

UNLAWFUL HARASSMENT

HR.22

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PURPOSE

To ensure a work environment free of unlawful harassment

DEFINITIONS

- I. Harassment-a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA). Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- II. Offensive Conduct-may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.
- III. Sexual harassment-any unwelcome sexual advance, either explicit or implicit, as a term or condition of employment. Improper behavior may be verbal, visual, or physical in nature and/or the creation of a hostile or offensive work environment.

POLICY

- I. The Agency is committed to providing a work environment which is free from all forms of discrimination and unlawful harassment, including but not limited to sexual harassment.
- II. Management will make every effort to ensure that complaints are investigated promptly and impartially.
- III. The Agency will abide by anti-discrimination laws that prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws

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- I. An employee who believes that they have been the subject of unlawful harassment by a co-worker, supervisor, resident or individual with a business relationship to the Agency should report the alleged incident immediately and confidentially to management.
- II. Harassment can occur in a variety of circumstances, including, but not limited to, the following:
 - A. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
 - B. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
 - C. Unlawful harassment may occur without economic injury to, or discharge of, the victim.
- III. The Agency will take appropriate steps to prevent and correct unlawful harassment. The Agency will clearly communicate to employees that unwelcome harassing conduct will not be tolerated.
- IV. The Agency will strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed. Complainants, witnesses, and others who provide information concerning such claims will be protected from retaliation.
- V. Prevention is the best tool to eliminate harassment in the workplace. Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation. The Administrator and/or the Civil Rights Coordinator will receive and process harassment claims in order to avoid a conflict of interest that could occur if the alleged harasser is within the employee's chain of command.
- VI. The Agency will take immediate and appropriate action when an employee has a complaint. Complaints will be promptly and thoroughly investigated with a response within twenty four (24) hours.

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- VII. Thorough records of complaints, investigations and actions will be maintained confidentially.
- VIII. The Agency will ensure the confidentiality of individuals bringing claims of harassment to the extent possible.
- IX. Appropriate follow-up will be conducted to insure the matter has been resolved and proper safeguards are in place.
- X. When a complaint is found to have merit, the accused will be subject to disciplinary action up to and including termination.
- XI. If an investigation results in a finding that the accuser has maliciously or recklessly made false accusations, the accuser will be subject to appropriate sanctions up to and including termination.