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## Sexual Harassment

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### ***Policy Statement***

It is the goal of Harvard Medical Faculty Physicians at Beth Israel Deaconess Medical Center, Inc. (“HMFP”), Associated Physicians of HMFP (“APHMFP”) and Cardiovascular Physicians of HMFP (“CAPHMFP”) to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by these organizations. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because HMFP/APHMFP/CAPHMFP take allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action up to and including suspension or termination of employment where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the legal definition of sexual harassment.

### ***Definition of Sexual Harassment***

In Massachusetts, the legal definition of sexual harassment is this: “sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances
  - whether they involve physical touching or not;

- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life; comment on an individual’s body, comment about an individual’s sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one’s sexual experiences; and,
- Discussion of one’s sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint, is unlawful and will not be tolerated by these organizations.

Likewise, accusations made maliciously or otherwise not in good faith will not be tolerated by these organizations and may result in disciplinary action up to and including suspension or termination of employment.

### ***Procedure(s) for Implementation***

#### **Complaints of Sexual Harassment**

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organizations. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting Mary Leupold, Director, HR Operations, HMFP/APHMFP/CAPHMFP’s Human Resources Department, 375 Longwood Avenue, 3rd Floor, Boston, MA 02215, (617) 632-8694, or Stuart Rosenberg, President and CEO, HMFP/APHMFP/CAPHMFP, 375 Longwood Avenue, 3rd Floor, Boston, MA 02215, (617) 632-7441. These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

Managers who have questions regarding this policy should contact HMFP/APHMFP/CAPHMFP’s Director, HR Operations.

#### **Sexual Harassment Investigation**

When we receive a complaint of sexual harassment we promptly will investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action up to and including suspension or termination of employment.

#### **Disciplinary Action**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to suspension or termination of employment and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

#### **State and Federal Remedies**

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our internal complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC – 300 days; MCAD – 300 days).

1. The United States Equal Employment Opportunity Commission (“EEOC”), John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 1-800-669-4000, [www.eeoc.gov/boston](http://www.eeoc.gov/boston).
2. The Massachusetts Commission Against Discrimination (“MCAD”), [www.mass.gov/mcad](http://www.mass.gov/mcad).
  - Boston Office: One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108, (617) 994-6000.
  - Springfield Office: 436 Dwight Street, Second Floor, Room 220, Springfield, MA 01103, (413) 739-2145.
  - Worcester Office: Worcester City Hall, Worcester, MA 01608, (508) 799-8010.

HMFP/APHMFP/CAPHMFP encourages employees to feel free to raise questions or concerns about harassment with any member of management. Such management member will refer the matter to the Director of Human Resources for proper investigation and resolution. Managers who have questions regarding these guidelines should contact HMFP/APHMFP/CAPHMFP’s Human Resources Department.

Director of HR Operations:  
Mary Leupold

**Approved By: HMFP/APHMFP/  
CAPHMFP Board of Directors,  
and President and CEO  
Stuart Rosenberg, MD**

Sponsor Name:  
Mary Leupold, Director, HR Operations

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