



## **POLICY**

Employees of Brigham and Women's Hospital including faculty, researchers, fellows and residents will enjoy an environment free from implicit and explicit behavior used to control, influence, or affect the well-being of any member of our community. Harassment of any individual based on race, color, gender/sex, age, religion/religious creed, national origin, ancestry, sexual orientation, disability/handicap, veteran status, military service, genetic information, or any other characteristic protected by law is unacceptable and is grounds for disciplinary action, and also constitutes a violation of state and/or federal law.

### **I. GENERAL PROVISIONS**

#### **A. Sexual Harassment**

Sexual harassment is a form of sex discrimination. It is illegal under state and federal law and is a violation of Hospital policy. Sexual harassment is prohibited under Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and M.G.L. Chapter 151B Section 3a. In 1980, the Equal Employment Opportunity Commission amended its "Guidelines On Discrimination Because of Sex" under Title VII to include sexual harassment, defining the term as follows:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

While it is not possible to list all of the circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment. This will depend on the circumstances, including the severity of the conduct and its pervasiveness:

- Sexual advances, whether they involve physical touching or not.
- Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, increases in compensation and/or benefits, promotions or continued employment.
- Assault or coerced sexual acts.
- Epithets or jokes of a sexual nature, written or oral references to sexual conduct, discussion of one's sex life, experiences or comments about an individual's sexual prowess, deficiencies or activity.
- Display of objects, pictures or cartoons of a sexual nature.
- Leering, whistling or physical touching of another's body.

Either sex may be the harasser.

#### **B. Other Harassment in the Workplace**

For the purposes of this policy, other harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of the individual's race, color, gender/sex, age, religion/religious creed, national origin, ancestry, sexual orientation, disability/handicap, veteran status, military service, genetic information, or any other characteristic protected by law. Harassment based upon these protected classes is a form of unlawful discrimination and is prohibited under Title VII of the Civil Rights Act of 1964 and/or M.G.L. Chapter 151B Section 4.

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Harassing conduct includes behavior that:

1. has the purpose or effect of creating an intimidating, hostile or offensive work environment, or
2. has the purpose or effect of unreasonably interfering with an individual's work performance.

Some examples of such harassment are:

- Using epithets, slurs, or other negative stereotypes;
- Making jokes or pranks that focus on a protected characteristic;
- Circulating or displaying written or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

### **C. Complaint Procedure**

BWH encourages employees to make an internal report of any concerns about possible harassment in the workplace as BWH can only take action to stop conduct if it knows about its occurrence.

Any member of the Hospital community who believes he or she has been subjected to inappropriate conduct in the workplace should notify his or her Human Resources Business Partner, Supervisor/Manager, or

Sabrina Williams  
Interim Vice President of Human Resources  
75 Francis Street  
Boston, MA 02125  
(617) 525-0145

The Vice President of Human Resources or a designee (typically the employee's Human Resources Manager or Business Partner) will document the details of the complaint and conduct a prompt and thorough investigation of the allegations. The investigation process will be reviewed and explained to all parties involved emphasizing the need for confidentiality that must be maintained throughout the investigation, recognizing that there are circumstances where complete confidentiality may not be possible without hindering the implementation of this policy and the fulfillment of its objectives.

Where appropriate, the Vice President of Human Resources or a designee will facilitate remedial action to protect the parties involved in the process. All pertinent documents will be reviewed and appropriate witnesses will be interviewed. Following an objective evaluation of the information gathered, the parties will be notified of the outcome of the investigation.

### **D. Violations of the Policy**

If as an outcome of the investigation, a violation of this policy is found, the violator(s) will be subject to discipline, up to and including immediate termination of employment. BWH also recognizes that false accusations of harassment may have serious effects on innocent persons.

Employees found to have made false accusations of sexual or other harassment may also be subject to disciplinary action, up to and including immediate termination of employment.

**NOTE:** *While this policy sets forth BWH's goal of promoting a workplace that is free of harassment, as outlined above, the policy is not designed or intended to limit BWH's authority to discipline or take remedial action in response to workplace conduct which it deems inappropriate or unacceptable, regardless of whether that conduct satisfies the legal definition of unlawful harassment.*

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## **II. RETALIATION**

As set forth in more detail in HR- 103, BWH's Non-Retaliation Policy, the Hospital emphasizes that retaliation is unlawful and is a very serious violation of this policy. Any retaliatory conduct should be reported immediately to a supervisor/manager, the Vice President of Human Resources, or the employee's Human Resources representative. Retaliation against any individual for reporting harassment (or for reporting retaliation), whether by the alleged offender or from another individual, will not be tolerated. Individuals who are not themselves complainants, but who assist in or cooperate with an investigation into allegations of harassment (or retaliation), will also be protected from retaliation under this policy.

BWH will investigate allegations of retaliation in the same manner that it investigates allegations of harassment. Each offense will be investigated separately, and BWH will take appropriate remedial action which may include subjecting the individual who has retaliated against another to discipline, up to and including immediate termination of employment.

## **III. STATE AND FEDERAL AGENCIES**

The following is a list of state and federal government agencies that enforce employment discrimination laws:

### Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:           One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000  
TTY (617)994-6196

Springfield Office:    436 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145

Worcester Office:      Worcester City Hall  
484 Main Street, Room 320  
Worcester, MA 01608  
(508) 453-9630

New Bedford Office:   800 Purchase Street, Room 501  
New Bedford, MA 02740  
(508) 990-2390

### United States Equal Employment Opportunity Commission ("EEOC")

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(617) 565-3200 / (800) 669-4000  
TTY (800) 669-6820

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**APPROVED BY: Vice President Human Resources Chief Operating Officer**

This policy is intended as a guideline to assist in the consistent application of Brigham and Women's Hospital policies and programs for employees. The policy does not create a contract implied or expressed, with any hospital employees who are employees at will. The hospital reserves the right to modify this policy in whole or in part, at any time, at its sole discretion.

**EFFECTIVE DATE: January 1, 2008**  
**REVISED DATE: March 23, 2016, June 16, 2017**