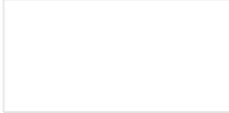


# Sexual Harassment Compliance and the #MeToo Era

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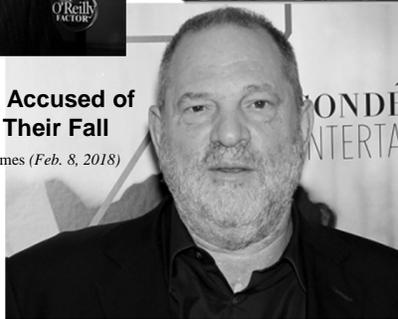


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## Sexual Harassment in the #MeToo Era



**After Weinstein: 71 Men Accused of Sexual Misconduct and Their Fall From Power** *The New York Times (Feb. 8, 2018)*



## Defining Sexual Harassment

- <https://www.youtube.com/watch?v=51-hepLP8J4>
- Has the definition of sexual harassment changed?
- Are our expectations different?
- Is “pervasiveness” an important part of the definition?
- Should we focus instead on a culture of civility?

*Perhaps the definition of Sexual Harassment hasn't changed but how we interpret acceptable and unacceptable behavior has.*

## Using Compliance as a Sexual Harassment Prevention Tool

- If you are looking for where to start preventative measures, focus on compliance elements.
  - Most importantly:
    - Tone at the Top;
    - Training and Education;
    - Responding to Detected Offenses (Investigations)
    - Enforcement of Discipline

## Leadership, Governance and Oversight – Tone at the Top

### Leaders today must:

- exhibit and enforce a culture of respect;
- align conduct with mission, vision and values;
- communicate and enforce at all levels professional standards of communication and behaviors;
- understand that managers and supervisors have a role in identifying and escalating inappropriate conduct.

## Policies and Procedures

- Review policies and code of conduct
- Look for
  - Clear definitions
  - Specific actions
- Eliminate
  - Tones of needing to tolerate behaviors



## Open Lines of Communication

- Preserve the integrity of your hotline process.
- Anonymity can not (and should not) be guaranteed.
- Respecting the process by:
  - Thorough investigation
  - Follow through
  - Prompt attention



## Training and Education

- Clearly state what is acceptable and not acceptable behaviors;
- Train employees and managers and supervisors what their role is if they observe unacceptable behaviors.



## Auditing and Monitoring

- Hotline and other complaints or reports should be trended over time to understand:
  - Problem departments;
  - Problem employees;
  - Where additional resources or training may be needed.



## Responding to Detected Offenses - Investigations

- One of the most important tools in your compliance program is a well run investigation.
  - Who should conduct?
  - What is your process of investigation?
    - Investigation toolkit



## Enforcement of Disciplinary Standards

- When substantiated, enforcement must be uniform and appropriate.
  - Punishment will vary depending on the accusation but should not vary based on position or productivity of the harasser.
  - Potential discipline:
    - Termination
    - Demerits or written warnings
    - Remedial training
    - Separation of harasser and victim

