NON DISCRIMINATION & HARASSMENT

At Turning Point of Lehigh Valley (TPLV), we emphasize the dignity and equality common to all people and adhere to a strict non-discrimination and non-harassment policy regarding the treatment of employees, volunteers, clients and contractors.

TPLV is committed to ensuring equal opportunity in all aspects of employment, volunteering and contracting for those historically excluded and to foster diversity in the agency.

***Non Discrimination Policy***

TPLV will maintain non-discriminatory practices and equal opportunity in hiring and other personnel actions as required by law, i.e., Civil Rights Act, Pennsylvania Equal Rights Amendment, Pennsylvania Human Relations Act, Equal Employment Opportunity Act, Title IX, Americans With Disabilities Act. Discrimination based on a protected status i.e, an individual’s race, color, religion, sex, national origin, ancestry, gender identity and expression, familial status, civil union status, age, disability, atypical hereditary cellular or blood train, marital status, sexual orientation, pregnancy, family care leave status, veteran status, domestic or sexual violence victim status or any other legally protected classification by federal, state, or local law will not be tolerated and is prohibited.

***Harassment Policy***

Harassment of any kind will not be tolerated and is prohibited, including sexual harassment. All employees, volunteers, contractors and vendors, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur.

For purposes of this policy, harassment is any verbal, nonverbal, or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, volunteer, contractor, vendor or any person working for or on behalf of TPLV.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

* *Verbal harassment* *or taunting* that, in the employee, volunteer, client or contractor’s opinion, impairs his/her ability to perform his/her job includes comments that are offensive or unwelcome regarding a person’s protected status. This includes epithets, slurs and negative stereotyping.
* *Nonverbal harassment or taunting* that, in the employee, volunteer, client or contractor’s opinion, impairs his/her ability to perform his/her job includes distribution, display or discussion of any written or graphic material (cartoons, posters, gestures, email, etc.) that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of a person’s protected status.

***Sexual Harassment Policy***

Sexual harassment will not be tolerated and is prohibited. Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under TPLV’s anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), 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 or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment."

There are two types of sexual harassment:

* *“Quid pro quo”* harassment, where submission to harassment is used as the basis for employment decisions. Benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (any director) can engage in quid pro quo harassment. Example: A director promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
* *“Hostile work environment”,* where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be directors, employees, volunteers, clients or contractors. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, voice mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

***Retaliation Policy***

No hardship, loss, benefit or penalty may be imposed on an employee, volunteer, client or contractor in response to:

* Filing or responding to a bona fide complaint of discrimination or harassment.
* Appearing as a witness in the investigation of a complaint.
* Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy, will not be tolerated and is prohibited.

**Any person who is found to have violated any aspect of the above mentioned policies will be subject to sanctions up to and including termination of employment.**

***Conduct Expectations***

Ultimately, TPLV expects employees, volunteers, clients and contractors to behave professionally when interacting with each other and others with whom we do business. Employees, volunteers, clients and contractors should remember that conduct that may be acceptable in social settings may not be appropriate at work or while interacting with co-workers, vendors or clients.

In addition directors, in consultation with the Operations Administrator (or designee), are also responsible for ensuring that employees, volunteers, clients and contractors are informed of their responsibility under this policy.

**Employees, volunteers, clients and contractors must understand that all allegations of harassment, discrimination and/or retaliation MUST be investigated. There is no such thing as an unofficial or confidential complaint.**

Directors have specific individual obligations to support their employees and volunteers and assist them to avoid discrimination, harassment and/or retaliation. These obligations include, but are not limited to: periodic reminders that harassment is unacceptable; strongly encouraging employees and volunteers to report any/all suspected problems; advise employees and volunteers that all complaints must be investigated; provide a caring ear and proactive voice when an employee or volunteer reports harassment; protect employees and volunteers from harassing or unacceptable situations; advise the Operations Administrator (or designee) of any and all allegations of harassment; protect employees and volunteers from retaliation based on their decision to make a complaint or report of suspected problems.

***Responding To Complaints***

TPLV directors are responsible for taking immediate corrective action to prevent discrimination, harassment and/or retaliation in the workplace. All directors are responsible to provide a work environment free of discrimination, harassment and/or retaliation for employees, volunteers and non-employees.

Directors are obligated to immediately refer all complaints of discrimination, harassment and/or retaliation to the Operations Administrator (or designee) and or the Executive Director. Failure to do so will result in discipline up to and including termination of the Director.

***Complaint Procedure:***

Employees, volunteers, clients and contractors do not have to report discrimination, harassment and/or retaliation to his/her director, **but they must report the event** to at least one of the following:

* His/her director.
* A director above his/her director.
* The Operations Administrator (or designee)
* The Executive Director.

All events will be investigated. Employees, volunteers, clients and contractors do not have to initiate an investigation with a written report; they may report the incident(s) verbally. However employees, volunteers, clients and contractors **must** write-up the event. Written complaints of discrimination, harassment and/or retaliation should be made within **48 hours of the event.** The use of TPLV’s Incident Report form is encouraged but not required.

Additionally employees volunteers, clients and contractors who believe they have been unlawfully discriminated, harassed and/or retaliated against and *immediately* report the incident(s) should include the following information:

* Written details of the incident(s)
* The names of any individuals involved
* The names of any witnesses.

When the act of discrimination, harassment and/or retaliation is by the employee, volunteer, client or contractor’s immediate director, then they should report the incident to the Operations Administrator (or designee) and/or the Executive Director. When the act is by the Executive Director, it should be reported directly to the Operations Administrator (or designee).

In all instances, TPLV will immediately undertake a thorough and objective investigation of the allegation(s) so that any improper conduct may be stopped as quickly as possible.

Directors are expected to keep all matters confidential to the fullest extent possible, however, employees, volunteers, clients and contractors must understand that (1) non-supervisory coworkers cannot be legally required to keep such matters confidential; and (2) some disclosure may occur in the process of gathering pertinent facts.

If it is determined that unlawful conduct has occurred, TPLV may take whatever action it believes appropriate under the circumstances, including but not limited to disciplinary action, up to and including termination of employment, or other remedial action.

Any individual who is found to be responsible for unlawful discrimination, harassment and/or retaliation may be subject to disciplinary action up to and including termination of employment and banning of vendors or clients from TPLV premises.

Turning Point of Lehigh Valley will not retaliate against any employee, volunteer, client or contractor for filing a complaint in good faith or participating in an investigation, and may not permit retaliation by management, employees, volunteers, co-workers, clients, or contractors.

***Other Complaint Procedures***

An employee, volunteer, client or contractor may also direct a complaint to the Pennsylvania Human Relations Commission (PHRC) or Federal Equal Employment Opportunity Commission (EEOC), which has authority to conduct investigations of the facts. An employee may contact the nearest State or Federal agency.

***False Accusations and Information***

Any employee who knowingly makes a false accusation of unlawful discrimination, harassment and/or retaliation or knowingly provides false or incomplete information during an investigation of a complaint may be subject to disciplinary action up to and including termination of employment even for the first offense.

A complaint made in good faith, even if found to be unsubstantiated, is not considered to be a false accusation.

This policy may be posted in well-lit and frequently used areas of each TPLV facility to ensure it is easily-accessible to staff.

***Exceptions:***

Exceptions to this policy may be considered on a case-by-case basis. Exception requests must be made in writing and submitted to the Executive Director. Such requests will be considered on a one-time basis. If the exception is granted, the exception does not set a precedent or establish a new practice.

***References to Other Policies:***

EQUAL EMPLOYMENT OPPORTUNITY

SEPARATION OF EMPLOYMENT

***References to Forms:***

Incident Report