

HR #20 ANTI-DISCRIMINATION AND HARASSMENT POLICY

PURPOSE: Surrey Services for Seniors is a place of civility and mutual respect. Surrey is committed to providing its members, employees, volunteers, and third parties with a work environment free from all forms of discrimination or harassment. Under this policy, forms of discrimination or harassment based upon the following protected categories (the “Protected Categories”) are prohibited and will not be tolerated:

Race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

APPLICABILITY: Acts of discrimination/harassment undermine the integrity of the employment relationship, compromise equal employment opportunity, debilitate morale, and interfere with work productivity. Thus, this policy applies to all members, volunteers, and employees as well as third parties. Employees include all employees whether full or part time including Home Care personnel.

PROHIBITED CONDUCT: It is a violation of this policy to engage in any employment practice or procedure that treats an individual less favorably based upon their being a member of a Protected Category. This policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion, discipline, compensation, fringe benefits, working conditions, and career development.

It is a violation of this policy to use derogatory or demeaning references regarding any of the Protected Categories. A violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another.

Examples of Prohibited Conduct include, but are not limited to:

Discriminating against an individual with regard to terms and conditions of employment because of being in one or more of the Protected Categories referred to in this policy.

Treating an individual differently because of the individual's membership in a Protected Category, or because an individual has or is believed to have the physical, cultural, or linguistic characteristic of a member of a Protected Category.

Treating an individual differently because of marriage to, civil union to, domestic partnership with, or association with persons of a Protected Category, or due to the individual's membership in or association with an organization identified with the interests of a Protected Category, or because an individual's name, domestic partner's name, or spouse's name is associated with a certain Protected Category.

Using slurs, epithets, or calling an individual by an unwanted nickname that refers to one or more of the Protected Categories in this policy or telling jokes or engaging in pranks pertaining to one or more Protected Categories.

Using derogatory references with regard to any of the Protected Categories in any communication.

Engaging in threatening, intimidating, or hostile acts toward another individual in the workplace because that individual belongs to, or is associated with, a Protected Category.

Displaying or distributing material (including electronic communications) in the workplace that contains derogatory or demeaning language or images pertaining to any of the Protected Categories.

SEXUAL HARASSMENT: Sexual harassment is a form of sex discrimination. It is a violation of this policy to engage in sexual harassment of any kind including hostile work environment harassment, quid pro quo harassment, and same-sex harassment. For the purposes of this policy, sexual harassment is defined as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when:

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

Examples of sexual harassment include but are not limited to:

Unwanted physical contact including but not limited to intentional touching, massaging, grabbing, pinching, groping, brushing up against another's body or impeding or blocking movement or sexual assault.

Explicit or implicit suggestions of sexual favors by a supervisor or manager in return for a favorable employment action such as hiring, compensation, evaluation, advancement or promotion, assigned duties or shifts, continued employment, or retention.

Denying a condition of employment because of refusal to subject to sexual advances

Using sexually vulgar or explicit language or making overly familiar remarks including sexual jokes, gender-based comments, inappropriate comments about a person's clothing or appearance, inappropriate comments about a person's sexual orientation, or calling a person a sexualized name.

Repeatedly asking a person to socialize on or off duty when that person has indicated a lack of interest.

Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects, cartoons, posters, magazines, pictures, or other visual matter.

Verbal, written, or electronically sexually suggestive or obscene comments, jokes, or propositions including letters, notes, faxes, emails, photos, text messages, tweets or other social media or internet postings, invitations, or gestures.

Retaliation of any kind for having filed or supported a complaint of sexual harassment or participating in an investigation.

Off-duty conduct occurring at events such as business trips, business meetings or conferences, and business or non-business social events which fall within the above examples and affects the work environment.

COMPLAINTS: All persons have the right and are encouraged to immediately report suspected workplace-related violations of this policy to the appropriate Surrey staff member. If anyone believes that he or she has been the subject of discrimination or harassment that may violate this policy, the violation should be immediately reported to the attention of any one of the following Surrey staff:

*Human Resources Leader

*President & CEO

*Their manager

*Any manager

If a manager or supervisor is notified of a complaint, they should immediately report the complaint to Surrey's President & CEO and/or the Human Resources Leader. Complaints should be reported promptly to ensure proper investigation and remediation of the prohibited conduct. Delays in reporting prohibited conduct can complicate investigations and make the fact-finding more difficult.

After the filing of a complaint, the staff member shall refer the complaint to the President & CEO and/or the Human Resources Leader to investigate, unless the matter is resolved prior to the commencement of an investigation.

INVESTIGATIONS: Upon receipt of a complaint by a member of the Surrey staff, the Human Resources Leader shall acknowledge receipt of the complaint and, *if appropriate*, notify the person(s) against whom the complaint has been made. Upon review of the complaint, the Human Resources Leader shall determine if interim corrective measures are appropriate and communicate interim recommendations to the President & CEO.

Anyone against whom a complaint has been made shall not

have any role, in investigating or adjudicating the complaint or

have any supervisory or advisory role in conjunction with the complaint process over those persons charged with that responsibility

If any responsibility under this policy falls on the person against whom a complaint has been made, that responsibility shall be assigned to another appropriate Surrey staff member. Notwithstanding any provision or procedure contained in this policy to the contrary, if a complaint is made against the Human Resources Leader or President & CEO, the complaint shall be referred to Surrey's Board of directors and/or outside counsel and the duties and responsibilities conferred upon the respective individual contained in this policy with respect to such complaint, shall be conferred upon outside counsel.

Additionally, the investigating party may utilize the assistance of counsel to perform the investigation. The terms, arrangement, and cost of outside counsel shall be determined by the Board of Directors depending upon the entity employing the individual alleged to have committed the prohibited conduct.

INVESTIGATORY REPORTS: An investigatory report will be prepared by the Human Resources Leader. The report should include a summary of the complaint, the parties' positions, the facts developed through the investigation and the concluding analysis and recommendations.

The investigatory report shall be submitted to the following individuals:

For complaints involving the President & CEO, the report will be sent to the assigned member(s) of the Board of Directors, and a copy will be retained by the Human Resources Leader.

For complaints involving the Human Resources Leader, the report will be sent to the President & CEO.

For complaints involving a manager, the report will be sent to the President & CEO, and a copy will be retained by the Human Resources Leader.

For complaints involving a non-manager staff member, the report will be sent to the President & CEO, and a copy will be retained by the Human Resources Leader.

For complaints involving a member, the report will be sent to the President & CEO, the appropriate Member Services staff member, and a copy will be retained by the Human Resources Leader.

For complaints involving a volunteer, the report will be sent to the President & CEO, the appropriate Volunteer Services staff member, and a copy will be retained by the Human Resources Leader.

For a complaint involving any other third party, the report will be sent to the President & CEO, and a copy will be retained by the Human Resources Leader.

LETTER OF FINAL DETERMINATION: Upon receipt and review of the investigatory report, the President & CEO, in collaboration with the Human Resources Leader, shall prepare a final letter of determination to the involved parties accepting or rejecting the recommendation of the report. Any finding against a presiding President & CEO shall be referred to the Board of Directors for a determination of discipline consistent with Surrey's discipline policies.

The final letter of determination shall be issued no later than sixty (60) calendar days after the date of the acknowledgement letter to the complainant.

The timeframe for completion of the investigation and issuance of the final letter of determination may be extended at the discretion of the President & CEO for up to an additional sixty (60) days in exceptional situations. The President & CEO and/or the Human Resources Leader shall advise the parties of the extension in writing.

DISCIPLINARY ACTION FOR EMPLOYEES/MEMBERS/VOLUNTEERS/THIRD PARTIES:

To achieve the goal of maintaining a work environment free from discrimination and harassment, Surrey strictly prohibits the conduct that is described in this policy and reserves the right to take disciplinary action up to and including immediate termination to address any unacceptable conduct that violates this policy *regardless of whether the conduct satisfies the legal definition of discrimination or harassment*. Disciplinary action may include referral for training, referral for counseling, written reprimand, suspension, reassignment, demotion, or termination of employment. Any employee found to have violated this policy will receive a minimum disciplinary action of a written reprimand. Referral to another appropriate authority for review for violation of legal statutes may also be appropriate.

CONFIDENTIALITY: All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy and interest of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with the confidentiality directives may result in disciplinary action including termination.

RETALIATION: Retaliation is any job-related adverse action taken against an individual because of the filing of a good-faith complaint or the participation in the investigation of a discrimination complaint.

Examples of retaliation include, but are not limited to:

Termination, demotion, denial of promotion, denial of training opportunities, negative performance appraisal, altering an employee's work assignment for reasons other than legitimate business reasons, ostracizing an employee (for example, excluding an employee from an activity or privilege offered or provided to all other employees).

Retaliation is prohibited and will not be tolerated. A complaint of retaliation shall be reported to a member of management, the President & CEO, or the Human Resources Leader. The retaliation complaint shall be subject to the same procedure as is followed with a discrimination or harassment complaint pursuant to the policy, for employees, a finding of retaliation may be grounds for disciplinary action, including termination.

FALSE ACCUSATIONS: Any employee, member, volunteer, or third party who knowingly makes a false accusation of prohibited discrimination or knowingly provides false information in the course of an investigation of a discrimination or harassment complaint, may be subjected to disciplinary action including termination for employees.

APPEALS: If a party involved in the reported incident does not agree with its resolution, that party may appeal to the author of the final letter of determination. The appealing party will have fourteen (14) days from the date of the final letter of determination to submit an appeal of the resolution. They must include a copy of the final letter of determination and a written summary outlining their appeal for review. A decision regarding the appeal must be rendered within thirty (30) days.

TRAINING: All employees shall be provided with training on the policy and procedures set forth in this policy and in the Employee Handbook.

OTHER OPTIONS FOR REPORTING PROHIBITED CONDUCT: Nothing in this policy shall prevent an employee, member, volunteer, or third party from filing a complaint directly with external agencies that investigate discrimination charges instead, or in addition to, utilizing this procedure. Complaints may be filed in a variety of ways.

To Surrey directly:

By mail
Human Resources
Surrey Services
60 Surrey Way
Devon, PA 19333

By phone
Human Resources
610-647-6404 main x134
484-843-2512 (direct)

By email
JWhitcomb@surreyservices.org

Jill Whitcomb
President & CEO
Surrey Services
60 Surrey Way
Devon, PA 19333

Jill Whitcomb
President & CEO
610-647-6404 main x101
484-321-6101

JWhitcomb@surreyservices.org

PA State Resources

To Pennsylvania Human Relations Commission directly:

Main office – Harrisburg, PA

By mail	By phone	By email
Pennsylvania Human Relations Commission 333 Market Street 8 th floor Harrisburg, PA 17101	717-737-4410	phrc@pa.gov

Regional Office – Philadelphia PA

Pennsylvania Human Relations Commission 118 North 8 th Street Suite 501 Philadelphia, PA 19107	215-560-2496
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To Equal Employment Opportunity Commission

Federal Resources (EEOC)

By mail	By phone	Electronically	In person
EEOC.gov*	1-800-649-4000	HTTPS://PUBLICPORTAL.EEOC.GOV	EEOC.gov**

*Refer to EEOC.GOV for a list of required information to file a charge by mail

** The EEOC has 53 offices across the US. The list of offices can be found on EEOC.GOV.