



<u>DEPARTMENT:</u> Administration — Human Resources		
<u>SUBJECT:</u> Discrimination, Harassment and other Unlawful Conduct		<u>POLICY NUMBER:</u> AD-009
<u>APPROVAL</u> <i>[Signature]</i>	<u>EFFECTIVE DATE:</u> 10/27/2020	<u>REPLACES</u> AD-009, April 12, 2007

- I. **PURPOSE:** This policy and procedure establishes the guidelines for Discrimination, Harassment and Unlawful Conduct
- II. **REVIEW HISTORY:** April 12, 2007
- III. **CONTACT:** Human Resource Department
- IV. **PERSONS AFFECTED:** All CNSWFL Employees
- V. **POLICY:** Children's Network of Southwest Florida, LLC will not tolerate Discrimination, Harassment, or other Unlawful Conduct including but not limited to sexual harassment. Employees shall treat their co-workers with dignity and respect. Employees shall conduct themselves in a professional manner while on the job, and follow all laws relating to proper work relationships. This means that they shall not engage in discrimination, harassment or any other unlawful conduct.

All supervisors shall foster a work environment in which harassment and other forms of unlawful conduct are not tolerated. Supervisors shall be receptive to the feelings and communication of potential victims and observers. Supervisors must respond quickly and appropriately to all allegations of harassment or other forms of unlawful conduct.
- VI. **RATIONALE:** To ensure the immediate reporting and handling of any acts of Discrimination, Harassment, or any other Unlawful Conduct towards any employee of the Children's Network of Southwest Florida.

VII. **DEFINITIONS:**

A. Legally prohibited discrimination is discrimination on the basis of a protected status such as:

- Age
- Gender
- Sexual orientation
- Color
- Race
- Creed
- National origin
- Ancestry
- Religious persuasion
- Marital status
- Political belief
- Physical or mental disability
- Military or veteran status
- Pregnancy, abortion, and other childbirth-related conditions
- Protected leaves under FMLA

Federal and State Laws Prohibit Unlawful Discrimination in:

- Hiring
- Job Benefits/Terms of Employment
- Promotion
- Discharge/Layoff
- Wages
- Discipline/Evaluations

B. Harassment — a course of conduct which annoys, threatens, intimidates, alarms, or puts a person in fear of their safety. Harassment is unwanted, unwelcomed and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. Harassing behavior may include, but is not limited to, epithets, derogatory comments or slurs and lewd propositions, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement and visual insults, such as derogatory posters or cartoons.

- C. Hostile Work Environment -Unwelcome or offensive behavior in the workplace, which causes one or more employees to feel uncomfortable, scared, or intimidated in their place of employment.
- D. Retaliation - Retaliation includes any adverse action taken against an employee for filing a complaint or supporting another employee's complaint under a variety of laws. The most common type of retaliation claim involves an employee who alleges that she was first harassed or discriminated against and later punished for making a complaint to her employer or a relevant federal agency.

VIII. **PROCEDURE:**

- A. Employees who believe that they have been subjected to harassment, discrimination or other unlawful conduct must immediately report it to their supervisors and/or Human Resources or Administration.
- B. If the employee is reporting harassment, discrimination or other unlawful conduct by their supervisor, the report should be made to Human Resources or Administration.
- C. Employees who observe harassment, discrimination, or other unlawful conduct of their co-workers must also report such actions to their supervisors and/or Human Resources or Administration.
- D. Supervisors and others who are made aware of cases of harassment, discrimination or other unlawful conduct shall handle complaints confidentially and immediately protecting the parties to the extent possible.
- E. After consultation with Human Resources, the supervisor (and/or others to whom reports of harassment, discrimination or other unlawful conduct were made) should inform the employee that a full investigation of the alleged actions will be conducted by Human Resources. They should then advise the employee to tell the alleged offender that their comments and/or actions are offensive and ask the alleged offender to stop.
- F. If an employee feels uncomfortable making such a request the supervisor to whom the incident is reported should make the request on the behalf of the employee.
- G. Where evidence substantiates a complaint of harassment, discrimination or other unlawful conduct, the Corrective Action procedures should apply. Depending on the nature of the situation, corrective action could include counseling, written corrective action, suspension, and/or termination.
- H Incidents so serious that termination of employment is contemplated will be handled through the agency's termination procedures.