

Policy Title	Non-Discrimination and Anti-Harassment Policy	Policy ID	457
Keywords	harass, harassment, anti-harassment, discrimination non-discrimination, discriminate, EEO, Equal Employment Opportunity, EEOC, sexual harassment, retaliation, prejudice, race, color, age, sex, religion, national or ethnic origin, citizenship, veteran, marital status, sexual orientation, gender identity or expression, disability, pregnancy, genetic information, transgender, protected status, protected category, protected categories, Title IV, Affirmative Action, bias		

I. Purpose of Policy

Dartmouth-Hitchcock (D-H), comprised of Mary Hitchcock Memorial Hospital and Dartmouth-Hitchcock Clinic, is committed to maintaining a work environment free from all forms of unlawful discrimination and harassment, including but not limited to, sexual harassment. This policy outlines D-H's process for submitting complaints of discrimination or harassment, undertaking investigations, and ensuring appropriate corrective action.

II. Policy Scope

D-H expressly prohibits any form of unlawful harassment or discrimination based on an individual's protected status (as defined below) and expressly prohibits any retaliation based on a good faith report of discrimination or harassment. All employees (including residents, fellows, professional staff members, full-time and part-time employees, and temporary and per diem employees) and other individuals who are part of the D-H community, such as students, Dartmouth College employees, volunteers, and other non-employees, must refrain from any action or conduct prohibited by this policy and are responsible for creating a harassment-free and discrimination-free work environment.

III. Definitions

Discrimination: For the purposes of this policy, discrimination means conduct that is based upon an individual's protected status (as defined below) and that: adversely affects a term or condition of the individual's employment; is used as the basis for or a factor in decisions affecting the individual's employment; or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Harassment: Harassment is a form of discrimination and includes unwelcome verbal, written, physical, or non-physical conduct that is based on a person's protected status that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment or otherwise negatively affects an individual's employment opportunities or benefits. Harassment can take many forms. Examples of inappropriate conduct prohibited by this policy are set forth in Section V below.

Human Resources (HR): For purposes of this policy, "HR" refers to the Employee Relations Department. Employee Relations can be contacted by emailing Employee.Relations@Hitchcock.org or calling (603) 653-1570.

Protected Status: A personal characteristic including race, color, age, sex, religion, national or ethnic origin, citizenship, protected veteran status, marital status, sexual orientation, gender identity or expression, disability, pregnancy, genetic information, status as a victim of domestic violence, harassment, sexual assault or stalking, or any other characteristic protected by law. Protected status is sometimes referred to as "protected class" or "protected category."

Sexual Harassment: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, written, physical, and non-physical conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
- Submission to or rejection of such conduct is used as a basis for any employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of inappropriate conduct prohibited by this policy are set forth in Section V below.

Supervisor: Any level of supervisory leadership, clinical or administrative, responsible for the employee and who has authority to conduct tangible employment actions, specifically to hire, fire, demote, promote, transfer, or discipline.

IV. Policy Statements

- D-H is an Equal Employment Opportunity and Affirmative Action employer that is committed to principles of diversity and affirmative action. D-H'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, compensation, training, promotion, demotion, transfer, discipline, layoff or termination. All D-H personnel policies, procedures, and practices must be administered consistent with the intent of this policy.
- D-H is committed to providing a safe and collegial work environment in which all individuals are treated with mutual respect and dignity and that is free of unlawful discrimination and harassment. D-H will not tolerate discrimination or harassment of any employee by any person, including any supervisor, coworker, patient/client, family member, visitor, or any other non-employee. When D-H determines that an allegation of harassment or discrimination against an employee is credible, it will take prompt and appropriate corrective action.
- D-H will take appropriate action consistent with this policy to address harassment of D-H employees by non-employees, such as consultants, contractors and suppliers, and other persons doing business with D-H, all of whom shall be expected to comply with D-H's standards of conduct including as set forth herein and in the D-H Code of Ethical Conduct.
- With respect to patients, family members, and other visitors who engage in harassing or other disruptive conduct at D-H, please refer to the Responding to Disruptive Behavior by Patients, Families and Visitors Policy.
- This policy covers all incidents of alleged discrimination or harassment at Dartmouth-Hitchcock, as well as incidents of alleged discrimination or harassment that may occur off-premises or off-duty where the alleged offender is a supervisor, coworker, or other individual with whom the employee is involved, directly or indirectly, in connection with Dartmouth-Hitchcock business or a potential business relationship.

- While this policy sets forth D-H's goals of promoting a workplace that is free of unlawful discrimination of any kind, the policy is not designed or intended to limit D-H's authority to discipline or take remedial action for workplace conduct which D-H deems unacceptable, regardless of whether that conduct satisfies the definition of unlawful discrimination or harassment.
- Violation of this policy, as determined by D-H, in its sole discretion, may result in disciplinary action up to and including termination of employment.

V. Examples of Types of Harassment

In order to rise to the level of legally actionable harassment, conduct creating a hostile work environment must be sufficiently severe or pervasive to alter the conditions of employment. However, it is the intent of Dartmouth-Hitchcock to prevent conduct from escalating to the point that a hostile work environment exists. To that end, the following is a non-exclusive list of conduct directed at an employee based on the employee's Protected Status that is considered inappropriate and is prohibited by D-H regardless of whether it rises to the level of being severe or pervasive:

Sexual Harassment

- Physical conduct such as unwanted touching, pinching, poking, patting, grabbing, or brushing against another person's body.
- Unwanted sexual flirtation, advances, propositions, or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience, whether directed at a specific person or made in the presence of anyone else.
- Sexually explicit emails or texts or other written communications.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for hire, compensation, reward, or to maintain any of the terms or conditions of employment.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct, humiliation, or making performance of the employee's job more difficult because of that employee's sex.
- Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the D-H work environment or possessing any such material to read, display, or view at work.
- Reading out loud or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic.
- Verbal abuse of a sexual nature.
- Unwelcome, graphic verbal comments about an individual's body.
- Sexually degrading words to describe an individual.
- Unwelcome inquiry or comment about sexual conduct or sexual orientation or preferences; or
- Verbal abuse consistently targeted at only one sex, even if the content of the abuse is not sexual.

Sexual harassment can occur in a variety of circumstances. A victim of sexual harassment can be a man or a woman. The victim can be of the same gender, sexual orientation, or gender identity as the harasser. The harasser can be the victim's supervisor, a supervisor in another area, a coworker, or a non-employee. As discussed above, harassment can include off-duty, unwelcome conduct of a sexual nature that affects the work environment.

Harassment Based on Other Protected Statuses

- Epithets, nicknames, demeaning or derogatory words and descriptions, slurs, or insults.
- Negative stereotyping, labeling, or categorizing a person, or negative comments about an individual because of an accent and/or primary language.
- Threatening, intimidating, or hostile acts.
- Inappropriate jokes or "put downs"; or
- Written or graphic material, including without limitation graffiti, pictures or cartoons, that denigrates or shows hostility or aversion toward an individual or group posted or circulated in any form, including without limitation by phone, email, voicemail, text message, and social media.

Whether the conduct is severe or pervasive shall be considered in determining the level of appropriate corrective action required.

VI. Reporting Allegations of Harassment or Discrimination

If an employee believes that they have been subjected to, or becomes aware of, any harassment or discrimination in violation of this policy, the employee has the responsibility to promptly report the incident to the employee's supervisor. If the complaint involves the employee's immediate supervisor, or if the employee feels uncomfortable discussing the matter with the employee's supervisor, the employee should report the incident in one of the following ways:

- Human Resources: Employee.Relations@hitchcock.org or (603) 653-1570. If a member of Human Resources is alleged to have engaged in behavior in violation of this policy, employees should report the incident to the Office of General Counsel at (603) 650-5160.
- Compliance Hotline: 1-844-733-0094
- OWLS System – Occurrence with Learning System, accessible through the Intranet.

If an employee is not sure whether they have been the victim of harassment or discrimination, the employee is encouraged to speak with a supervisor or member of the Employee Relations Department for assistance and clarification.

If an employee believes that they have been placed in immediate danger in connection with any conduct prohibited hereunder, the employee should contact D-H Security at 5555 or (603) 650-7896 (depending on location), or local law enforcement at 911.

Any employee who reports an incident in accordance with this policy may, if comfortable under the circumstances, inform the person responsible for the conduct that it is unwelcome and offensive, and request that it cease. Taking this action will not, however, relieve the employee of the employee's obligation to report the incident as set forth above.

VII. Employee and Supervisor Responsibilities

All employees are expected and required to comply with this policy. All employees, and particularly members of management, which includes without limitation all administrative and clinical supervisors, are responsible for keeping the work environment free of harassment and discrimination. Any employee who becomes aware of an actual or alleged incident of harassment or discrimination must promptly report it using any of the options identified above in Section VI.

If a supervisor observes or receives information regarding an actual or alleged incident of harassment or discrimination, the supervisor must take immediate action to stop it, whenever possible or appropriate, and is obligated to report the incident immediately to HR by emailing Employee.Relations@hitchcock.org or calling (603) 653-1570.

Supervisors must take effective measures to ensure that no further apparent or alleged harassment or discrimination occurs pending completion of D-H's investigation. Supervisors should consult with HR in this regard. For example, it may be appropriate to place an employee against whom a harassment allegation has been made on administrative leave with pay pending the conclusion of the investigation.

Any supervisor who is made aware of harassment or discrimination and fails to report it may be subject to disciplinary action, up to and including termination of employment.

An employee who knowingly submits a false or frivolous claim of harassment or discrimination may be subject to disciplinary action up to, and including, termination of employment.

VIII. Investigation

Once D-H becomes aware of an alleged violation of this policy, Human Resources or its designee will conduct a prompt, thorough, and impartial investigation.

All staff members, whether complainant, witness, or the subject of the investigation, are required to be truthful, forthcoming, and cooperative throughout the investigation. D-H seeks to conduct a thorough investigation, and refusal to participate in the investigation may result in disciplinary action, up to and including termination of employment.

Depending on the outcome of the investigation, D-H will take appropriate corrective action to stop the discrimination or harassment and prevent its recurrence. Any employee who is found to have engaged in discrimination or harassment prohibited by this policy will be subject to appropriate disciplinary action, up to and including termination of employment.

IX. Confidentiality

D-H will protect the confidentiality of individuals who file complaints and who are involved in an investigation to the extent possible and will enforce its non-retaliation policy. While D-H strives to conduct the investigation as discretely as possible, D-H may need to disclose information, including but not limited to the identity of the complainant and/or witnesses, in order to appropriately conduct the investigation and take appropriate action.

X. Non-Retaliation

D-H prohibits retaliation against individuals who report harassment or discrimination in good faith and who participate in an investigation of a harassment or discrimination complaint. Any employee who has filed a complaint or has participated in an investigation under this policy must immediately notify HR or a supervisor (who must promptly notify HR) if the employee believes they have been subjected to retaliation or intimidation. Retaliation may include, but is not limited to, actions such as:

- Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted, or participated in the investigation of harassment, discrimination, or retaliation.
 - Intentionally pressuring, falsely denying, lying about, or otherwise covering up or attempting to cover up conduct such as that described immediately above.
 - Employee-to-employee isolation, ridicule, intimidation, “silent treatment,” or embarrassment; or
 - Encouraging others to retaliate.

XI. Other Information

Nothing in this policy provides any contractual rights regarding terms and conditions of employment, nor does anything in this policy alter or modify the employment-at-will relationship between D-H and its employees. Further, nothing in this policy creates an employment relationship for members of the workforce who are not employed by Dartmouth-Hitchcock.

For more information about and/or to report harassment and discrimination issues, the following may be contacted:

- New Hampshire Commission for Human Rights at (603) 271-2767
humanrights@nhsa.state.nh.us
- Vermont Human Rights Commission at (802) 828-2480
- U.S. Equal Employment Opportunity Commission at (800) 669-4000 or info@eeoc.gov

Questions regarding this policy should be directed to Employee Relations at (603) 653-1570 or by emailing employee.relations@hitchcock.org.

XII. References

- Title VII, Civil Rights Act of 1964
- Federal Regulations: 29 C.F.R. § 1604.11
- New Hampshire RSA 354-A:7

Responsible Owner:	Employee Relations	Contact(s):	Tanja Cloutier
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Related Polices & Procedures:	Code of Ethical Conduct-D-H Corrective Action Policy - Employees Disruptive Behavior of Employees Policy Termination and Separation Policy - Employees Responding to Disruptive Behavior (Including Disruptive Discipline) by Patients, Families and Visitors Procedure		
Related Job Aids:			