

Policy Title	Equal Employment Opportunity, Pay Transparency and Affirmative Action Policy - Employees, Covered Individuals	Policy ID	962
Keywords	harassment, equal employment opportunity, affirmative action, retaliation, discrimination, complaint, religion, gender, transgender, gender identity, pay transparency, pregnancy, protected status, accommodation, disability, mental health, age		

I. Purpose of Policy

This policy establishes that Mary Hitchcock Memorial Hospital and Dartmouth Hitchcock Clinic (“Dartmouth Hitchcock”) Dartmouth Hitchcock is an Equal Employment Opportunity and Affirmative Action Employer that prohibits unlawful employment discrimination, as well as provides a method for reporting concerns of employment discrimination.

II. Policy Scope

This policy applies to all employees of Mary Hitchcock Memorial Hospital and Dartmouth Hitchcock Clinic (“Dartmouth Hitchcock”) including but not limited to residents or fellows in accredited graduate medical education programs, members of the Dartmouth Hitchcock Medical Staff, regular, per diem, temporary and/or term-limited employees, and all remote employees.

III. Definitions - N/A

IV. Policy Statement

A. Equal Employment Opportunity and Non-Discrimination

Dartmouth Hitchcock is an Equal Employment Opportunity and Affirmative Action employer. Dartmouth Hitchcock’s policy is to provide equal employment opportunities for all applicants and employees in compliance with applicable laws. This policy applies to all aspects of the employment relationship including, but not limited to, recruitment, selection, placement, supervision, working conditions, facilities, compensation, training, promotion, demotion, transfer, discipline, layoff or termination. All personnel policies, procedures, and practices must be administered consistent with the intent of this policy.

Dartmouth Hitchcock does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, pregnancy, age, genetic information, physical or mental disability, national or ethnic origin, marital status, protected veteran status, citizenship, or any other category protected by law, in connection with any aspect of employment at Dartmouth Hitchcock. Harassment on the basis of any legally protected characteristic is a form of discrimination and is likewise prohibited by this policy and the Non-Discrimination and Anti-Harassment policy (see link below).

Further, Dartmouth Hitchcock complies with the American with Disabilities Act (“ADA”), as amended by the ADA Amendments Act, and all applicable state or local law. Consistent with those requirements, Dartmouth Hitchcock will provide a reasonable accommodation to qualified individuals with a disability or sincerely held religious belief if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship. If an employee or applicant believes they require an accommodation, contact the Benefits Department at DHLeaves@hitchcock.org or (603) 653-1400.

Dartmouth Hitchcock complies with the Pregnant Workers Fairness Act (PWFA) and applicable state or local laws and will provide reasonable accommodations to qualified job applicants and employees to accommodate the individual’s known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would create undue hardship. If you believe you need a pregnancy related accommodation, contact the Benefits Department at DHLeaves@hitchcock.org or (603) 653-1400.

B. Pay Transparency

Dartmouth Hitchcock will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions, including but not limited to members of management, cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor’s legal duty to furnish information.

C. Affirmative Action

As a matter of institutional policy and consistent with its obligation as a federal government contractor, Dartmouth Hitchcock is committed to principles of diversity and affirmative action, and will comply with all affirmative action requirements in accordance with law. Dartmouth Hitchcock urges each employee to commit to carrying out the intent of this policy.

Dartmouth Hitchcock maintains an audit and reporting system to determine overall compliance with its equal employment opportunity mandates. The EEO Administrator (the System Director of Employee Relations) oversees the affirmative action plan development, modification, implementation, effectiveness, reporting requirements and conducts management updates. Dartmouth Hitchcock invites any applicant and/or employee to review the written Affirmative Action Plan. This plan is available for inspection upon request during normal business hours. Please contact employee.relations@hitchcock.org

D. Non-Retaliation

Dartmouth Hitchcock prohibits retaliation against anyone for reporting in good faith a claim of discrimination or other workplace concern or assisting or cooperating in any workplace investigation. Anyone who feels that they have been retaliated against in violation of this policy may report such concerns to the persons identified below. Retaliation can include any material adverse action taken against an individual because the individual has made a good faith

complaint of discrimination, participated in the investigation of a claim of discrimination, or opposed discriminatory practices in the workplace. A material adverse action is any action that is reasonably likely to deter an individual from engaging in a protected activity.

E. Reporting Concerns and Investigation

Employees or applicants who believe they have been discriminated or retaliated against in violation of this policy may direct their complaints to any of the following:

- Dartmouth Hitchcock Employee Relations (603) 653-1570 or Employee.Relations@hitchcock.org. Employees concerned that discriminatory activity is occurring with Human Resources may report the matter to the Office of General Counsel.
- Their supervisor or another member of management.
- OWLS (Occurrence with Learning System) on the Dartmouth Hitchcock Intranet

Supervisors are expected to report to Employee Relations any complaints of discrimination or retaliation of which they are aware.

Reports of discrimination or retaliation may be made orally or in writing and persons are encouraged to make these reports as soon as possible: the earlier the report, the easier it is to investigate and take appropriate remedial action. Making a false report or providing false information may be grounds for discipline in the absence of a good faith belief that the report or information is true.

Dartmouth Hitchcock is committed to promptly and fairly investigating and remediating claims of discrimination and retaliation, as well as other workplace concerns. If misconduct is found, appropriate corrective action will be taken, up to and including termination. All individuals covered by this policy are expected to fully and truthfully participate and cooperate in the investigation of any workplace concerns. Failure to participate and/or cooperate in an investigation when requested may result in corrective action, up to and including termination.

F. Confidentiality

Dartmouth Hitchcock personnel handling these matters will respect the confidentiality of the individual reporting discrimination and retaliation and/or participating in an investigation of a complaint to the extent possible; however, due to the circumstances surrounding the nature of the complaint confidentiality may not be guaranteed.

G. External Reporting

Discrimination and retaliation are prohibited by state and federal law. In addition to the internal resources described above, individuals may report concerns of discrimination or retaliation to Employee Relations at (603) 653-1570, the New Hampshire Commission for Human Rights at (603) 271-2767, the Vermont Human Rights Commission at (800) 416-2010, or the Equal Employment Opportunity Commission at (800) 669-4000. A violation of this policy may exist even where the conduct in question does not violate law.

H. Conduct Not Prohibited by This Policy

This policy is not intended to preclude or dissuade employees from engaging in legally protected activities, including those under the National Labor Relations Act.

V. References

- Laws Enforced by EEOC. (n.d.). Retrieved December 20, 2015, from <http://www.eeoc.gov/laws/statutes/index.cfm>
- 45 CFR Parts 80, 84, 86, 90 and 91 – Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act 1964. (n.d.). Retrieved December 20, 2015, from <https://www.law.cornell.edu/cfr/text/45/part-80>
- Laws and Regulations Enforced by OCR. (2007, August 22). Retrieved December 20, 2015, from <http://www.hhs.gov/civil-rights/for-providers/laws-regulations-guidance/laws/index.html>
- New Hampshire Law against Discrimination, N.H. R.S.A. 354-A:1, et seq.
- New Hampshire Pregnancy Discrimination Act, N.H. R.S.A. 354-A:7
- Vermont Employment Practices Act, Title 21 V.S.A. s. 495 (n.d.). Retrieved December 20, 2015, from <http://legislature.vermont.gov/statutes/chapter/21/005>
- Government Contractors, Prohibitions Against Pay Secrecy Policies and Actions, 41 CFR Part 60–1, et. seq. 41 CFR Part 60–1 , Retrieved January 5, 2016, from <https://www.gpo.gov/fdsys/pkg/FR-2015-09-11/pdf/2015-22547.pdf>

Responsible Owner:	Employee Relations	Contact(s):	Tanja Cloutier
Approved By:	Chief Officer - Human Resources; Office of Policy Support - Organizational Policies Only; Aframe, Karen	Version #	6
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Related Policies & Procedures:	How To Report Workplace and Compliance Concerns - Job Aid Non-Discrimination and Anti-Harassment Policy Religious Accommodation Policy Religious Accommodation Procedure Religious Accommodation Request Form - Job Aid Disability and Accommodation Policy - Employees, Covered Individuals Code of Ethical Conduct-D-H Disruptive Behavior (Including Disruptive Discipline) by Patients, Families and Visitors Policy Disruptive Behavior of Employees Policy Immunization - Request for Religious Exemption Form		
Related Job Aids:			