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Owner Sara Oconnell:
Human Resources Director
Area Human Resources
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Sexual and Other Unlawful Harassment

Policy:

Mount Desert Island Hospital (MDIH) and Birch Bay Retirement Village (BBRV) (Organization) are committed to providing a work environment that is free of unlawful harassment. Therefore, the Organization prohibits all conduct that constitutes unlawful discrimination and harassment based on an individual's protected characteristic.

This policy is intended to describe the conduct that is prohibited at MDIH/BBRV. As you review this policy keep in mind that building a respectful and professional workplace is everyone's responsibility. All employees are expected to treat co-workers, patients, residents, customers, vendors, and everyone else you encounter while conducting work on behalf of the Organization with dignity and respect and to ensure that your conduct in the workplace or while working on behalf of the Organization is professional.

Scope:

Sexual and other unlawful harassment can occur between any individuals, regardless of their sex or gender. A perpetrator of unlawful harassment can be a superior, a co-worker, or anyone in the workplace including an independent contractor, vendor, patient, customer, or visitor. Sexual or other unlawful harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace or outside of work hours.

A single incident of inappropriate behavior may or may not rise to the level of sexual or other unlawful harassment. To meet the definition of unlawful conduct, the behavior must be severe or pervasive. Therefore, for example, one act, joke, or comment may not constitute harassment. Of course, a single egregious act, joke, or comment may be sufficient to violate the law depending on the circumstances.

Sexual Harassment

MDIH/BBRV prohibits sexual harassment. Sexual harassment means sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, and/or any unwelcome conduct which is directed at an individual because of that individual's sex, when: (1) submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of employment or the basis for an employment decision; or (2) such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, humiliating, or sexually offensive work environment for the intended target of the sexual harassment or anyone else who sees or experiences the conduct.

While it is not possible to list every circumstance that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment, depending on the circumstances:

- Intimidation or physical violence of a sexual nature, such as: touching, pinching, patting, grabbing, brushing against another individual's body, poking an individual's body, rape, sexual battery, molestation, or attempts to commit these assaults.
- Sexual advances or propositions, whether they involve physical touching or not, such as: requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion, or other job benefits or detriments; or subtle or obvious pressure for unwelcome sexual activity.
- Epithets, words, signs, pranks, or jokes of a sexual nature, written or oral references to sexual conduct, discussion of one's sex life, or comments about an individual's sexual prowess, deficiencies, or activity.
- Display of objects, pictures, posters, calendars, graffiti, promotional material, reading material, cartoons, or other materials that are sexually demeaning or pornographic, including sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Leering, whistling, or physical touching of another's body.
- Repeatedly asking another employee to socialize or for a date after the employee has said "no."
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and/or the status of being transgender, such as: interfering with, destroying, or damaging an individual's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job.

Other Unlawful Harassment

MDIH/BBRV also prohibits other unlawful harassment. For purposes of this policy, other unlawful harassment is defined as verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of the individual's race, color, religion, sex, pregnancy or a condition related to pregnancy, sexual orientation, gender identity, national origin, ancestry, age, physical or mental disability, genetic information, veteran status, military service, application for military service, or any other characteristic protected by applicable law, and that: (1) has the purpose or effect of creating

an intimidating, hostile, or offensive work environment; or (2) has the purpose or effect of unreasonably interfering with an individual's work performance.

Some examples of such harassment are using epithets or slurs or making jokes or pranks that focus on a protected characteristic; and circulating or displaying written or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

Retaliation

MDIH/BBRV strictly prohibits retaliation against any employee in connection with any goodfaith report of sexual or other unlawful harassment. It is unlawful to retaliate against an employee for or in connection with a report of sexual or other unlawful harassment or participation in or assistance with any investigation or proceeding.

Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a claim of unlawful harassment.

Obligation to Report Harassment and/or Retaliation

MDIH/BBRV's Human Resources Department is responsible for investigating complaints of sexual or other unlawful harassment. If you experience or witness sexual or other unlawful harassment in the workplace, or retaliation in connection with any good-faith report of sexual or other unlawful harassment, you should immediately report it to the Human Resources Department or to your manager or any other manager in the Organization. You should not allow an inappropriate situation to continue by not reporting it.

Reports of sexual harassment, other unlawful harassment, or retaliation may be made orally or in writing.

Responsibilities of Supervisors and Managers

All supervisors and managers who receive a report or any information about suspected sexual harassment, other unlawful harassment, or retaliation, or who observe what may be sexual harassment, other unlawful harassment, or retaliation, or who otherwise have any reason to suspect that sexual harassment, other unlawful harassment, or retaliation is occurring, are required to promptly report such conduct to the Human Resources Department.

In addition to being subject to discipline for engaging in conduct that violates this policy, supervisors and managers will also be subject to discipline for failing to report suspected sexual harassment, other unlawful harassment, or retaliation to the Human Resources Department or otherwise knowingly allowing sexual harassment, other unlawful harassment, or retaliation to continue.

Investigations

Upon receipt of a report (whether orally or in writing) of unlawful harassment or retaliation, or if the management otherwise becomes aware of possible unlawful harassment or retaliation, the

Organization will promptly conduct a fair, timely, and thorough investigation in such a way as to maintain confidentiality to the extent practicable under the circumstances. All employees, including managers and supervisors, are required to cooperate with investigations.

While the process may vary from case to case, an investigation generally includes:

- a prompt review of the report of harassment.
- consideration of whether any interim actions are appropriate.
- obtaining, reviewing, and preserving relevant documents, emails, or phone records; interviewing the parties involved (including any relevant witnesses);
- creating a confidential written record of the investigation; promptly notifying the individual who reported, and the individual about whom the report was made, of the final determination; and
- implementation of any corrective actions that are warranted based on the conduct.

Response to Harassment

Sexual and other unlawful harassment are inconsistent with the Organization's core values and our commitment to providing a respectful and professional workplace. Because sexual and other harassment are unlawful, they subject the Organization to liability for harm to victims of sexual and other unlawful harassment. Perpetrators of harassment may also be individually subject to liability.

Employees who are found to have unlawfully harassed or retaliated against another employee in violation of this policy, you will be subject to disciplinary action, up to and including immediate termination of employment. MDIH/BBRV will also take appropriate corrective action to address unlawful harassment by non-employees.

MDIH/BBRV also recognizes that false accusations, especially of sexual harassment, may have serious effects on innocent persons. Employees that have made bad faith false accusations of sexual harassment, other unlawful harassment, or retaliation, will also be subject to disciplinary action, up to and including termination of employment.

Sexual harassment, other unlawful harassment, and retaliation are not only prohibited by the Organization but are also prohibited by federal and state law.

All Revision Dates

12/2021

Approval Signatures

Step Description

Approver

Date

CEO Approval

Chrissi Maguire: President &
CEO

12/2023

Sara Oconnell: Human
Resources Director

12/2023

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