



POLICY AND PROCEDURE MANUAL

Chapter:	Human Resource Management		
Title:	Prohibition of Sexual and Other Unlawful Harassment and Discrimination		
Policy: <input checked="" type="checkbox"/> Procedure: <input type="checkbox"/>	Review Cycle: Triennial Author: HR Spec	Adopted Date: 08.2020 Review Date: 06.2024	Related Policies: Commitment to Non-Violence Complaints and Appeals Equal Employment Opportunity Progressive Discipline Standards of Conduct

Purpose:

Hopeful Horizons (HH) has adopted this policy to clarify the organizations position on sexual and other forms of harassment and discrimination and to clarify expectations for employee conduct.

Scope:

This policy applies to:

- All HH Staff Selected HH Staff, as specified:
- HH Board Members HH Volunteers
- Other: Contractors

Policy:

HH is committed to providing a work environment that is free of unlawful harassment/discrimination and strictly prohibits harassment/discrimination and any potentially harassing/discriminatory conduct of a sexual nature or because of a person’s age, disability, race, color, sex, gender, gender identity (or expression), sexual orientation, pregnancy, religion, national origin, genetics, military or veteran status, or any other basis prohibited by law.

- A. **Prohibited Conduct:** Prohibited conduct includes both verbal and physical conduct by any person, including employees, supervisors, managers, and others having business with HH, which constitutes harassment, discrimination or retaliation. Examples of conduct prohibited by this policy include but are not limited to:
1. Offering or granting employment benefits or preferential treatment to an employee in exchange for sexual favors
 2. Taking or threatening adverse employment action against an employee for refusing a request for sexual favors or for reporting violations of this policy
 3. Engaging in unwelcomed physical touching of another person including fondling, inappropriate brushing, and blocking of another’s movement around the workplace
 4. Displaying or distributing materials, including objects, pictures, calendars, magazines, catalogues, posters, and computer images, that are sexually suggestive or that are demeaning or threatening on the basis of protected status
 5. Transmitting communications by phone, computer, voicemail, letter, note or otherwise that are sexually suggestive or that are demeaning or threatening on the basis of protected status
 6. Making comments, including jokes, innuendo, and references to a person’s appearance, anatomy, or clothing that are sexually suggestive or that are demeaning or threatening on the basis of protected status
 7. Making repeated, unwanted requests for a date
 8. Making sexually suggestive or inappropriate physical gestures, including oral or manual gestures. These examples are not intended as a complete list of physical or verbal conduct that may violate this policy.

- B. **Individual Action:** An employee who feels that they have been a victim of any form of harassment or discrimination is encouraged to firmly and clearly tell the person engaging in the harassing/discriminatory conduct that it is unwelcome, offensive, and they should stop at once. Any questions regarding this policy or a specific situation should be directed to an employee's supervisor, Human Resources (HR) or to the CEO.
- C. **Reporting of Violations:** Employees shall report any conduct which violates the spirit and intent of this policy whether the conduct is directed at them or at others. While reporting is not time sensitive, HH encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.
1. The employee should immediately report the matter to HR, or in the absence of HR, to the appropriate Leadership Team member.
 2. Supervisors shall report all perceived or reported violations of this policy to the Chief Executive Officer (CEO) and HR within one business day.
 3. Complaints regarding the CEO shall be referred to HR. HR shall facilitate any required investigation in accordance with the following and report the findings to the Board Chairperson.
- D. **Investigation:** HR shall investigate any reports of policy violations in accordance with approved procedures for Complaint Investigation. HR in consultation with the employee's supervisor (unless implicated in the complaint) shall render a decision based upon a preponderance of evidence.
1. During the investigation, the confidentiality and privacy of all employees involved shall be respected to the extent possible and the employee will be notified of the results of the investigation upon completion.
 2. Cooperation is expected with investigations, and refusal to cooperate may result in disciplinary action up to and including termination of employment.
- E. **Resolution and Notice:** The findings of any related investigation shall be used to aid in the resolution of the situation in accordance with HHS' Progressive Discipline policy. Once a resolution of a complaint is reached, HH shall communicate its findings to only those who have a need to know.
- F. **Prohibition of Retaliation:** Hopeful Horizons strictly prohibits any employee, supervisor, or manager from taking adverse action against any employee who truthfully reports a violation of this policy. All employees are protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in the investigation. Retaliation against an individual for reporting harassment and/or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.
- G. **False Claims:** Making false accusations is a form of misconduct and may result in serious impairment of Hopeful Horizons' efforts to administer this policy properly and effectively for the benefit of all employees. Any employee who knowingly makes a false claim of harassment and/or discrimination shall be subject to discipline, up to, and including termination of employment.
- H. **Policy Violations:** Any employee who violates this policy (including failure to report), whether such conduct constitutes harassment or discrimination for legal purposes, will be subject to

disciplinary action, up to and including immediate termination of employment. In the event there is insufficient evidence that a violation of this policy has occurred, HH will, if appropriate, take action to protect employees from recurrence of the reported conduct and from retaliation for reporting the conduct.

Communication and Training:

The Board shall receive a copy of the policy at the time of periodic review and will have an opportunity to ask clarifying questions during the approval process. Employees and volunteers shall receive notice of the Board's policy review and approval including notice of any substantive changes. The notice will provide a link to the policy located on the HH website.

All employees shall be advised of this policy as part of new employee orientation.

Definitions:

1. Harassment: Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual or because of his or her age, disability, race, color, sex, gender, gender identity (or expression), sexual orientation, pregnancy, religion, national origin, genetics, military or veteran status, or any other basis prohibited by law and that:
 - a. Has the purpose or effect of creating an intimidating, hostile or offensive working environment.
 - b. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
 - c. Otherwise adversely affects an individual's employment opportunities.
2. Preponderance of Evidence: The standard of proof in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party, or which shows that the fact to be proven is more probable than not.
3. Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, unwelcome physical contact of a sexual nature, and other verbal or physical conduct of a sexual nature when, and may include:
 - a. Submission to such conduct is made either explicitly or implicitly on a term or condition of an individual's employment.
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Other Related Materials:

Universal Complaint and Appeal Form

References/Legal Authority:

NA

Change Log:

Date of Change	Description of Change	Responsible Party
06.2024	This policy is updated to the new template and adds communication and training, definitions, other related material and references as applicable.	R. Lucovich, HR Spec.