

SEXUAL HARASSMENT POLICY

I. Introduction

It is the goal of the Behavioral Health Network, Inc. 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 this organization. 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 similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, BHN. will not tolerate the conduct that we describe in this policy. We have provided a procedure by which BHN will deal with inappropriate conduct, if encountered by employees.

The Behavioral Health Network takes allegations of sexual harassment seriously. We will respond promptly to complaints of sexual harassment. Where we learn that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

This policy sets forth our goals of promoting a workplace that is free of sexual harassment. However, we do not design or intend the policy to limit our authority to discipline or take remedial action for workplace conduct that we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- (b) Such advances, 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.

Under these definitions, direct or implied requests 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 is sexual harassment.

The legal definition of sexual harassment is broad. Besides the above examples, other sexual oriented conduct, whether it is intended or not, that is unwelcome and creates a workplace environment that is hostile, offensive, intimidating, or humiliation to male or female workers may also be sexual harassment.

While it is not possible to list all those additional circumstances that may be sexual harassment, the following are some examples of conduct that if unwelcome, may be sexual harassment depending upon all the circumstances including the severity of the conduct and its pervasiveness:

1. Unwelcome sexual advances - whether they involve physical touching or not;
2. Sexual epithets, jokes, written or oral 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;
3. Displaying sexually suggestive objects, pictures, cartoons;
4. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
5. Inquiries into one's sexual experiences; and
6. Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful. BHN will not tolerate it.

III. Complaints of Sexual Harassment

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint, you may do so by contacting the Director of Human Resources or the Clinical Director. Please specify if you would like to speak with a male or a female.

Behavioral Health Network, Inc.
417 Liberty Street
Springfield, MA 01104
TEL: .(413) 747-0705 FAX: (413) 304-4037

These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

IV. Sexual Harassment Investigation

When we receive the complaint, we will promptly investigate the allegation fairly and quickly. BHN will conduct the investigation in a way that maintains confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation.

If BHN determines that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will also impose disciplinary action.

V. Disciplinary Action

If BHN determines that one of our employees has committed inappropriate conduct, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

VI. State and Federal Remedies

Besides the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each agency has a short period for filing a claim (EEOC- 180 days; MCAD-300 days).

- 1. The United States Equal Employment Opportunity Commission ("EEOC")**
John F. Kennedy Federal Building
Government Center Room 475
Boston, MA 02203
(800) 669-4000
- 2. The Massachusetts Commission Against Discrimination ("MCAD")**

<u>Boston Office:</u> One Ashburton Place - Room 601 Boston MA 02108 (617) 727-3990	<u>Springfield Office:</u> 424 Dwight Street - Room 220 Springfield MA 01103 (413) 739-2145
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BEHAVIORAL HEALTH NETWORK
417 Liberty Street, Springfield, MA 01104
(413) 747-0705

From: Human Resources

Subject: Sexual Harassment Policy

Date: July 29, 2008

Effective November 6, 1996, the Commonwealth of Massachusetts requires employers to provide **annually** to all employees an individual written copy of the employer's policy against sexual harassment.

If you have any questions about this policy please ask your supervisor.

ACKNOWLEDGMENT OF RECEIPT OF SEXUAL HARASSMENT POLICY:

I have received, read and understand the Behavioral Health Network, Inc. policy against sexual harassment.

Printed Name

Date

Signature