

POLICY PROHIBITING UNLAWFUL WORKPLACE DISCRIMINATION AND HARASSMENT

Applicability: This policy applies to all Oak Hill employees, officers, corporators, committee members, directors and agents.

I. General Provisions

Oak Hill promotes a workplace that is free of all forms of illegal discrimination and harassment, including discrimination and harassment based on: race, color, religion, age, sex (including pregnancy), marital status, sexual orientation, civil union status, national origin, ancestry, disability, veteran status, genetic information, gender identity or gender expression, or any other characteristic protected by law. "Gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Because Oak Hill takes allegations of harassment in violation of this policy seriously, we will respond promptly to complaints of harassment, and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and employ such corrective action as is necessary, up to and including termination of employment where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of harassment, the policy is not designed nor is it intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the legal definition of harassment.

Management and supervisory employees are charged with the additional responsibility of discouraging any sexual or other types of harassing behavior within their areas of responsibility and throughout the agency. Each manager and supervisor must report any sexual or other harassing behavior or complaints of such behavior immediately to the EEO Officer for investigation and possible action.

II. Discriminatory Harassment

Harassment based on any of the above characteristics, whether occurring in the workplace or in any other setting in which employees find themselves in connection with their employment, is unlawful and will not be tolerated by Oak Hill.

Harassment refers to behavior that is not welcome, is offensive (or reasonably perceived as offensive by the recipient), and which interferes with an employee's work

performance. What is important is how the words or actions are perceived, not what is intended. Conduct which may be acceptable in social settings may not be appropriate in the workplace. You, therefore, are expected to refrain from behavior, such as that described in this policy, which may be offensive to others. You should also expect co-workers and supervisors to likewise provide you with a working environment free of such behavior. Besides being degrading, such harassment is illegal.

A. Definitions of Sexual Harassment

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964, as well as Connecticut State law. In Connecticut, the legal definition for sexual harassment is this:

Conn. Gen. Stat §46a-60 Discriminatory Employment Practices Prohibited. (a) It shall be a discriminatory practice in violation of this section:

(8) for an employer by himself or his agent, for an employment agency by itself or its agent, or for any labor organization, by itself or its agent, to harass any employee, person seeking employment or member on the basis of sex. "Sexual harassment" shall for the purposes of this section, be defined as any unwelcome sexual advances or request for sexual favors or any 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 individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Under this definition, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating or humiliating to male or female workers may also constitute sexual harassment.

Sexual harassment may take many forms. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment, depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or verbal references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activities, deficiencies or prowess;

- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiring into one's sexual experiences and discussion of one's sexual activities.

Sexual harassment may be overt or subtle. Some behavior which is appropriate in a social setting may not be appropriate in the workplace. Silence or even participation by an employee may not mean that the conduct is welcome, but may only reflect an employee's deference to supervisory authority, or discomfort with direct confrontation.

B. Other Forms of Harassment.

This policy prohibits harassment based on any protected category as described in Section I of this Policy. Creating an intimidating, hostile or offensive working environment based on a person's race, color, religion, age, sex, pregnancy, marital status, sexual orientation, civil union status, national origin, ancestry, disability, veteran status, genetic information, gender expression or gender identity, or any other characteristic protected by law is strictly prohibited.

III. Complaint Procedure

When an employee feels that he/she has been the subject of sexual or other form of harassment, Oak Hill encourages the employee to make clear to the harasser that his/her actions are offensive and unwelcome. If this approach does not end the offensive behavior or if the employee is unable or unwilling to approach the harasser, the employee should report the alleged act immediately to either the EEO Officer or the employee's department head. **Under no circumstances need an employee report harassment to an individual whom s/he has accused of harassment.**

Oak Hill shall investigate all such complaints promptly and thoroughly. At the employee's request, his/her program supervisor or department head may serve as a liaison with the EEO Officer or directly participate in the investigation.

IV. Investigation

Oak Hill treats complaints of unlawful harassment with utmost seriousness. Therefore, it is important that you provide a full and accurate account of events so that we can conduct a full and fair investigation. All employees are required to cooperate, as needed, in the investigation to help us ensure a workplace free of harassment.

Oak Hill will investigate complaints of harassment on an expeditious basis, consistent with the scope of the complaint, availability of witnesses, and other pertinent factors to assure a thorough review. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

V. Confidentiality

To the extent practicable and except as required by state or federal law, Oak Hill will attempt to keep complaints and the terms of their resolution confidential, except that Oak Hill will notify the complainant and the alleged harasser of the results of the investigation. Failure to participate in this process may limit an employee's remedies under state and federal law.

VI. Disciplinary Action

If an investigation confirms that harassment has occurred, Oak Hill will take appropriate corrective action, including such discipline (up to and including discharge) as is appropriate. We will also act to eradicate harassment, even in the absence of a complaint, should known violations of the policy occur in the workplace or in employment related activities.

VII. No Retaliation.

Oak Hill prohibits retaliation of any kind against a person who complains or who is believed to have complained about sexual or other forms of harassment, or anyone who is within a victim's zone of interests. However, the reporting of malicious and/or knowingly false claims is not protected and may be grounds for disciplinary action, up to and including discharge.

VIII. Dissemination

Oak Hill shall disseminate this policy and provide appropriate training as may be required by state or federal law.

Nothing in this policy should be construed to abrogate your obligations to respond to or report a harassment complaint.

Cross-reference: Discipline and Discharge
 Equal Opportunity
 Standards of Conduct and Workplace Behavior

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