

3.120 Sexual Harassment

I. Policy

It is the policy of the RCUH to maintain a workplace environment in which all employees can work with security, dignity, and freedom from sexual harassment by anyone, including supervisors, fellow employees, customers, consultants, subcontractors, or suppliers. Sexual harassment is illegal under federal and state law. However, even if the conduct is not sufficiently severe or pervasive to constitute unlawful sexual harassment, any level of conduct described below is strictly prohibited under this policy.

We require all employees (including supervisors) to comply with EEO and Affirmative Action Program requirements to ensure the workplace is free from all forms of discrimination and harassment. The RCUH conducts training and education programs to educate all its employees about EEO and sexual harassment. Training is required for all RCUH employees (e.g., regular status, temporary, intermittent, student, etc.) and supervisors.

Retaliation Is Prohibited: The RCUH prohibits retaliation against any individual who has filed a complaint of discrimination or harassment, including sexual harassment, or has provided information related to such complaints or who has participated in an investigation of such a complaint. Violation of this policy may result in severe disciplinary action, up to and including termination of employment.

II. Responsibilities

A. RCUH Employee

1. Complete EEO/Sexual Harassment Training at least once every two (2) years. EEO/Sexual Harassment Prevention Training for Employees and Supervisors are available online in the [RCUH Training Portal](#). If you need access to the RCUH Training Portal, please register [here](#) or contact RCUH Corporate Services at rcuh@rcuh.com.
2. Complete [RCUH EEO Complaint Form](#) if sexual harassment has taken place.
3. If requested, participate in a confidential investigation relating to the complaint.

B. Principal Investigator

1. Complete EEO/Sexual Harassment Training for Supervisors (estimated training time: 100 minutes) available online in the [RCUH Training Portal](#). If you need access to the Training Portal, please register [here](#) or contact RCUH Corporate Services at rcuh@rcuh.com.
2. If notified by an employee that sexual harassment is taking place, notify the RCUH Director of Human Resources as soon as possible.
3. Complete [RCUH EEO Complaint Form](#) if sexual harassment has taken place.
4. If requested, participate in a confidential investigation relating to the complaint.

III. Applications

This policy applies to all RCUH employees and supervisors regardless of employment category, status or FTE.

IV. Details of Policy

- A. Definition of Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - 2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - 3. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- B. Examples of Sexual Harassment – Examples of conduct which may be construed to be sexual harassment include, but are not limited to:
 - 1. Unwelcome or unwanted sexual advances. This includes patting, pinching, hugging, cornering, kissing, fondling, or any other similar physical contact.
 - 2. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence concerning employment status.
 - 3. Verbal abuse or kidding that is sexually oriented and considered unacceptable by another individual. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes," and making other sexually oriented comments or innuendoes.
 - 4. Creating a work environment that is intimidating, hostile, or offensive because of unwelcomed or unwanted sexually oriented conversations, suggestions, gestures, requests, demands, physical contacts, or attentions.
- C. EEO/Sexual Harassment Policy Training Is Mandatory –All RCUH employees and supervisors of RCUH employees must complete training at least once every two years.
- D. Employees May File an EEO Complaint – If an employee feels he/she is a victim of sexual harassment and/or retaliation, the employee may file an EEO Complaint. Upon receipt of the complaint, the RCUH will conduct a fact-finding investigation.

V. Procedures

A. Procedures for an Employee Filing a Sexual Harassment Complaint

Complainants Must Notify a Management Representative: An employee who feels he/she is a victim of sexual harassment should immediately notify his/her immediate supervisor, project manager, Principal Investigator, Human Resources or the Director of Human Resources. If an allegation of sexual harassment is made against a non-employee, the Director of Human

Resources must be notified. The Director of Human Resources will contact the authorized representatives and inform them of the allegations made against their employee. (For purposes of this policy, a non-employee is any individual representing a vendor, subcontractor, supplier, or consultant who, during his/her course of business, interacts with an RCUH employee.)

1. Complainants Must Complete an EEO Complaint Form: Sexual harassment complaints may be filed by completing the [EEO Complaint Form](#). Complaints made also be made verbally to any of the individuals identified in Section V.A.1, above. All complaints received by the above will be kept confidential to the extent possible. All complaints received by the supervisors, managers, or principal investigators are to be reported to the Director of Human Resources immediately.
2. Reports may also be filed by individuals witnessing conduct in violation of this policy.
3. Employees need not, and should not, wait to report violations or suspected violations of this policy until they believe it has become severe or pervasive or a violation of law. Management intends to stop any inappropriate conduct before it rises to the level of a violation of law.
4. RCUH Will Conduct a Fact-Finding Investigation: Upon receipt of the complaint, the Director of Human Resources will conduct an investigation to determine whether sexual harassment has occurred. The investigation will include holding fact- finding interviews and obtaining written statements from all parties involved.
5. If it is determined that this policy has been violated, immediate corrective and remedial action, which may include discipline, will be taken. Remedial measures will not adversely affect the complainant. Remedial and corrective measures will be designed to stop the prohibited conduct and to put the complainant in the position s/he would have been in had the conduct not occurred.

B. Maintaining Confidentiality During a Fact-Finding Process

1. Complaints Will Be Confidential to the Extent Possible: Due to the sensitive nature of complaints of sexual harassment, complaints will be investigated with particular care and will remain confidential to the extent possible. The purpose of this is to protect the confidentiality of the complainant, to encourage the reporting of incidents of sexual harassment, and to protect the reputation of any person wrongfully accused of sexual harassment.
2. Documentation of the Investigation Will Be Kept Separate from the Employee's Personnel File: None of the documentation obtained during the course of an investigation of sexual harassment will be placed in the complainant's personnel file.

C. Procedures for Withdrawing a Complaint – A complainant who desires to withdraw his/her complaint under this section shall complete the [RCUH Withdrawal of Complaint and Release](#). However, RCUH may still conduct an investigation into the allegations.

VI. Contact

RCUH Human Resources Director: (808) 956-6965
rcuhhrdirector@rcuh.com

RCUH Human Resources: rcuhhr@rcuh.com

VII. Relevant Documents

[RCUH EEO Complaint Form](#)
[RCUH Withdrawal of Complaint and Release](#)
[Policy 3.110 Equal Employment Opportunity](#)

Date Revised: 04/03/2017, 04/12/2017, 08/08/2017, 07/18/2018, 05/26/2022,
03/07/2023