

RIVERSIDE DEVELOPMENTAL DISABILITIES

POLICY STATEMENT: P-35

SUBJECT: UNLAWFUL HARASSMENT

Riverside Developmental Disabilities is committed to providing employees, consumers, customers, and suppliers with a workplace and environment free from all forms of unlawful harassment, as well as taking strong action against those who harass.

The Board will take all reasonable steps to prevent or eliminate unlawful harassment by employees and non-employees who are likely to have workplace contact with our employees, including customers, consumers and suppliers. Employees found to have violated this policy will be subject to severe and appropriate discipline, up to and including termination.

Unlawful harassment is discriminatory and is prohibited by law. It is typically directed toward an individual because of the individual's membership in a protected class, such as race, color, religion, sex, national origin, age, ancestry, disability, genetic information, or military status.

Unlawful Harassment may generally be defined as unwelcome conduct based upon a protected class. Unlawful harassment is typically not a single occurring incident, and becomes unlawful when:

- A. Condition of Employment
 - a. Enduring the offensive conduct becomes a condition of employment.
- B. Hostile Environment
 - a. The conduct is severe and pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- C. Quid Pro Quo
 - a. Exists when a supervisor or employee makes a tangible employment decision based on an employee's submission to, or rejection of, harassing behavior. A tangible employment decision includes hiring, firing failing to promote, reassignment with significantly different responsibilities, and/or a decision causing a significant change in benefits or employment status.

One example of unlawful harassment is sexual harassment. Sexual harassment includes, but is not limited to: unwelcome sexual advances, requests for sexual favors, telling sexual jokes, displaying pornographic material, and continual ridiculing based on gender.

The intent of the harasser does not matter – the test for harassment is from the viewpoint of the reasonable person. Unlawful harassment does not generally encompass conduct that is socially

acceptable. But, some conduct that is appropriate socially may be inappropriate in the work place. A victim's perceived acquiescence to the behavior does not negate the existence of unlawful harassment. Inappropriate conduct that an individual perceives as being welcome by another employee may form the basis of a legitimate complaint.

For any employee, applicant, consumer or consumer advocate, who feels that he/she, a fellow employee, applicant, consumer, or consumer advocate has been the victim of unlawful harassment and would like to make a written complaint, the following procedure shall be followed:

- A. The individual shall immediately report the conduct, in a written complaint, to his or her supervisor, appropriate director, the Human Resources Director or the Superintendent;
- B. If the complaint is not submitted directly to the Superintendent, the individual to whom the complaint is made shall immediately inform the Superintendent, and the fact-finding exercise outlined in Policy Statement – P5 Performance Management will begin;
- C. A determination will be made on a case by case basis, and if the investigation reveals the complaint is valid, prompt attention and disciplinary action designed to stop the harassment and prevent its recurrence will be taken;
- D. If deemed necessary, the employee accused of unlawful harassment may be placed on paid or unpaid leave pending the outcome of the pre-disciplinary conference.

Any registered complaint will be dealt with immediately and with confidentiality to the extent possible. Late reporting of complaints and verbal reporting of complaints will not preclude Riverside Developmental Disabilities from acting. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to submit complaints in writing and in an expedient manner following the offensive incident or behavior.

Employees have the obligation to bring harassing situations to the attention of their supervisor, senior management, the Human Resources Director, or the Superintendent as soon as they become aware, since the person they perceive as being harassed may be at risk and need help with the situation. All supervisors and senior management are required to follow up on all claims or concerns, whether written or verbal, by communicating the same to the appropriate Director, the Human Resources Director, or the Superintendent immediately.

Employees reporting a claim of unlawful harassment in good faith will not be adversely affected in terms and conditions of employment, or discriminated against, or discharged because of the complaint. False complaints and accusations deliberately made in bad faith are subject to severe disciplinary action as well since such accusations bring so much social harm and stigma to someone falsely accused. Failure to prove unlawful discrimination, harassment, or retaliation will not constitute a bad faith or false complaint without additional evidence.

Any individual exhibiting discriminatory, retaliatory, or harassing behavior towards an employee who exercises a right under this policy, or to a close personal friend or family member of someone who has exercised a right under this policy, will be subject to discipline, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unaddressed.

Effective date of this policy: 03/19/18

Stu Bol 3/19/18
PRESIDENT DATE

Brian W. Spear 3/19/18
SUPERINTENDENT DATE

Prior effective date(s): 06/20/16; 06/16/14; 06/18/12; 06/17/10; 04/15/08; 02/21/06; 04/15/03; 06/19/01; 04/20/93

Law Human Resources Director
3/19/18 Date