

PROCEDURE

Series:	HR Work Environment	COA: HR 1.02 Related: RPM 1, RPM 2.01
Procedure Name:	Anti Harassment	
Procedure Number:	HR 2303	
Reviewed Date:	3/2013, 12/1/15	
Revision #/Date:	3/2007 (2) 8/11/14, (3) 5/1/19	
Effective Date:	September 2004	
Applicable to:	BFP Family of Agencies (FOA) staff, volunteers, independent contractors, interns, temporary staff, vendors, clients, partner staff	

PURPOSE: The BFP FOA is firmly committed to maintaining a positive, productive working environment free from illegal acts of harassment. The FOA 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 BFP FOA promotes a workplace that is free of inappropriate conduct, including offensive physical, verbal and/or 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. The BFP FOA has zero tolerance for harassment of any kind.

References: HR 2201, Equal Employment Opportunity, HR 2805, Employee Grievance

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Definitions The term “harassment” includes harassment based on any category protected by federal, state or local law, which may include depending on the jurisdiction, but is not limited to, unwelcome slurs, jokes, or verbal, graphic or physical conduct relating to an individual's race, color, religious creed, sex, national origin, ancestry, citizenship status, pregnancy, childbirth, physical disability, mental disability, age, military status or status as a Vietnam-era or special disabled veteran, marital status, registered domestic partner or civil union status, gender (including sex stereotyping and gender identity or expression), medical condition (including, but not limited to, cancer related or HIV/AIDS related), genetic information or sexual orientation.

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.

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.

Overview

1. All new employees of the FOA are provided with the agencies' Anti-Harassment Policy and sign an acknowledgement that they have been informed of this and other procedures which are listed on the agency website. This acknowledgement of receipt is maintained in the employee's personnel file.
2. The FOA 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 on the employee's training log.
3. Additionally, all employees complete annual Civil Rights Training 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 they find offensive. 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

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 completely and directly report the incident to the Human Resources Manager and/or the Insperity Anti-Harassment Hot Line at 800-242-8893, ext. 3000.
- 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 Human Resources Manager 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 or designee within ten business days of notification from the Human Resources Manager.
- 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 or designee will take whatever additional steps are deemed necessary, if any, and will respond to the employee in writing within ten (10) business days of notification or within ten (10) business 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 Human Resources Manager if appropriate.
- If the harassment is from a vendor or client the agency will take appropriate action to stop the complained-of-conduct.
- The FOA will not in any way retaliate against an individual who makes a report of harassment, nor will the agency permit any supervisor, Executive or employee to do so. Retaliation is a serious violation of this harassment procedure and should be reported immediately.
- The FOA does 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 ensuring a workplace free from any and all acts of harassment including sexual harassment is maintained.
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 may 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 Human Resources Manager immediately will be subject to disciplinary action up to and including termination.



BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:

A handwritten signature in blue ink that reads "Philip J. Scarpelli".

MR. PHILIP J. SCARPELLI
Chief Executive Officer
Brevard Family Partnership Family of Agencies

APPROVAL DATE: [1/22/2020](#)