

# **Cornerstone Behavioral Healthcare**

## **PM.16 Sexual Harassment**

### **Policy Statement**

Cornerstone Behavioral Healthcare (CBH) is proud of its policy of maintaining a work environment that encourages respect for the dignity of each individual. Sexual harassment by anyone, whether in the office, in work assignments outside the office, at office-sponsored social functions or elsewhere, or retaliation against anyone who complains about sexual harassment, will not be tolerated as sexual harassment, by a ruling by the United States Supreme Court in 1986, declaring that sexual harassment is a form of sex discrimination prohibited by Title VII of the Equal Employment Opportunity Act, and is, therefore, illegal.

While in some cases, individuals may make sexual comments, jokes, or personal advances without intending harm, such actions can be unwanted, threatening, and perceived as harassment. Stopping sexual harassment in its many forms requires an increased awareness by everyone at CBH of the impact that such actions may have on others.

### **Definition of Sexual Harassment**

Harassment based on sex is also a violation of Section 4572 of the Maine Human Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, constitute sexual harassment when:

- a) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) submission or rejection of such conduct by an individual is used as the basis for employment decisions, e.g., continued employment, promotion, compensation, etc., affecting such individual; or
- c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The following is a partial list of unwelcome behavior that may be considered sexual harassment:

- a) Unwelcome sexual jokes, language, epithets, advances, or propositions
- b) Written or oral abuse of a sexual nature, or sexually degrading or vulgar words to describe an individual
- c) The display of sexually suggestive or explicit objects, photos, pictures, posters, or cartoons
- d) Unwelcome or demeaning comments about an individual's body, appearance, sexual prowess, or sexual deficiencies
- e) Asking questions about sexual conduct
- f) Harassment consistently targeted at only one sex, even if the content of the verbal abuse is not sexual, such as stating that one gender is inferior to the other gender or cannot perform jobs as well
- g) Unwelcome touching, leering, whistling, brushing against the body, or suggestive, insulting, or obscene comments or gestures
- h) Repeatedly requesting dates from a person who is not interested
- i) Demanding sexual favors in exchange for favorable reviews, pay increases, assignments, promotions, continued employment, or promises of the same
- j) Any of the above behavior via direct contact on social media

### **Individuals Covered Under the Policy**

This sexual harassment policy covers all employees, including support staff, supervisors, and owners. When individuals are subject to harassment from third parties (e.g., potential and former employees, outside contractors, vendors, or clients), CBH will take the appropriate steps available to eliminate the problem.

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### Company Procedures in Response to Sexual Harassment

It is the goal of this policy and its procedures to create an environment in which people who have experienced sexual harassment, or who have concerns about sexual harassment issues, feel free to discuss those situations or concerns with someone in a position to do something about them, secure in the knowledge that they will be listened to and treated with respect. All information will be handled with the highest degree of confidentiality possible under the circumstances and with due regard for the rights and wishes of all parties. While management's investigator will always maintain confidentiality, CBH cannot guarantee that every complainant, alleged offender, or witness in the course of a formal investigation will likewise ensure confidentiality, despite being asked to do so.

In those instances where an individual decides that they wish CBH to take action, the individual, or mediator acting on behalf of the individual, should notify the employee's supervisor or Human Resources (HR). HR will determine whether there is sufficient reason to undertake an investigation. If it is determined that an investigation is warranted, HR will follow the Harassment/Complaint Investigation Procedure.

### Confidentiality

All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much confidentiality as possible without compromising the thoroughness of the investigation or the rights of the alleged offender. The sexual harassment investigator(s) will not discuss the complaint or investigation with anyone not directly involved in the investigation.

### Protection Against Retaliation and Retribution

Retaliation and retribution are serious violations of this policy and should be reported immediately to a Supervisor, CEO, or HR. Retaliation or retribution against any individual for reporting sexual harassment, whether by the harasser or from another source, will not be tolerated and will be treated with the same strict discipline as sexual harassment itself. Each offense will be investigated and sanctioned separately. Individuals who are not complainants but who assist in a sexual harassment investigation will also be protected from retaliation under the policy.

Under 5 M.R.S.A. § 4553(10)(D), it is illegal to punish or penalize, or attempt to punish or penalize, any person for seeking to exercise any of the civil rights set out in the Maine Human Rights Act or for complaining of a violation of that Act or for testifying in a proceeding brought under that Act.

### Maine Human Rights Commission

Employees who have been sexually harassed have a right to file a claim with the Maine Human Rights Commission. Although employees may also file a complaint with a court, bypassing the Commission will limit the damages available. The Commission will investigate to determine if harassment occurred.

An Employee may initiate the complaint process with the Commission by calling (207) 624-6290 or by writing to: The Maine Human Rights Commission, State House Station 51, Augusta, ME 04333-0051.

Frank Willard  
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CEO

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Date