion, veteran status, or any other characteristic or status protected by applicable local, state, or federal law.

Discrimination and harassment are antithetical to the values and standards of the WFBH community; are incompatible with the safe, healthy environment that the WFBH community expects and deserves and will not be tolerated. WFBH is committed to providing a work environment free from discrimination and harassment. WFBH is also committed to fostering a community that promotes prompt reporting and fair and timely resolution. It is not only encouraged but also expected that all employees report such behaviors.

The purpose of this policy is to express WFBH’s commitment to equal opportunity employment and establishes a procedure for addressing reports of discrimination, sexual harassment, retaliation or harassment of any kind.

Allegations of Sexual Harassment that are made against a student or employee of WFBH or a third party and allegations of Sexual Misconduct made against a student, regardless of sex, sexual orientation, sexual identity, gender expression, or gender identity and that are not covered under the scope of this Policy will be addressed in accordance with the WFBH Sexual Harassment and Sexual Misconduct Policy.
5) Policy Guidelines

WFBH does not discriminate against any persons seeking a job, any employee or anyone else covered by this policy. This includes hiring, promotion, transfer or any other terms or conditions of employment. Any employee found to be engaging in any type of unlawful discrimination or harassment will be subject to corrective action up to and including end of employment.

A. Discrimination
The Health System prohibits harassment based on race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. This includes:

1. Discrimination in the provision of employment opportunities
2. Adversely impacting a staff/faculty member’s terms and conditions of employment

B. Harassment: Unwelcome verbal or physical conduct that creates an intimidating, hostile, or offensive work environment or interferes with an individual’s work or education. Examples of inappropriate behaviors include:

i. Unwelcome comments regarding an individual’s race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information
ii. Name-calling or the use of slurs, demeaning comments or other offensive language
iii. Repeated, unwelcome requests for dates
iv. Distribution or displays of written or graphic material containing negative content, including electronic materials

C. Sexual Harassment: Any unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive, including sexual advances, requests for sexual favors and any verbal or physical conduct of a sexual nature.

i. Sexual harassment (whether opposite sex or same sex) is strictly prohibited. There are two types of sexual harassment:

a. Quid pro quo harassment, in which submission to harassment is used as a basis for employment decisions. Examples include:

1. Promises of favorable treatment or threats of unfavorable treatment based on an individual’s response to sexual advances
2. Adversely impacting a staff/faculty member’s terms and conditions of employment based on the individual’s response to sexual advances

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. Courteous, mutually respectful interactions between individuals, including men and women, that are acceptable to both parties are not considered to be harassment.

D. Consensual Relationships: Staff/faculty members are not permitted to have direct or indirect influence over the conditions of employment of an individual with whom they have a consensual relationship. This includes relationships within the same reporting structure, as well as those
involving direct supervision. Such relationships that exist or develop must be disclosed. Action will be taken to reduce the risk of concerns about harassment, favoritism or bias. Actions may include, but are not limited to, a transfer to another work group, a change in shift, or a change in reporting structure. For details, including disclosure process guidelines, see the Nepotism and Consensual Relationships Policy.

E. **Hostile work environment**, in which the harassment creates an intimidating, offensive and unpleasant work environment. A hostile work environment can be created by anyone in the workplace, including supervisors, co-workers or non-employees. Examples include:

   i. Comments, jokes, or gestures of a sexual nature
   ii. Objectionable physical proximity or contact
   iii. Unwelcome flirting, sexual advances or propositions
   iv. Unwelcome discussion of an individual’s physical characteristics or dress
   v. Distribution or display of sexually explicit pictures or other materials, including electronic materials

F. **Retaliation**
   The law and Health System’s values protect any person who, in good faith, reports discrimination or harassment. Any adverse action (including direct and indirect intimidation, threats, coercion, discrimination, or harassment) will not be tolerated towards or against anyone who:

   i. Makes or assists with a complaint of discrimination or harassment
   ii. Is a witness in the investigation of a complaint
   iii. Serves as an investigator

6) **Reporting Harassment**
   When evaluating whether a certain behavior should be considered harassment, these points should be considered:

   i. The behavior need not be perceived as harassment at the time but may be perceived as harassment later (for example, a participant who is initially willing may later object to the behavior).
   ii. The behavior is unwelcome if an individual states that it is unwelcome.
   iii. The behavior need not be directed at a specific individual.

   i. **Complaint Procedure**

      a. Harassment should be reported when a staff/faculty member believes that he/she has personally been harassed or has observed someone else being harassed. This applies whether the alleged harasser is a staff/faculty member, leader, visitor, patient or non-employee.

      b. The following options are available for addressing harassment:

         1. An individual who is being harassed may talk to the offender and make it clear that he/she considers the behavior inappropriate and wants it to stop. In many cases, this puts an end to the behavior. It is not necessary for a staff/faculty member to take this action before reporting a complaint to Employee Relations or leadership.
2. A staff/faculty member may report the situation to his/her supervisor or Employee Relations Consultant.
3. A staff/faculty member may report the situation to any higher level member of leadership.
4. A staff/faculty member may report the situation through the Compliance Hotline.
5. Any individual participating in a WFUHS education program or activity with inquiries concerning discrimination or harassment on the basis of sex and gender may be referred to WFBH’s Title IX Coordinator, Aishah Casseus, 336.758.7258 | casseua@wfu.edu
6. Any individual participating in a WFUHS education program or activity with inquiries concerning discrimination or harassment based on a protected characteristic or status other than sex or gender may be referred to Nicole Allen, 336.716.4273 | chaallen@wakehealth.edu or Tanya Gregory (for students), 336.713.0819 | tgregory@wakehealth.edu

c. Anonymous complaints are permitted but are not encouraged, since they do not allow for a full investigation and may not result in resolution of the situation. Reasonable effort will be made to protect the privacy of the reporting individual(s).

ii. Response to Complaints

a. All complaints of harassment or discrimination are taken seriously. Upon receiving the harassment complaint, Employee Relations will:
   1. Conduct a prompt and thorough investigation
   2. Discuss results with the complaining staff/faculty member (where appropriate actions taken)
   3. Keep investigation and results as confidential as possible
   4. Take any necessary performance improvement action, if the complaint is verified

b. A staff/faculty member who believes the Health System has not met its obligations to correct a harassment incident or is not satisfied with the way in which his/her report of harassment was handled should contact the Manager of Employee Relations or the Associate Vice President Client Partnerships.

7) Definitions:

A. **WFBH:** Wake Forest Baptist Health (WFBH) is a health system that includes Wake Forest Baptist Medical Center and all affiliated organizations including Wake Forest University Health Sciences (WFUHS), North Carolina Baptist Hospital (NCBH), Lexington Medical Center (LMC), Davie Medical Center (DMC), Wilkes Medical Center (WMC), High Point Medical Center (HPMC), Wake Forest Imaging (WFBI), NCBH Outpatient Endoscopy, Wake Forest Health Network (WFHN), and Premier Surgery Center.

B. **Policy:** As defined in the Policy on Creating and Amending Policy, a statement of principle that is developed for the purpose of guiding decisions and activities related to governance, administration, or management of care, treatment, services or other activities of WFBH. A policy may help to ensure compliance with applicable laws and regulations, promote one or more of the missions of WFBH, contain guidelines for governance, and set parameters within which faculty, staff, students, visitors and others are expected to operate.
C. **Consensual Relationship:** A dating, sexual or cohabitating relationship wherein both involved parties mutually agree to participate.

D. **Discrimination:** The Health System prohibits harassment based on race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.

E. **Harassment:** Unwelcome verbal or physical conduct that creates an intimidating, hostile, or offensive work environment or interferes with an individual's work or education.

F. **Sexual Harassment:** Any unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive, including sexual advances, requests for sexual favors and any verbal or physical conduct of a sexual nature.

G. **Hostile Work Environment:** An intimidating, offensive and unpleasant work environment resulting from harassment.

H. **Education program or activity:** means (1) locations, events, or circumstances over which Wake Forest University Health Sciences exercised substantial control over both the Respondent and the context in which the alleged Sexual Harassment occurred; and (2) any building owned or controlled by a student organization that is officially recognized by Wake Forest University Health Sciences. Educational programs and activities include:
   1. Degree- or certificate-granting programs of the SOM, as well as the Graduate School of Biomedical Sciences programs;
   2. Affiliation educational arrangements with Wake Forest University Health Sciences for visiting clinical rotations;
   3. Medical and other residency programs;
   4. Research and medical fellowships;
   5. Internships;
   6. Educational programs offered to middle school, high school, college and university students; and
   7. Any program or activity offered that is educational in nature beyond on-the-job training, general interest, or routine continuing education programs.

Additional factors in determining whether a program or activity is educational include, but are not limited to:
   1. Whether it is structured through a particular course of study, whether full- or part-time;
   2. Whether participants earn academic credit toward a degree or certificate, or qualify to sit for professional exams; and
   3. Whether a program provides instructors, exams, or other evaluation process.

I. **Leader:** Any individual who supervises staff/faculty members or work areas at WFBMC. A leader may or may not have direct reports.

J. **Non-Employee:** An individual who is not a regular employee of the Health System but who is granted badge access to Health System facilities and/or user access to Health System technology systems to perform work or engage in educational activities. Non-employees include, but are not limited to, students, contractors/independent contractors, job shadowing/observation participants, visiting professionals and volunteers.
K. **Retaliation:** Adverse action taken in response to a staff/faculty member’s involvement in a harassment complaint

L. **Supervisor:** The person to whom a staff/faculty member reports. Examples include, but are not limited to, manager, director, AVP, VP or chair.

8) **Review/Revision/Implementation**

   **Review Cycle:** This policy shall be reviewed by the Department/Policy Owner at least every three (3) years from the effective date.

9) **Related Policies**
   - Code of Conduct
   - Nepotism and Consensual Relationship Policy
   - WFBH Sexual Harassment and Sexual Misconduct Policy

10) **Governing Law/Regulations/References**
    - None

11) **Attachments**
    - None

12) **Keywords**
    - None

13) **Review/Revise Dates:**

14) **Signatures:**
    - Name and Title – Insert electronic signature here