

Upper Peninsula Health Plan  
Policy & Procedure

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Index #: 101-004

Effective: 7/1/04

Title: Nondiscrimination, Anti-harassment & Equal Employment Opportunity (EEO)

Scope: All

Revised: 10/24/09, 1/23/13, 1/26/16, 12/1/19, 6/13/22, 11/13/23, 4/12/24, 11/14/24

Reviewed: 1/3/22

Authorized By: \_\_\_\_\_ Date: \_\_\_\_\_ Title: CEO

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*Purpose*

Upper Peninsula Health Plan (UPHP) is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment, pursuant to all state and federal regulations. UPHP has developed this policy to ensure that all its team members can work in an environment free from unlawful harassment, discrimination, and retaliation. UPHP will make every reasonable effort to ensure that all concerned are familiar with the policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

All UPHP team members, upon hire, are required to review this policy. Any team member who has questions or concerns about the policy should discuss with the Human Resources Department.

This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender or any other protected characteristic, from participating in business or work-related social activities or discussions. The law and policies of UPHP prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges, and perquisites of employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further the policies, not to form the basis of an exception to them.

*Definitions*

**Discrimination:** Conduct of any nature which denies equal privileges or treatment to a particular individual because of the individual's race (including hair texture and protective hairstyles), color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, height, weight, pregnancy, childbirth or related medical conditions, national origin, citizenship, veteran status, genetic information, misdemeanor arrest record, or any other characteristic protected by law.

**Harassment:** Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race (including hair texture and protective hairstyles), color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, height, weight, national origin, citizenship, veteran status, genetic information, misdemeanor arrest record, or any other characteristic protected by law, or that of their relatives, friends or associates, and that has the purpose or effect of creating an intimidating, hostile, or offensive work environment, has the purpose or effect of unreasonably interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities.

**Sexual Harassment:** Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, sexual harassment is defined as, in the Equal Employment Opportunity Commission Guidelines, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example, submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, submission to rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with a team member's work performance or creating an intimidating, hostile, or offensive work environment.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment including quid pro quo and hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

**Retaliation:** UPHP encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of UPHP to investigate such reports promptly and thoroughly. UPHP prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

### *Policy*

It is the policy of UPHP to provide equal employment opportunities without discrimination and harassment on the basis of race (including hair texture and protective hairstyles), color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, height, weight, pregnancy, childbirth or related medical conditions, national origin, citizenship, veteran status, genetic information, misdemeanor arrest record, or any other characteristic protected by federal, state or local laws. UPHP prohibits any such discrimination or harassment. This policy relates to all phases of employment including, but not limited to, recruiting, employment, placement, promotion, transfer, demotion, reduction of workforce and

termination, rates of pay or other forms of compensation, selection for training, the use of all facilities, and participation in all company-sponsored team member activities. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by the company where appropriate.

As part of the company's equal employment opportunity policy, UPHP will also take affirmative action as called for by applicable laws and Executive Orders to ensure that minority group individuals, females, disabled veterans, recently separated veterans, other protected veterans, Armed Forces service medal veterans, and qualified disabled persons are introduced into our workforce and considered for promotional opportunities.

Team members and applicants shall not be subjected to harassment, intimidation, or any type of retaliation because they have (1) filed a complaint; (2) assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state, or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state, or local law requiring equal opportunity; or (4) exercised any other legal right protected by federal, state, or local law requiring equal opportunity.

The above-mentioned policies shall be periodically brought to the attention of supervisors and shall be appropriately administered. It is the responsibility of each manager and supervisor of the company to ensure affirmative implementation of these policies to avoid any discrimination in employment. All team members are expected to recognize these policies and cooperate with their implementation. Violation of these policies is a disciplinary offense.

The human resources director has been assigned to direct the establishment and monitor the implementation of personnel procedures to guide the affirmative action program throughout UPHP. A notice explaining the company's policy will remain posted.

UPHP prohibits discrimination and discriminatory harassment against any person as defined above unrelated to the individual's ability to perform the duties of the particular job. Likewise, UPHP will not enter into an agreement with a subcontractor for any function that the health plan performs without a provision requiring nondiscrimination in employment, as herein specified, binding upon each subcontractor.

The policies apply to all applicants and team members, whether related to conduct engaged in by fellow team members or by someone not directly connected to UPHP (i.e., outside vendor, consultant, etc.). Conduct prohibited by the policies is unacceptable in both physical and remote workplaces, and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

### *Procedure*

UPHP encourages reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe they have been the victim of such conduct should discuss their concerns with their immediate

supervisor or the human resources director. In addition, UPHP encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and to request that it be discontinued. This action often will resolve the problem. UPHP, however, recognizes that a team member may prefer to pursue the matter through complaint procedures.

Individuals who believe they have been the victim of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor or the human resources director.

UPHP encourages prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. While no fixed reporting period has been established, early reporting and intervention prove to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, when necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

UPHP will investigate and resolve complaints of discrimination or harassment, with due regard for fairness and the rights of both the complainant and alleged offender and conduct all proceedings confidentially to the extent consistent with adequate investigation and appropriate corrective action. UPHP prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation involving alleged discrimination or harassment.

Team members who feel that they are the object of discrimination or harassment should report the matter, as soon as practical, to their supervisor. In any situation in which the individual feels unable to discuss the matter with their supervisor, the matter should be reported to Human Resources. In cases where an individual reports alleged discrimination or harassment to a supervisor, the person receiving the complaint should contact Human Resources to discuss investigation and resolution and ensure consistent response to issues throughout the organization.

The human resources director has primary responsibility for investigating discrimination and harassment complaints. If unsuccessful at resolving the issue informally, the human resources director may investigate to reach a formal determination on the merits of the allegations. Investigations will include notifying the alleged offender of the complaint and providing the opportunity to respond to allegations.

If there is evidence of discrimination or harassment, UPHP will ensure that the discrimination or harassment immediately stops and does not recur. The complainant will be informed of the corrective measures taken.

The chief executive officer (CEO) will be fully informed of any complaint and the progress of it, unless they are a party in the complaint, in which case a member of the Management Committee will be informed in place of the CEO.

END OF POLICY & PROCEDURE