

CODE OF CONDUCT

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The New York Medical College code of conduct is intended to help employees by defining and protecting the rights and safety of all persons including employees, students, patients, and visitors. General rules of conduct are considered essential to the safety and well-being of those at New York Medical College. It is not for the purpose of restricting the rights and activities of employees. Employees working at a NYMC affiliate are bound by the code of conduct where they work.

Common sense, good judgment, and appropriate personal behavior are the responsibility of every College member. The following are examples of conduct that are considered serious and may result in disciplinary action up to and including discharge:

- Falsification of employment records or other College records, including timesheets.
- Excessive absenteeism or lateness.
- Unauthorized absence from the workplace during working hours.
- Sleeping during working hours.
- Refusal to follow supervisor's instructions, unless supervisor's instructions violate stated College policy and/or applicable laws.
- Threatening, intimidating, coercing, or fighting with another College member, student, or patient.
- Discriminatory actions against applicants, employees, students, or patients because of race, color, religion, sex, age, marital status, disability, or national origin.
- Insubordination.
- Sexual Harassment.
- Use of abusive language.
- Unauthorized use or unauthorized possession of intoxicants on work premises, or reporting to work under the influence of alcohol or other intoxicants.
- Use of controlled substances, except by prescription.

- Possession of a weapon on work premises.
- Gambling or possession of gambling devices on work premises.
- Selling merchandise, tickets, or services without specific written approval of the Human Resources Department or Affiliation Office.
- Larceny, misappropriation, or unauthorized possession or use of property belonging to the College, hospital, or to any College member, visitor, student, or patient.
- Negligence or deliberate destruction or misuse of College or hospital property or property of another College member, visitor, student, or patient.
- Creating unsafe or unsanitary conditions, or contributing to such conditions.
- Unauthorized possession or use of College and/or hospital records, or disclosure of information contained in such records to unauthorized persons.
- Illegal conduct on work premises.
- Smoking in unauthorized areas.
- Soliciting or accepting gratuities from visitors or patients, with the purpose of influencing College decisions.
- Affiliation employees are also to adhere to the HHC Code of Ethics as well as any information listed in this handbook.

THE ABOVE IS NOT INTENDED TO BE ALL INCLUSIVE. THEREFORE, THE COLLEGE RESERVES THE ABSOLUTE RIGHT TO DISCIPLINE ANY EMPLOYEE IN ITS SOLE DISCRETION FOR REASONS NOT SPECIFIED ABOVE.

DISCIPLINARY MEASURES

For individuals to work efficiently and effectively together, certain standards of performance and conduct must be maintained. When employees do not observe these standards, they will be subject to certain disciplinary measures.

When an employee's performance is found to be unsatisfactory or there are infractions of rules of conduct, the following progressive discipline steps may be taken:

1. verbal warning,
2. first written warning,
3. final written warning (with or without suspension)
4. termination

For actions of a very serious nature, the employee may be warned or discharged immediately, depending on the nature or seriousness of the action.

An employee hired on a temporary basis, or a newly hired employee still in the probationary period of employment, can be discharged for misconduct or poor performance or for no cause without following the disciplinary procedure.

NOTHING HEREIN IS INTENDED TO CREATE OR TO BE CONSIDERED AS A CONTRACT, OR AN ASSURANCE OF JOB SECURITY. THE COLLEGE MAY DISCIPLINE or DISCHARGE EMPLOYEES IN ITS SOLE DISCRETION, WHERE IT DETERMINES THAT CIRCUMSTANCES WARRANT DEVIATION FROM THE PROGRESSIVE DISCIPLINARY PROCEDURE.

POLICY STATEMENTS

The College is committed to abiding not only by the letter but also by the spirit of all legislation geared to providing employees with a work environment that is conducive to a good quality of work life. In this section, because of their singular importance, we are highlighting our commitment to certain policy areas. If you are concerned that these, or any other policy areas are being violated, you should contact the Associate Vice President of Human Resources in Valhalla and/or the site Administrator at the Affiliation Office. The telephone numbers are:

Valhalla (914) 594-4560
Metropolitan Affiliation Office (212) 423-6099

AFFIRMATIVE ACTION

New York Medical College recognizes its legal and moral responsibility to assure equal employment opportunity to all qualified individuals. The College's Affirmative Action Plan supports this commitment by specifying objectives and procedures to ensure fair employment practices.

We, therefore, reaffirm our policy, as adopted by the Board of Trustees, to prohibit discrimination in all our personnel actions regarding the recruitment and selection of individuals, training, promotion, and all other terms and conditions of employment without regard to race, color, religion, sex, age, national origin, marital status, disability, or veteran status. In addition, we will abide by all contractual commitments regarding equal employment opportunity in affiliation agreements with New York City Health and Hospitals Corporation and the County of Westchester.

The Human Resources Department is responsible for establishing, developing, implementing, and monitoring our Affirmative Action Plan. The College encourages initiative and personal leadership by all faculty and staff in complying fully with federal, state, and local laws prohibiting discrimination in employment and in supporting College policy by creating an atmosphere that treats all employees with dignity and respect. Further, it is our intention to conduct business only with those organizations who share our commitment to equal employment opportunity.

SEXUAL HARASSMENT

New York Medical College is committed to providing all of our employees an environment free from conduct constituting sexual harassment and to disciplining any employee who violates this policy.

Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

1. submission to the conduct is an explicit or implicit term or condition of employment,
2. submission to or rejection of the conduct is used as the basis for an employment decision, or
3. the conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body.

New York Medical College's policy is to investigate all such complaints thoroughly and promptly. To the fullest extent possible, the College will keep complaints and the terms of their resolution confidential. If an investigation confirms that harassment has occurred, the College will take corrective action, including such discipline up to and including immediate termination of employment, as is appropriate.

New York Medical College affirms that it is the responsibility of each member of management to create an atmosphere free of sexual harassment. It is also the duty of each employee to respect the rights of fellow employees.

All New York Medical College employees are responsible for helping to assure that we avoid harassment. If you feel that you have experienced or witnessed harassment, you should notify immediately the Associate Vice President of Human Resources or your Affiliation Office.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans With Disabilities Act (ADA), the College takes action to employ and advance in employment qualified individuals with a disability. An individual is qualified if he or she can perform the essential functions of the job with or without reasonable accommodation.

The term disability for purposes of ADA is defined as the physical or mental impairment that substantially limits one or more major life activities. Essential functions are those responsibilities that are an integral part of the job and must be performed by the individual in order for that person to be considered qualified for that position. The non-essential functions of the job do not necessarily have to be performed by the same individual in order for that person to be qualified.

New York Medical College selects qualified people who can perform all job-related functions but will not and does not discriminate against a qualified individual with a disability because of the person's disability. The ADA requires that the person be evaluated solely on his or her ability to perform essential functions of the job with reasonable accommodation unless it imposes undue hardship, e.g., significant expense or difficulty.

If a qualified applicant or employee with a disability makes a request for accommodation, each request should be filed with Human Resources for consideration. In compliance with ADA provisions, the College provides all eligible employees with the same employee benefits without discrimination.

SMOKE-FREE POLICY

The purpose of this policy is to reaffirm New York Medical College's special responsibility as an academic health center to protect faculty, employees, students, and the general public from the harmful effects of smoking, to promote health and safety, and to ensure compliance with applicable codes and regulations established by various local, city, state, and federal regulatory agencies.

This policy is applicable to the College's owned or leased premises at the Valhalla campus.

It is the policy of New York Medical College to maintain a smoke-free environment at all of its owned and leased premises, to provide information to faculty, employees and students on the potential health hazards of smoking and of the availability of smoke-free programs, and to ensure that employees who smoke respect the rights of others who do not wish to be exposed to the effects of inhaling smoke. Therefore, the following regulation is to be adhered to:

No smoking is permitted in any buildings of New York Medical College and in prohibited areas subject to this policy and regulations.

Violations of this policy will result in the employee's referral to a smoke-free or rehabilitation program or other remedial measures as a requirement for continued employment. Continued violations will result in appropriate disciplinary action.

DRUG-FREE WORKPLACE POLICY

New York Medical College recognizes its special responsibility to ensure a drug-free work environment because of its commitment to excellence in medical education and health care. The work-related effects of drug abuse compromise both work performance and the safety of employees, students and patients.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on College premises or while conducting College business off College premises is prohibited. Violation of this policy requires, as a primary and remedial objective, an employee's satisfactory completion of an approved drug assistance or rehabilitation program as a condition for continued employment. If the situation warrants, disciplinary action may be taken, up to and including termination.

All faculty and staff directly engaged in work projects that are funded by federal grants or contracts are required, as a condition of employment, to affirm that they shall abide by the terms of this policy. Federal law mandates that any conviction under a criminal drug statute for a violation while conducting such work on College premises must be reported to the Associate Vice President of Human Resources. Such reports must be made no later than five days after such conviction.

The College recognizes that chemical or drug dependency is an illness or impairment that poses major health and safety problems. Faculty and staff needing help in dealing with such problems are strongly encouraged to participate in drug counseling and rehabilitation programs. As appropriate, reimbursements may be made under the College's health plans. All requests for assistance will be held in strict confidence and will not jeopardize continued employment. All requests for additional information should be directed to the Manager of Employee and Labor Relations or the Associate Vice President of Human Resources. Both can be reached at the Valhalla telephone number at the beginning of the Policy Statement section.

DRUG-FREE SCHOOLS AND CAMPUS POLICY

New York Medical College recognizes its special responsibility to prevent the illicit use of drugs or alcohol on College premises by faculty, students, and employees. The effects of drug or alcohol dependency compromise work and academic performance as well as health. This, therefore, is to advise you that the College, in consultation with faculty, the Deans' offices and appropriate administrative offices, has developed and adopted a Drug-Prevention Program that reaffirms our policy regarding the use of drugs and alcohol and provides specific information in compliance with the Drug-Free Schools and Communities Act Amendments of 1989.

The College's Drug Prevention Program is as follows:

1. It is the policy of New York Medical College to prohibit the unlawful possession, use, or distribution of illicit drugs and the abuse of alcohol by faculty and employees on College premises or as a part of any activities of the College.
2. Violation of the above policy shall result in, as a primary and remedial objective, the employee's written submission, satisfactory to the College, indicating completion of an approved drug or alcohol counseling, treatment, or rehabilitation program as a requirement for continued employment or appropriate disciplinary action, up to and including suspension or termination of employment and, as applicable, referral for prosecution.
3. The abuse of alcohol and illicit drug use are associated with a number of substantial health risks affecting the performance of employees both at work and home. Alcohol is associated with liver disease, ulcers, birth defects, malnutrition, heart disease, and stroke, and can cause brain damage. Its effect on performance includes poor concentration, coordination and judgment, and can result in absenteeism, lateness, mood swings, and fatigue. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, that can be life threatening.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk of becoming alcoholics than other youngsters.

Cocaine and "crack" can result in death from heart or respiratory failure, stroke or seizures, lung, and voice damage. These drugs cause impaired performance by decreasing attention span, causing poor judgment and mood swings, and induce paranoia, hallucinations, and depression from withdrawal. The abuse of marijuana and anti-anxiety drugs (such as Valium, Librium or Xanax) are also associated with both physical and performance impairments.

Additional information on the health risks posed by the use of controlled substances is available in the Human Resources Department or Affiliation Office.

4. The legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs or alcohol are severe and substantial requiring mandatory imprisonment and/or fines. The applicable penalties under federal law for the unlawful distribution or trafficking of drugs (substances) and the penalties under federal law for the illegal possession of a controlled substance are available in the Human Resources Department or at the Affiliation Offices.

5. New York Medical College strongly encourages faculty and employees needing help in dealing with drug or alcohol dependence to participate in drug counseling and rehabilitation programs approved for such purposes by federal, state, or local health agencies. A description of some of the available drug or alcohol counseling, treatment or rehabilitation or re-entry programs for faculty or employees can be obtained in the Human Resources Department or Affiliation Offices. As appropriate, reimbursements may be made in accordance with the College's current health plans.

PATIENT'S RIGHTS

Since many of our employees are involved with the care of the sick, particularly at our affiliation hospitals, it is important that we reiterate the "Patient's Bill of Rights" posted conspicuously throughout these hospitals.

Communication, respect, and trust among patients and hospital personnel are necessary for good patient care.

The purpose for which a hospital exists is to provide the medical care and treatment required by its patients. In providing this care, it is necessary that the inherent rights of each patient are observed by all employees.

Each patient should receive equitable and humane treatment at all times and under all circumstances, regardless of race, color, creed, sex, national origin, age, disability, or the source of payment for care.

The right of privacy should be safeguarded. This involves prevention of interrogation by individuals from outside agencies not directly connected with the hospital, protecting the individual's right to privacy of his/her body and preserving the confidentiality of disclosures regarding the patient's history, present condition or course of treatment.