

Title: Harassment

Adopted: November 17, 2004

Unlawful Harassment:

EMDB, Inc. strives to provide a safe, positive working climate for its employees, volunteers and residents. Therefore, it shall be the policy of EMDB, Inc. to maintain an environment in which harassment in any form is not tolerated.

EMDB, Inc. prohibits all forms of unlawful harassment of employees, volunteers, clients and residents by all staff members, contracted individuals, vendors, volunteers, clients and residents. EMDB, Inc. encourages employees, volunteers, residents and third parties who have been harassed to promptly report such incidents to the designated administrators.

Complaints of harassment shall be investigated promptly, and corrective action taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with EMDB, Inc.'s legal and investigative obligations.

No reprisals or retaliation shall occur as a result of good faith charges of harassment.

Definitions:

For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation or religion when such conduct:

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to perform job functions or creates an intimidating, threatening or abusive work or living environment.
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance.
3. Otherwise adversely affects an individual's employment opportunities.
4. Adversely affects a volunteer, client or resident.

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:

1. Acceptance of such conduct is made, explicitly or implicitly, a term or condition of an individual's continued employment.
2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual.
3. Submission to or rejection of such conduct is the basis for admitting or retaining a client or resident.

4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's or volunteer's job performance or creating an intimidating, hostile or offensive working environment.
5. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially creating an intimidating, hostile or offensive environment for a client or resident.

Examples of conduct that may constitute sexual harassment include, but are not limited to: sexual flirtations, advances, touching or propositions; verbal abuse of sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; computer images; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with the employee's or volunteers ability to work or creates an intimidating, hostile or offensive working environment or residential living environment.

Delegation or Responsibility:

In order to maintain a work or living environment that discourages and prohibits unlawful harassment, the Board designates the Associate Director as the Compliance Officer. EMDB, Inc. shall publish and disseminate this policy and the complaint procedure.

EMDB, Inc. shall be responsible to provide training for employees regarding all aspects of unlawful harassment.

Each staff member shall be responsible to maintain a working environment free from all forms of unlawful harassment.

Complaint Procedure:

Step 1- Reporting

An employee, volunteer, client, resident or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Associate Director and or the Executive Director. The complainant is encouraged to use the report form available from EMDB, Inc. but verbal complaints shall be acceptable.

Step 2 – Investigation

The Associate Director will conduct interviews with all relevant parties, take statements, gather facts, and retrieve all other pertinent information. If it is not appropriate for the Associate Director to conduct such investigation, the Executive Director of EMCBC, Inc. will act in the Associate Director's stead.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

Step 3 – Investigative Report

The Associate Director will then prepare a written report within fifteen (15) calendar days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The Associate Director will maintain a log of all events, meetings, and contacts along with his or her report and statement.

The Associate Director will review his or her report and action plan with the Executive Director of EMDB, Inc. and the President of the Board of Directors.

Step 4 – Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, EMDB, Inc. shall take prompt corrective action, including the possibility of termination, to ensure that such conduct ceases and will not recur.

If violation of the harassment policy involves an employee, a corrective action plan shall be reviewed and signed by the employee. A copy shall be maintained in the employee's personnel file.

Disciplinary actions shall be consistent with state and federal laws.

If it is concluded that an employee has knowingly made a false complaint under this policy, such employee shall be subject to disciplinary action, including termination.

Appeal Procedure

If the complainant is not satisfied with the finding of the investigation or the corrective action recommended in the investigative report, s/he may submit a written appeal to the chair of the Personnel Committee. The Personnel Committee shall be the final authority of the appeal.

Progressive Disciplinary System

Each step is recorded in the employee's file.

Step One: Oral Warning

1. Employee will be told;
2. Why performance is inadequate;
3. What level of performance is expected;
4. A deadline for improved performance; and
5. The consequences of failure to improve performance.

Step Two: Written Warning

In the written warning the following will be communicated to the employee:

1. Why performance is inadequate;
2. What level of performance is expected;
3. A deadline for improved performance;
4. The consequences of failure to improve performance; and
5. Reference to oral warning.

Step Three: Probation

Probation is the last step in the progressive disciplinary system before termination. It's the employee's last chance to avoid being fired. As with written warnings, meetings in which employees are put on probation should include a witness. Employees will sign documentation.

Step Four: Termination

The last step is termination. Termination should not be a surprise to an employee if the progressive disciplinary system has been utilized. That's particularly true if the supervisor has advised an employee about progress or lack of progress during probation.

Sometimes, termination without warning is necessary for very serious cases.

All termination should be witnessed and documented. Employees don't need to sign anything if they are terminated.

Personnel Policies Manual Acceptance

This certifies that I have been given a copy of the Personnel Policies Manual of Episcopal Ministries of the Diocese of Bethlehem, Inc. (Edition of January 1, 2004, amended May 19, 2004 and November 17, 2004) and related documents. I have been given an orientation to it.

I understand that it is the employee's obligation to keep this copy of the Manual and related documents up to date by inserting new or updated documents in it, as they may be approved and distributed by the Board of Directors and Executive Director.

This binder, Manual and related documents are the property of Episcopal Ministries of the Diocese of Bethlehem, Inc. and must be returned on termination of Employment.

Employee signature: _____

Date: _____

REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT

Complainant: _____

Home Address: _____

Home Phone: _____

Date of Alleged Incident(s) _____

Allege harassment was based on: (circle those that apply)

- | | | |
|----------|--------------------|-------------------|
| Race | Color | National Origin |
| Gender | Age | Disability |
| Religion | Sexual Orientation | Sexual Harassment |

Name of person you believe violated the unlawful harassment policy:

If the alleged harassment was directed against another person, identify the other person:

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved, Attach additional pages if necessary: _____

When and where incident occurred: _____

This complaint is based on my honest belief that _____ has harassed me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By:

Date