

<i>Conflict Resolution and Complaints of Unlawful Discrimination and Harassment</i>	PENNSSTATE HERSCHEY  Milton S. Hershey Medical Center
Penn State Hershey Medical Center – Human Resources Manual	Policy Number: HR07
Authorized by: <i>Jane Mannon, Director of Human Resources Operations</i>	
Approved by: <i>Charles V. Wilson, Chief Human Resources Officer</i>	

PURPOSE

Penn State Hershey Medical Center recognizes disputes and conflicts may arise in the employment setting. Parties involved in a conflict or dispute are encouraged to seek informal resolution. It is management’s responsibility to facilitate fair and equitable resolution of conflict and disputes. In the event informal resolution is not possible, faculty and staff may pursue a formal resolution process.

Some items that are not covered under this policy are: rate of pay, performance ratings, employee benefits, hours of work or any position classification. Although these issues cannot be addressed through this procedure, they may be addressed through the Human Resources representative by making an appointment to discuss the specific issue.

POLICY & PROCEDURE

I. Conflict Resolution Process

A conflict or dispute in the workplace is an unresolved issue concerning interpretation and/or application of workplace policy, behavior, practice, or procedure.

A. Informal resolution

1. Faculty and staff are encouraged to bring situations involving conflict or disputes to the attention of their direct supervisor within ten (10) calendar days following the incident or problem. If faculty or staff member identifies the conflict or dispute to be with their direct supervisor the employee may also seek resolution with other appropriate individuals, including the next level of management. Management is expected to make good-faith efforts to fairly and equitably resolve the situation.
2. Management is accountable to determine the issue(s) involved, applicable facts and the solution desired by the faculty/staff member.
3. At any point in the process, the faculty/staff member or supervisor may enlist Human Resources to assist the parties in resolving the issue. The informal

resolution process may continue until either party or the Office of Human Resources decides informal resolution is not possible.

4. Management shall discuss with the employee the recommended action within ten (10) calendar days after the conflict or dispute has been brought to the attention of management.

B. Formal resolution

1. Department review

- a) The Department review level may be directed to the Administrative level by mutual written consent of the faculty or staff member and the department representative. Suspensions or terminations will be heard directly at the Administrative level.
- b) To initiate a formal resolution, faculty/staff members must complete the Conflict Resolution Form describing the conflict, specifying the policy, behavior, practice and/or procedure violated and stating what they believe to be an appropriate resolution. The form must be presented to the supervisor or the next level of management within (10) calendar days after an informal resolution response, otherwise the conflict will be considered resolved.
- c) The direct supervisor or next level of management will consult with Human Resources to determine who will hear the conflict. Within ten (10) calendar days of receipt of the Conflict Resolution Form, management will schedule a meeting with the person to discuss the conflict. Management will then respond to the faculty/staff member by completing Section A of the Conflict Resolution Form within ten (10) calendar days after the meeting. Time limits may be extended by written mutual consent of both parties.
- d) If management's response is unsatisfactory, the faculty/staff member may forward a copy of the Conflict Resolution Form to the Administrator within ten (10) calendar days of receipt of management's response for a hearing at the Administrative review level.

2. Administrative review

- a) At the Administrative review level, a member of senior management with or without direct line authority will hear the conflict. Human Resources will provide consultation services to the parties throughout the proceedings. The Administrative review hearing will

be conducted within ten (10) calendar days of receipt of the Conflict Resolution Form.

- b) The faculty/staff member or management may invite witnesses who can speak directly to the events giving rise to the conflict. Human Resources retains the right to limit the number of witnesses.
- c) All information presented will be kept confidential to the extent permissible by law and is practicable. To encourage open discussions, electronic reproduction or recording of the review meeting is not permitted.
- d) Legal representation or third party representation will not be allowed at any step in the Conflict Resolution.
- e) Within twenty-one (21) calendar days following the hearing, the senior manager will complete Section B of the Conflict Resolution Form, which will be considered final and binding. The senior management member will need to communicate the final and binding resolution to all involved parties.

II. Complaints of Unlawful Discrimination and Harassment

PSHMC prohibits unlawful discrimination against any person on the basis of race, color, sex (including sexual harassment), religion, sexual orientation, age, national origin, disability, or status as a disabled veteran or veteran of the Vietnam era. Faculty, staff, and residents may bring a complaint under the Hospital's nondiscrimination policy. Complaints of sexual harassment will be processed in accordance with the Medical Center's sexual harassment policy, Policy HR-11.

PSHMC prohibits unlawful harassment against any person on the basis of race, color, sex, religion, sexual orientation, age, national origin, disability, or status as a disabled veteran or veteran of the Vietnam era. Harassment is a conduct whether verbal, non-verbal or physical which creates an intimidating, hostile or offensive work or academic environment that unreasonably interferes with work or academic performance or negatively affects an individual's employment or academic opportunities. Complaints of harassment will be processed in accordance with this policy and with Policy HR-38 HAM, Personal Behavior and Communication Standards.

A. Complaint resolution

A complaint alleging a violation of the Hospital's nondiscrimination or harassment policy may be taken to Office of Human Resources.

The Office of Human Resources is responsible for investigation and resolution of discrimination and harassment complaints involving faculty, staff and residents. Complaints

of alleged discrimination and harassment should be filed immediately upon notice of the event(s) on which the complaint is based.

1. Informal complaints

The Office of Human Resources will assist with the informal resolution as described in this policy.

2. Formal complaints

The individual may file a written formal complaint by completing the Discrimination/Harassment Complaint Form with the Office of Human Resources for investigation and resolution. Complaints should be filed immediately upon notice of the event(s) on which the complaint is based.

a) The party accused of discrimination or harassment will be informed of the allegations and will be afforded full opportunity to respond.

b) Investigations of formal complaints will begin promptly and should be concluded within 60 calendar days, whenever possible. Parties will produce information and names of witnesses.

c) At the conclusion of the investigation, the Office of Human Resources will inform parties of the outcome. If the investigation results in a finding of discrimination or harassment, recommendations will be made for prompt and effective action to correct the situation.

B. Confidentiality

The Office of Human Resources will treat as confidential all information received in connection with the complaint process to the extent that it is feasible in the course of the investigation and is legally permissible. All involved parties to a complaint will be expected to be discreet and show respect for all individuals.

C. Retaliation

Hospital policy and state and federal law prohibit retaliation against an individual for reporting complaints of discrimination or harassment, or for participating in an investigation. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the complaint of discrimination or harassment.

D. Record keeping

Any person conducting an investigation, whether formal or informal will maintain a written record of witness interviews, consent provided, evidence gathered, and outcome. Records of

such investigation will not be maintained in personnel files unless part of formal correction action. The Office of Human Resources will maintain investigatory records. If a complaint is filed outside the Hospital, information gathered in the course of the internal investigation may be disclosed to the investigating agency.

- E. Additionally, any employee who believes they have been discriminated against, may file a complaint of discrimination with any of the following:

Department of Public Welfare
Bureau of Equal Opportunity
Room 223, Health and Welfare Building
Harrisburg, Pa 17105

Pa Human Relations Commission
Harrisburg Regional Office
Riverfront Office Center
1101 S. Front Street, 5th Floor
Harrisburg, Pa 17104

U. S. Department of Health and Human Services
Office for Civil rights
Suite 372, Public Ledger Building
150 South Independence Mall West
Philadelphia, Pa 19106-9111

APPLICATION

This policy applies to all full-time, part-time, and per diem faculty, staff and residents employed by the Penn State Hershey Medical Center.

Introductory employees are not eligible to request formal resolution regarding a disciplinary actions or job performance issues.

RESOURCES

For consultation:

- Office of Human Resources, 717-531-8440
- Human Resources Infonet Home Page

For forms:

- Conflict Resolution Form <http://infonet.hmc.psu.edu/hr/forms/index.htm>
- Discrimination/Harassment Complaint Form <http://infonet.hmc.psu.edu/hr/forms/index.htm>

For more information:

- Personal Behavior and Communication Standards Policy, HR-38
<http://infonet.hmc.psu.edu/policy/HospitalAdmin/index.htm>
- Sexual Harassment Policy, [HR-11 http://infonet.hmc.psu.edu/policy/HumanResources/hrm11.htm](http://infonet.hmc.psu.edu/policy/HumanResources/hrm11.htm)

PERSON RESPONSIBLE FOR REVIEW OF POLICY

Chief Human Resources Officer

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