

NORTHEAST REHABILITATION HOSPITAL NETWORK  
POLICIES AND PROCEDURES MANUAL  
HOSPITAL-WIDE POLICY

SECTION: HW.ADM

SUBJECT: Prevention of Sexual and Other Unlawful Harassment/Discrimination

EFFECTIVE DATE: 2/12

REVIEWED: Annually

REVISED DATE: 4/14, 6/17

REPLACES: Sexual Harassment Prevention

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**PURPOSE:**

It is the goal of Northeast Rehabilitation Hospital Network (“NRHN”) to promote a workplace that is free from harassment and/or discrimination based upon any protected characteristic, including but not limited to, race, color, gender, sex (including pregnancy-related conditions), sexual orientation, age, religion, national origin, physical or mental disability, marital status, genetic information, gender identity, military or veteran status or any other protected class under federal, state, or local law.

**I. Introduction.**

NRHN is committed to providing a workplace that is free of discrimination of any kind, including unlawful harassment and/or discrimination. In keeping with this commitment, NRHN will not tolerate unlawful harassment and/or discrimination by any person, including any supervisor, co-worker, patient, vendor, volunteer or any other third-party who comes into contact with NRHN employees as a result of their employment.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment and other unlawful harassment and/or discrimination, 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 definition of sexual harassment or other unlawful harassment and/or discrimination.

**II. Definition of Unlawful Harassment/Discrimination and Sexual Harassment.**

Unlawful harassment/discrimination consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person’s legally protected status, such as sex (including pregnancy-related conditions), color, race, religion, gender, national origin, age, marital status, physical or mental disability, sexual orientation, genetic information, gender identity, military or veteran status, or any other status protected by applicable state, federal or local law that creates an intimidating, hostile, or offensive work environment, or unreasonably interferes with an individual's work performance. NRHN will not tolerate harassing or discriminating conduct that affects tangible job benefits, that interferes unreasonably with a person’s work performance, or that creates an intimidating, hostile or

**SUBJECT: Prevention of Sexual and Other Unlawful Harassment**

offensive working environment. Prohibited harassment may include jokes about another person's protected status or kidding, teasing or practical jokes directed at a person based on his or her protected status.

Sexual harassment is one form of unlawful harassment. It is also considered to be discrimination. Sexual harassment is defined here separately because the line between acceptable social contact between individuals and unlawful sexual harassment is sometimes more difficult to determine. NRHN expressly prohibits sexual harassment or sexual misconduct of any kind. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and verbal, visual 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 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 or creating an intimidating, hostile, or 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 likely constitutes sexual harassment. Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex.

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 work place environment that is hostile, offensive, or intimidating 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, comments 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;
- Discussion of one's sexual activities; and
- Threats or physical aggression.

Employees need to be concerned not only with the intent of their actions of this kind but also the effects; even unintentional conduct (including conduct that is intended as a "joke") can be deemed a violation of this policy. Repeated occurrences will be considered intentional violations of the policy.

**SUBJECT: Prevention of Sexual and Other Unlawful Harassment**

A hostile work environment may be created by supervisors, co-workers, and subordinates as well as by non-employees, such as customers, suppliers, vendors, volunteers and contractors who have work-related dealings with employees. Sexual harassment includes behavior by members of the same sex, as well as members of the opposite sex, directed at a person because of his/her sex or sexual orientation.

This policy prohibits all of the activities discussed above, whether engaged in by a supervisor, agent of NRHN, co-worker, or non-employee who is on NRHN's premises or who comes in contact with NRHN employees.

The above list of examples is not intended to be all-inclusive. It must be reiterated that this policy remains in full force and effect in informal business situations, including at Hospital parties and on business trips.

**III. Complaint Procedure and Reporting Responsibility.**

Experience has shown that a clear statement to the person engaging in the offensive behavior is often all that is necessary to stop the conduct. Employees who believe they are being harassed are encouraged to let the person engaging in the conduct know how they feel, but they are not required to do so. An individual who believes that he or she has been subjected to unlawful harassment and/or discrimination should report the incident to his or her manager or to any member of the Human Resources Department.

If you would like to file a complaint or talk with someone outside your regular and/or immediate workplace, you may contact the Vice President of Human Resources directly or one of the Human Resources Business Partners. All reports of unlawful harassment and/or discrimination will be forwarded to Human Resources. All such reports and the details of discussions will be treated as confidential to the extent practicable. However, confidentiality cannot be guaranteed.

NRHN will promptly investigate all complaints of sexual and unlawful harassment and/or discrimination. When NRHN becomes aware that harassment or discrimination might exist, it is obligated to take prompt and appropriate action, whether or not the victim wants NRHN to do so. Investigations will be conducted as discretely as possible. NRHN will take appropriate action as warranted by the circumstances, including but not limited to taking action to eliminate the inappropriate conduct, if any, and imposing corrective action when appropriate.

All employees, and particularly managers, have a responsibility for keeping our work environment free of unlawful harassment and discrimination. Any employee, who becomes aware of an incident of harassment and discrimination or possible harassment and discrimination, whether by witnessing the incident or being told of it, must report it to one or more of the persons identified above immediately.

**IV. Retaliation Prohibited.**

NRHN's policy to prevent unlawful harassment and/or discrimination and sexual harassment also prohibits retaliation against anyone for reporting harassment and or discrimination, assisting in making a harassment complaint, or cooperating in a harassment investigation. In addition, retaliation is prohibited by state and federal law. Retaliation is a form of unlawful harassment and will be handled in the same manner as other forms of harassment. No employee will be subject to any form of

SUBJECT: Prevention of Sexual and Other Unlawful Harassment

retaliation or discipline for pursuing a sexual or other harassment and/or discrimination complaint in good faith. An employee who believes that he or she has been retaliated against should immediately notify Vice President of Human Resources directly or one of the Human Resources Business Partners.

V. Consequences of Violating this Policy

Harassment may be indirect and even unintentional. Violations of this policy, whether intended or not, will not be permitted. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

VI. Questions.

The Vice President of Human Resources or one of the Human Resources Business Partners are also available to discuss any concerns you may have and to provide information to you about our policy against sexual and other harassment/discrimination and our complaint process.

V. 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 the NRHN complaint process does not prohibit you from filing a complaint with these agencies, and we encourage you to use the NRHN process to discuss any questions or concerns you may have. Each of the agencies has a specific relatively short time period for filing a claim.

1. The United States Equal Employment Opportunity Commission ("EEOC")

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(617) 565-3200

2. The Massachusetts Commission Against Discrimination ("MCAD") Boston Office:

One Ashburton Place - Room 601  
Boston, MA 02108  
Phone: 617-994-6000  
TTY: 667-994-6196

3. MCAD Springfield Office:

436 Dwight Street, Room 220  
Springfield, MA 01103

(413) 739-2145

4. New Hampshire Commission for Human Rights 2 Chenell Drive

Concord, NH 03301  
(603) 271-2767

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SUBJECT: Prevention of Sexual and Other Unlawful Harassment

APPROVALS:

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VP Human Resources

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CEO