

Community Based Care of Brevard, Inc. Policy and Procedure Manual



Series: HR- Work Environment **COA:** HR 1.02, 5.02
Procedure Name: Anti Harassment **RPM 1, 2.01**
Procedure Number: HR-2303 **CFOP: NA**
Revision #/Date: (2) 03/07
Effective Date: 9/04

Applicable to: All CBCB Staff and Volunteers

SUBJECT: Anti Harassment

PURPOSE: CBC of Brevard is firmly committed to maintaining a positive, productive working environment free from illegal acts of harassment. CBC of Brevard prohibits staff, vendors, clients and other non-employees on Agency premises from engaging in any form of harassment as defined by federal, state or local law. The Agency promotes a workplace that is free of inappropriate conduct, including offensive physical, verbal and written communications that serve to create a negative, hostile or unprofessional environment. The Agency also prohibits any form of retaliation against an employee for addressing concerns of harassment. CBC of Brevard has zero tolerance for harassment of any kind including harassment that may be based on age, gender, sexual orientation, color, race, creed, national origin, ancestry, religious persuasion, marital status, political belief, physical or mental disability, pregnancy, military or veteran status or sexual harassment. The term "harassment" may also include conduct of employees, supervisors, managers, vendors, other non-employees who conduct business with the Agency and/or clients who engage in verbally or physically harassing behavior which has the potential for humiliating or embarrassing an employee of the Agency. Agency management is committed to vigorously enforcing this expectation against harassment, including but not limited to sexual harassment, at all levels within the Agency.

PROCEDURE:

References

Definitions

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; or
- Submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment can also include, but is not limited to, inappropriate conduct such as:

- Written forms such as cartoons, posters, calendars, notes, letters, e-mail, etc.; or
- Occasional comments or jokes, foul or obscene language, gossiping about or questioning another's sex life, or repeated unwanted requests for dates, or pictures of a sexual nature as well as touching, or gestures that make an individual uncomfortable; or
- Unwanted sexual advances, demands for sexual favors in exchange for favorable treatment or continued employment; or
- Verbal abuse of a sexual nature or obscene gestures of a sexual nature; or
- Repeated or persistent offensive behavior, such as unwelcome touching, grabbing, fondling, or any behavior that is clearly intended to cause offense, even if it is an isolated occurrence.

Overview

1. All new employees of CBC of Brevard are provided with the Agency's Anti-Harassment Policy and are required to sign an acknowledgement of receipt that is maintained in the employee's personnel file.
2. CBC of Brevard provides annual anti-harassment training for staff and supervisors. The supervisor training includes a section regarding the supervisor's role and responsibilities required to promote a positive work environment free from illegal acts of harassment. The training is provided either in a classroom setting or via an on-line training. This training is documented and is maintained in the employee's personnel file.
3. Additionally all employees complete an annual Civil Rights Training module which includes training on harassment.
4. While the Agency holds to a zero tolerance practice, there may be times when an employee has a concern about specific behaviors, language or other actions which cause concern. Should an employee experience conduct which is perceived to be harassing in nature, the Agency provides its employees with a process to address concerns of harassment and/or to file a complaint of harassment in the workplace.

Complaint Process

1. Any employee who feels that he or she has been or is being harassed or discriminated against may:
 - Immediately inform the alleged harasser that the behavior is unwelcome and inappropriate. In many instances the person is unaware that the conduct is offensive and when so advised can easily and willingly correct the conduct and ensure it does not reoccur.
 - If the informal discussion with the alleged harasser is unsuccessful in remedying the problem, OR if such an approach is not possible or comfortable, the employee can immediately report the instance of perceived harassment to the supervisor or other member of the management chain.
 - However, an employee who feels that he or she has been subjected to harassing behavior may by-pass the organizational chain of command and directly report the incident to the Chief Personnel & Administrative Officer and/or the Administrative Human Resources Department at 1-877-348-2431.

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- This report may be in person, via the telephone or in writing whichever is more comfortable for the employee.
- All reports of harassment will be treated seriously. However, absolute confidentiality is not promised nor can it be assured.
- Upon receipt of an allegation of harassing behavior the Agency will begin a prompt and thorough investigation that will require limited disclosure of pertinent information to certain parties, including the alleged harasser.
- Once the investigation is completed, a determination will be made regarding the validity of the allegations.
- If it is determined that harassment has occurred prompt, remedial action will be taken which may include written warnings and possible suspension, transfer and/or termination of employment of the harasser.
- The employee who brought the complaint will be informed by the Chief Personnel & Administrative Officer that the investigation has been completed. If no action was taken the employee will be informed of this decision and the reasons for it.
- If the employee is dissatisfied with this decision, he or she may file a written appeal with the Chief Executive Officer within five (5) business days of notification from the Chief Personnel & Administrative Officer.
- This appeal must be in writing and clearly outline the reasons for the appeal and any additional information the employee feels may support his or her position. Any additional facts not presented during the initial complaint must be clearly identified.
- The Chief Executive Officer will take whatever additional steps are deemed necessary, if any, and will respond to the employee in writing within ten (10) working days of notification or within 10 working days of return to the office.
- If action was taken regarding the harassing behavior, the employee will be informed that this has occurred but will not be given the specific actions that were taken. The employee will also be requested to bring any further concerns on this incident or any other back to the Chief Personnel & Administrative Officer if appropriate.
- If the harassment is from a vendor or client the Agency will take appropriate action to stop the complained-of-conduct.
- CBC of Brevard will not in any way retaliate against an individual who makes a report of harassment, nor will the Agency permit any supervisor, Officer or employee to do so. Retaliation is a serious violation of this harassment procedure and should be reported immediately.
- CBC of Brevard will not permit retaliation of any employee who participates in any complaint or investigative process internally, through the Equal Employment Opportunity Commission (EEOC) or other human rights agency.

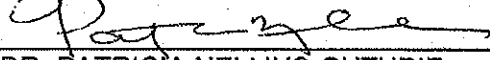
Responsibilities of Employees and Management Staff

1. All employees of the Agency both management and non management staff are responsible for assuring that a workplace free from any and all acts of harassment including sexual harassment is maintained.

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2. Any employee may file a harassment complaint regarding incidents experienced personally, or incidents observed in the workplace. The Agency strives to maintain a lawful, pleasant work environment where all employees are able to effectively perform their work without interference of any type and requests the assistance of all employees in this effort.
3. All supervisory and management staff are expected to adhere to the Agency's anti-harassment procedure. Management performance evaluations include an assessment of the individuals' commitment to and enforcement of established company policies.
4. A management person who is made aware of a claim of harassment and who does not take immediate and corrective action including contacting the Chief Personnel & Administrative Officer will be subject to disciplinary action up to and including termination.

BY DIRECTION OF THE CHIEF EXECUTIVE
OFFICER:



DR. PATRICIA NELLIUS-GUTHRIE
Chief Executive Officer
CBC of Brevard, Inc.

APPROVAL DATE: 3/24/09