

**Cottonwood, Inc.
Policies and Procedures**

SECTION: Personnel

POLICY NO: 03-025

SUBJECT: Harassment

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EFFECTIVE DATE: November 1987

Policy:

It is the policy of Cottonwood, Inc. to maintain a work environment free of unlawful discrimination for all employees. Cottonwood, Inc. employees have the right to work in an environment that protects them from harassment that is based on race, color, religion, age, genetic information, veteran status, sexual orientation, FMLA and/or domestic leave status, national origin or ancestry, gender, or disability. This policy covers all aspects of employment from recruitment to termination.

Cottonwood, Inc. will not tolerate verbal, physical, or electronic conduct by any employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, hostile or offensive working environment. All employees have the responsibility to maintain the work place free of unlawful harassment or discrimination.

Procedures:

1. According to the Equal Employment Opportunity Commission's (EEOC) Guidelines, sexual harassment is defined as: "Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- B. Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."
- D. Forms of harassment include, but are not limited to:
 1. Verbal- repeated sexual innuendoes, racial or sexual epithets, and unwelcome comments, questions regarding religious beliefs, derogatory slurs, off-color jokes, propositions, threats, suggestive or insulting sounds
 2. Visual/Nonverbal- derogatory, vulgar or sex-oriented posters, cartoons, emails or drawings, suggestive objects or pictures, graphic commentaries, leering, or obscene gestures
 3. Physical- unwanted physical contact including touching, pinching, patting, interference with an individual's normal work movement, assault.

4. Other- making or threatening reprisals as a result of a negative response to harassment

2. The EEOC has reiterated that harassment based on any of the following specific conditions is against the law:

- A. Affiliation (e.g., an employee is a member of a certain religion)
- B. Physical or cultural traits or clothing
- C. Perception (e.g., an employee is believed to be a member of a certain religion)
- D. Association (e.g., an employee's spouse is a member of a certain religion)

3. Any employee who believes that the actions or words of another person constitutes unwelcome harassment or discrimination has a responsibility to report it as soon as possible to his/her supervisor (or the Human Resource Director, department director or CEO if the complaint involves the supervisor). In all cases, the Human Resource Director should be informed immediately.

4. Confidentiality is to be maintained when possible. However, appropriate and involved staff and legal counsel will need to know the allegations in order to conduct a thorough investigation. The supervisor should communicate to the employee making the complaint that they have the right to follow harassment proceedings without fear of reprisal or retaliation.

5. All complaints will have investigations initiated within 5 working days by the person receiving the complaint or their surrogate and the HR Director and documented in an impartial and confidential manner. The facts will determine the response to each allegation. The employee will be told whether the allegations are substantiated or not, but will not be told of any discipline resulting from the investigation. This decision is final if it meets the following conditions: the allegation is unsubstantiated; the investigation is non-conclusive. In the event the above criteria are not met, or it is alleged that the investigation was conducted so as to result in a discriminatory or retaliatory act (incomplete or flawed investigation) either party may appeal the decision per Policy 03-026.

6. The HR Director will maintain a confidential investigation file containing all interview notes and an analysis of documents reviewed.

7. If the harassment complaint involves the CEO, the complaining employee should address his/her written complaint to the President of the Board of Trustees of Cottonwood, Inc. The President of the Board of Trustees will review the complaint and all documentation involved with the complaint, consult with relevant staff including the HR Director, and schedule investigative interviews if necessary. The President will issue his/her decision within 15 working days of initiating the investigation. The decision of the President is final.

8. Any employee who is determined to have engaged in harassment will be subject to appropriate disciplinary action depending upon the circumstances up to and including termination. Possible actions include: an apology to the complainant, placing the employee on probation or requiring training, transferring shifts or locations to minimize contact, demotion or reduction in pay, suspension, and termination. These are examples and not assumed to be exhaustive or progressive.

9. Every employee reviews this policy upon hire and as a component of the Annual Training Checklist and their signature indicates acceptance and adherence to this policy.