



Boston VA Research Institute, Inc.

Date: 5/24/2012

Human Resources

POLICY NO. 12-28

TITLE OF POLICY:

ANTI-DISCRIMINATION AND SEXUAL HARASSMENT POLICY

1.0 PURPOSE

The intent of this policy is to define both harassment and sexual harassment and set forth the procedures when such inappropriate behavior occurs.

2.0 SCOPE

This policy covers discrimination and sexual harassment.

3.0 POLICY

BVARI does not tolerate any conduct in the work place with discriminatory practices and sexual harassment. All claims of discrimination or sexual harassment must promptly be brought to the attention to BVARI's Director of Human Resources or to BVARI's Chairman of the Board of Directors. All claims of discrimination and sexual harassment shall be investigated promptly and in a fair and expeditious manner.

In addition, it is unlawful to retaliate against an employee for filing a complaint of discrimination or harassment including sexual harassment, or for participating in an investigation of a complaint for discrimination or harassment. BVARI will not tolerate any such retaliatory conduct. If any employee believes that she or he has been subjected to retaliation for having brought a complaint or participated in an investigation of harassment and/or discrimination claim, that employee is encouraged to report the situation as soon as possible to the Director of Human Resources or to BVARI's Chairman of the Board.

When the investigation has been completed, both parties will be informed of the results to the extent appropriate. If BVARI determines that inappropriate conduct has occurred, BVARI will act promptly to eliminate the offending conduct and additional corrective action may also be taken, as appropriate, including disciplinary action up to and including the immediate termination of any employee found upon the investigation to have discriminated against,

harassed, or sexually harassed any other employee. Please note that while this policy sets forth BVARI's goals of promoting a workplace that is free of sexual harassment and discrimination, the policy is not designed nor intended to limit BVARI's authority to discipline or to take remedial action for workplace conduct deemed unacceptable, regardless of whether that conduct satisfies the legal definition of discrimination or harassment.

4.0 DEFINITIONS

Discrimination is the unequal treatment of an individual, which includes but is not all inclusive of the following: the consideration of employment, career advancement, and/or salary increases/ bonuses based on the individual/employees class classification.. There are several classifications of protected classes including age and other protected categories of individuals and/or groups. "Age" includes any duration of time of an individual's birth of greater than 40 years. Protected categories are race, color, religion, national origin, ancestry, sex, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status. The term "employee" means an individual employed in a full or part time capacity. The term "employee" **does not** include independent contractors.

Sexual harassment is defined as sexual advances, request for sexual favors, and verbal or physical conduct of a sexual nature where: (a) submission to or rejection of such advances, requests for conduct is made either explicitly or implicitly a term or condition of employment or as 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 by creating an intimidating, hostile, humiliating or sexually offensive work environment.

These definitions include any direct or implied request 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, as well as any sexually-oriented conduct that is unwelcome and has the effect of creating a workplace environment that is hostile to male or female workers. Examples of conduct that, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness, include the following:

- Either explicitly or implicitly condition any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- Touching a sexual part of an employee's body;
- Touching any part of an employee's body after that person has indicated, or it is known, that such physical contact is unwelcome;

- Continuing to ask an employee to socialize on or off-duty when that person has indicated she or he is not interested;
- Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- Regularly using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- Derogatory or provoking remarks about or relating to an employee's gender, sexual activity or sexual orientation;
- Coerced sexual acts.

5.0 RESPONSIBILITIES

5.1 BVARI Board of Directors: The BVARI Board of Directors is responsible for the overall policy, planning, and coordination of all BVARI activities within the VA Boston Healthcare System.

5.2 CEO: The BVARI CEO is responsible for developing, administering, and coordinating a business process that provides optimal internal controls for BVARI.

6.0 PROCEDURES

After BVARI's investigation, any employee who has been found to engage in discriminatory and/or sexual harassment which is prohibited by this policy will be subject to appropriate sanctions, up to and including unpaid disciplinary suspension and/or termination from employment.

The state agency responsible for complaints of sexual harassment and discrimination is the Massachusetts Commission Against Discrimination ("MCAD"). The MCAD can be reached at the following locations: One Ashburton Place, Room 601, Boston, MA 02108, and (617) 727-3990. The Equal Employment Opportunity Commission ("EEOC") is the federal agency that investigates sexual harassment claims can be reached at One Congress Street, 10th Floor Boston, MA 02114, (617) 565-3200.

Using BVARI's process does not prohibit an employee from filing a complaint with the above agencies. While it is the right of any employee to seek the assistance of these agencies, BVARI hopes that all employees will feel comfortable coming forward and allowing BVARI to pursue a resolution of the matter internally.

7.0 RELATED DOCUMENTS:

8.0 REVISION HISTORY

Revision Letter	Author	Revision Date	Description of Changes
A	Jeffrey Burd	5/24/2012	Original Policy
B			

REASON FOR ISSUE:

SUMMARY OF CHANGES:

Original policy

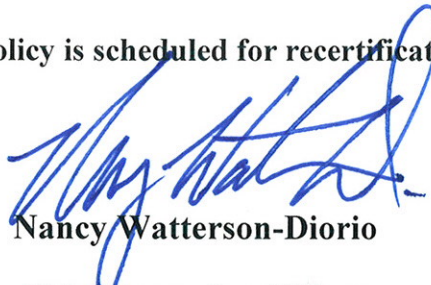
RELATED DOCUMENTS:

RESPONSIBLE OFFICER:

Director of Human Resources

RECISSION:

RECERTIFICATION: This policy is scheduled for recertification on or before the last working day of May, 2015.



Nancy Watterson-Diorio

Chief Executive Officer

DISTRIBUTION

Board of Directors, Date:

FLD: Sharepoint Server _____ E-mailed _____ to:

BVARI Staff, Stakeholders