

## **Anti Harassment Policy**

Oakridge Homes- Woodview Support Services (ORH-WSS) working environment shall be free of discrimination and harassment and one where employees are treated with dignity, decency and respect. The environment should enable employees to safely work and learn to their maximum potential; therefore it must be absent of intimidation, oppression and exploitation. This is necessary to accomplish the company's mission. For this reason, ORH-WSS will not tolerate unlawful discrimination or harassment of any kind. ORH-WSS will strive to prevent, correct and discipline behavior that violates this policy by educating employees and enforcing the provisions of this policy.

### **The following is prohibited conduct under this policy**

#### **Discrimination**

- A. It is a violation of this policy to discriminate against employees, in whole or in part, on the basis of the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, marital status, familial status or any other protected status. This includes but is not limited to employment opportunities, benefits or privileges; work conditions; or evaluative standards of employment.
- B. Discrimination of this kind also may be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans With Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these antidiscrimination laws.

#### **Harassment**

Harassment, including sexual harassment, is prohibited by federal and state laws. This policy prohibits harassment of any kind, and the company will take appropriate action to address any violations of this policy. Harassment is defined as verbal or physical conduct designed to threaten, intimidate or coerce. Also, verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job.

Examples of harassment include:

- A. *Verbal*: Comments that are unflattering or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body disability or appearance including but not limited to descriptions, slurs and negative stereotyping.
- B. *Nonverbal*: Distribution, display or discussion of any written or graphic material that ridicules, denigrates insults, belittles, or shows hostility or dislike toward an individual

or group because of national origin, race color, religion, age, gender, sexual orientation, pregnancy, appearance disability, gender identity, marital or other protected status.

### **Sexual Harassment**

Sexual harassment in any form is prohibited under this policy. Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964. 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."

Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

1. Is made explicitly or implicitly a term or condition of employment.
2. Is used as a basis for an employment decision.
3. Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, and that lowers morale and therefore interferes with the workplace environment. Sexual harassment may take different forms.

Examples of behavior that may be considered sexual harassment are:

1. *Verbal*: Sexual innuendoes, suggestive comments, joke of a sexual nature, sexual propositions, lewd remarks, threats. Requests for any type of sexual favor (this includes repeated, unwelcome requests for dates). Verbal abuse or "joking" that is oriented toward a prohibitive form of harassment, including that which is sex oriented and considered unwelcome.
2. *Nonverbal*: The distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, email, photos, text messages, Internet postings, etc., that is sexual in nature.
3. *Physical*: Unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that is acceptable to and welcomed by both parties, is not considered to be harassment, including sexual harassment.

### **Consensual Relationships in the Workplace**

ORH-WSS strongly discourages consensual romantic or sexual relationships in the workplace, as there are circumstances when these types of relationships are of a concern to ORH-WSS. Examples of consensual relationships subject to this policy include, but are not limited to, relationships-

1. Between supervisor (meaning any person in a position of direct or indirect authority over another—including evaluating or overseeing task performance) and employee (meaning any person working under the supervisor). This type of relationship is prohibited at ORH-WSS as there is an inherent conflict of interest for an individual to exercise direct supervisory and evaluation or participate in hiring, retention, promotion or award decisions on behalf of ORH-WSS for someone with whom there exists a romantic or sexual relationship. These relationships may also give rise to the perception by others that there is favoritism or bias in employment decisions affecting the employee.
2. Between peers where there is no direct or indirect supervision of one employee over the other but work in the same location.

Employees involved in either of these types of workplace relationships are required to notify Human Resources regarding the status of the relationship. Although parties may feel that what they do during non-working hours is their business and not the business of the company, because of potential issues regarding “quid pro quo” harassment, the company has made this a mandatory requirement.

Parties that become involved in either type of relationships listed above, need to be aware that one or both may be moved to a different department or location or that other actions may be taken, especially when the relationship involves a supervisor and an employee over which the supervisor has direct or indirect authority. The decision of relocating an employee to another location will be at the discretion of Human Resources and based on what will be the least disruptive to the company as a whole. If it is determined that one or both parties need to be moved, and there are no jobs in other departments available, the parties will be given the option of terminating their employment or resigning.

At no point, should employees that are involved in a relationship with another employee, exploit that relationship on company property, while they are scheduled to be working or at any other time they may be considered acting on behalf of the company. Employees found to be in violation of this may be subject to disciplinary action up to and including termination.

Relationships of a romantic or sexual nature between an employee and client are strictly prohibited and a violation of the Vulnerable Adult Act. The employee will be subject to immediate termination and a vulnerable adult violation will be reported to all required agencies including the local authorities.

### **Retaliation**

For the purpose of this policy, retaliation is about making people afraid to complain or assert their rights. Therefore, no hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:

1. Filing or responding to a complaint of discrimination or harassment.
2. Appearing as a witness in the investigation of a complaint.
3. Serving as an investigator.

Retaliation or attempted retaliation is a violation of this policy and anyone who does so may be subject to disciplinary action up to and including termination.

### **Filing a harassment complaint**

A person who feels they have been harassed, discriminated or retaliated against or has witnessed such behavior should file a written complaint with Human Resources. Any supervisor that observes or is made aware that harassment or discrimination is occurring should report it to Human Resources immediately.

Confidentiality of the investigation information, individuals' involvement and wishes of the person filing the complaint will be strictly maintained by ORH-WSS and those involved in the investigation to the greatest extent possible; however, complete confidentiality cannot be guaranteed in order to fully investigate and act upon the complaint. Any notes or documents written or received during the investigation will also be kept confidential according to state and federal law.

Upon receiving the complaint, or receiving notice from a supervisor that violation of this policy may be occurring, the HR director will notify the Board of Directors and review the complaint.

Within three (3) working days of receiving the complaint, the HR director will:

1. Contact the person who reported the complaint to let them know the complaint was received and is being considered.
2. Notify the person(s) charged of a complaint (respondent).
3. Initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.

During the investigation, the HR director, together with legal counsel or other management employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.

Upon conclusion of the investigation, the HR director will submit a report of his or her findings to the company. If it is determined that there was a violation of this policy, the HR director will recommend appropriate disciplinary action to the Board of Directors. If the investigation is inconclusive or it is determined there has been no violation but some type of concerning behavior is determined, the HR director will recommend any action necessary to prevent future complaints of the same nature.

The HR director will separately notify the complainant and respondent within five (5) business days after the investigation is concluded of the findings of the investigation and to inform them of the action being recommended by the HR director. If the complainant or respondent disagree with the decision based on the findings of the investigation, they may submit a written statement to the Board of Directors as to why they would like to challenge the decision. The Board of Directors must receive this written statement within five (5) business days of the notification from the HR director of the results of the investigation.

The Board of Directors, HR director and legal counsel or any other management deemed necessary will review the investigative report and any statements submitted by the complainant or respondent. This group will decide what action, if any, will be taken. The HR director will report the company's decision to the complainant, the respondent and any other management or supervisor deemed necessary. The company's decision will be in writing and will include finding of fact and a statement for or against disciplinary action. If disciplinary action is to be taken, it will be stated.

Nothing in this policy shall prevent the complainant or the respondent from pursuing formal legal remedies or resolution through state or federal agencies or the courts.