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Document: Sexual Harassment (2008)

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APPLIES TO: Weekly paid employees, Professional Staff and Volunteers

1. POLICY

- 1.1. It is the goal of MGH 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 MGH. 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 also unlawful and will not be tolerated.
- 1.2. Because MGH takes allegations of sexual harassment seriously, it will respond promptly to complaints of sexual harassment, and where it is determined that such inappropriate conduct has occurred, the Hospital management will act promptly to eliminate the conduct and take corrective action.

2. DEFINITIONS

- 2.1. In Massachusetts, the legal definition of sexual harassment is sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
 - 2.1.1. 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, such as promotions, or scheduling vacations; or
 - 2.1.2. 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.
- 2.2. Sexual harassment may occur regardless of the intention of the person engaging in the conduct. While it is not possible to list all those circumstances that 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:
 - 2.2.1. Sexual advances whether or not they involve physical touching;
 - 2.2.2. Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or

continued employment;

2.2.3. Sexual jokes;

2.2.4. Use of sexual epithets, written or spoken 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;

2.2.5. Displaying sexually suggestive objects, pictures, or cartoons;

2.2.6. Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;

2.2.7. Inquiries into one's sexual experiences;

2.2.8. Discussion of one's sexual activities; and

2.2.9. Assault or coerced sexual acts.

2.3. Either sex may be the harasser.

3. PROCEDURES

3.1. Complaints: Any employee who feels s/he has been sexually harassed has several ways to make his/her concerns known:

3.1.1. If the employee can comfortably do so, s/he should inform the employee engaging in the harassment that the conduct is offensive and must stop.

3.1.2. If the employee does not wish to communicate directly with the person or if communication has not brought results, the employee has the right to file a complaint with MGH.

3.1.3. Complaints may be filed in writing or verbally. The employee should contact Bonnie Welch, Sexual Harassment Officer at 617-724-0932. If an employee feels more comfortable initially speaking to his/her Human Resources Generalist or a representative of management, s/he may do so. The management representative receiving the complaint should inform the appropriate Human Resources Generalist who will ensure an investigation takes place. Members of the professional staff may also contact their chief of service, Principal Investigator, the Office for Women's Careers, the Chief Medical Officer or the Sr. VP of Human Resources.

3.2. Sexual Harassment Investigation

3.2.1. When MGH receives a complaint, it will investigate the allegation fairly and promptly. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses, if any. MGH will also interview the person alleged to have committed sexual harassment. When the investigation is completed the person filing the complaint and the person alleged to have committed the conduct will be informed of the results of that investigation to the extent appropriate.

3.2.2. If it is determined that inappropriate conduct has occurred, the Hospital will act promptly to eliminate the offending conduct and take corrective action.

3.3. Corrective Action: An employee who has been found in violation of this policy by engaging in sexual harassment or by falsely accusing another employee of doing so, will be subject to the Corrective Action Policy. MGH may, at its discretion, determine that a first offense will result in immediate termination.

3.4. State and Federal Agencies

3.4.1. Federal discrimination enforcement agencies:

The United States Equal Employment Opportunity Commission

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

3.4.2. State discrimination enforcement agencies:

The Massachusetts Commission Against Discrimination

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

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

Worcester Office 22 Front Street, 5th floor
PO Box 8038
Worcester, MA
(508) 799-8010

Related Policies:

Corrective Action
Electronic Communications
Harassment
Standards of Behavior

Last Revision: 2008

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