

Policy and Procedures

Title: Sexual Harassment Policy

Date issued / last revision: September 1, 2002

Date effective: Immediately

Sexual Harassment Policy

Statement:

It is the policy of Cooperstown Medical Transport (CMT), Inc. to prohibit the harassment of any member by any other member on account of that person's sex. CMT does not condone and will not tolerate sexual harassment by its employees or the sexual harassment of its employees by anyone.

Every employee is expected and required to abide by this policy. Any employee who violates this policy will be subject to appropriate disciplinary action, up to and including discharge.

Purpose:

It is the intent of CMT to provide a work environment, which is free of sexual harassment.

Scope:

This policy applies to all employees and guests of CMT.

Policy:

1. There are two categories of unlawful sexual harassment:
 - a. "This for that" or "Quid pro quo" harassment:
 - i. Submission to sexual conduct is made either an explicit or an implicit condition of an individual's employment;
 - ii. Submission to or rejection of sexual conduct is used as a basis for a employment decision which might either positively or adversely affect the employee within the company, including assignments and other membership conditions.
 - b. "Hostile work environment" harassment:
 - i. The harassment is severe or pervasive enough to unreasonably interfere with an employee's work performance or to create an intimidating, hostile, or offensive workplace.
2. Sexual harassment can be communicated in any fashion.
 - a. For example:
 - i. Unwanted physical contact
 - ii. Foul language
 - iii. Sexually oriented propositions
 - iv. Jokes or remarks
 - v. Obscene gestures
 - vi. The display of sexually explicit pictures, cartoons or other materials
 - b. This may create one of the two types of sexual harassment.

3. CMT's management may also take steps to control conduct before it becomes unlawful sexual harassment. Therefore, conduct within any facility or during any official function shall be done in a professional manner and free of sexual conduct, gestures, photographs, or other methods of communication that might be considered offensive to another employee.
4. Responsibilities of officers:
 - a. All officers are responsible to reasonably supervise the employees that report to them.
 - b. They are not expected to be "mind readers," but must take steps to prevent sexual harassment by being aware of the behavior and work conditions that take place under their supervision.
5. Some examples of sexually harassing behavior:
 - a. Visual harassment, such as posters, magazines, calendars, cartoons or caricatures.
 - b. Verbal harassment, such as repeated requests for dates, lewd comments, sexually explicit jokes, or whistling.
 - c. Written harassment, such as love letters, poems, or graffiti.
 - d. Non-verbal harassment, such as obscene or suggestive gestures or motions.
 - e. Subtle pressure or sexual activities.
 - f. Unnecessary touching, patting, pinching, rubbing, or kissing.
 - g. Leering or ogling. For example, men who look only at a woman's breasts or women who only look at a man's body.
 - h. Frequent intentional brushing up against another person's body
 - i. Promise of a promotion or favorable assignment or advancement opportunities in return for sexual favors.
 - j. Demand of sexual favors accompanied by implied or overt threats regarding such matters as termination, negative evaluations, or denial of employment benefits or opportunities.
 - k. Physical assaults or attempted assaults of a sexual nature or for a sexual purpose.
6. Complaint Procedure:
 - a. Any employee who feels that he or she has been sexually harassed should immediately report the matter to their Supervisor. Similarly, any employee or guest who believes that he or she has witnessed sexual harassment or who has reason to believe that sexual harassment is taking place should do likewise. If the supervisor is unavailable to receive the complaint or if the employee believes that it would be inappropriate to contact that person due to the fact that he or she may be involved in the incident, then the employee or guest should immediately contact another Supervisor. The office of Cooperstown Medical Transport, Inc. is located at 81 Averill Road, Cooperstown, NY 13326. He/she may be reached at (607) 547-9714.
 - b. CMT will handle all allegations of sexual harassment in a lawful manner to ensure that any such conduct does not continue. As a matter of routine, CMT will investigate complaints of sexual harassment, but may reject anonymous complaints. Such investigations will be conducted as discreetly and as confidentially as circumstances allow. Informal discussion and resolution will be the preferred method of handling complaints. In any event, CMT will not

permit any person to be adversely affected in employment as a result of his or her having brought a complaint of sexual harassment so long as such complaint was made in good faith.

7. Standard for Evaluating Harassment;

- a. Determining the existence of “This for that” or “Quid pro quo” harassment is not particularly difficult. However, determining whether unwelcome sexual conduct rises to the level of the second category of unlawful harassment – “hostile work environment” harassment, is more difficult. (See above for the definition of both kinds of sexual harassment.)
- b. In order to determine whether “hostile work environment” harassment has occurred, CMT may consider the following factors:
 - i. Whether the conduct was verbal or physical, or both;
 - ii. How frequently it was repeated;
 - iii. Whether the conduct was hostile and patently offensive;
 - iv. The rank and authority of the alleged harasser;
 - v. Whether others jointed in perpetrating the alleged harassment; and
 - vi. Whether the alleged harassment was directed at more than one individual.
- c. After considering the above factors, CMT will decide whether the conduct “unreasonably interferes with an individual’s work performance” or creates “an intimidating, hostile or offensive work environment.” In determining whether the harassment is sufficiently severe or pervasive to create a hostile work environment, the harasser’s conduct will be evaluated from the perspective of a “reasonable person” of the same gender as the member who brought the complaint.
- d. The “reasonable person” standard will consider the victim’s perspective and not what may or may not have been acceptable in the past. For example, the Equal Employment Opportunities Commission believes that a workplace in which sexual slurs, displays of “girlie” pictures and other offensive conduct abound can constitute a hostile work environment even if many members believe it to be insignificant or harmless.
- e. Isolated sexual conduct or remarks generally do not create an unlawful environment. (Keep in mind, however, management may still choose to intervene before unlawful harassment occurs.) A hostile work environment claim generally will require a showing of a pattern of offensive conduct. A single, unusually severe incident of harassment, however, may be sufficient to constitute a Title VII violation; the more severe the harassment, the less need to show a repetitive series of incidents. This is particularly true when the harassment is physical.

8. Discipline:

- a. In the event that CMT’s investigation determines that a member has committed sexual harassment, that individual may be subject to reprimand, demotion, suspension, or dismissal depending upon the magnitude and seriousness of the offense, as well as previous offenses, if any.

9. Prevention of Sexual Harassment;
 - a. CMT prefers to emphasize the prevention of sexual harassment to the investigation and discipline that results after harassment has occurred.
 - b. All members are encouraged to:
 - i. Conduct themselves in a businesslike manner at all times.
 - ii. Know CMT's policy on sexual harassment.
 - iii. Be aware of your attitudes regarding the opposite sex in general and sexual harassment in particular.
 - iv. Never ignore instances of sexual harassment or conditions giving rise to sexual harassment.
 - v. Set a positive example by treating everyone with respect and letting others know that you demand the same degree of respect from them.
 - vi. Do not assume that sexually explicit jokes, cartoons or pictures, "friendly" gestures and so forth are harmless or inoffensive.
 - vii. Refrain from making jokes at someone else's expense and from seeking to embarrass, humiliate, offend or threaten others.
 - viii. Carefully consider whether or not personal comments or questions are appropriate to the relationship and/or the workplace before speaking.
 - ix. Do not "go along with the crowd" or as an individual accept the inappropriate behavior of others.
 - x. Be supportive of people who are being harassed or who have been sexually harassed.
 - xi. Do not hesitate to seek help in preventing or remedying a situation of sexual harassment.
 - xii. Weigh your options in dealing with sexual harassment carefully, since such obvious "fixes" such as remaining silent, transferring or resigning are rarely the best solution to the problem.
 - xiii. Do not use negative behavior to bring attention to yourself in an effort to bring attention to the problem.
 - xiv. Immediately stop any behavior that you believe, even as a remote possibility might be interpreted as sexual harassment.
 - xv. Consider whether you would object to having your remarks recorded or your actions videotaped and later played back to your spouse, parents, friends or acquaintances. If you would have a problem with such arrangement, reconsider the appropriateness of your workplace behavior.
 - xvi. Communicate:
 - A. If another employee's conduct is offensive, tell them so.
 - B. If you believe that your conduct may be offensive to someone, ask him or her if it is, be prepared to respect his or her answer.