

United Way of Lincoln and Lancaster County

Sexual and Other Unlawful Harassment Policy

Introduction

United Way of Lincoln and Lancaster County (UWLLC) is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, UWLLC expects that all relationships among persons in the office will be business-like and free of explicit bias, prejudice and harassment.

UWLLC has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. UWLLC will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Equal Employment Opportunity

It is the policy of UWLLC to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law. UWLLC prohibits any such discrimination or harassment.

Sexual Harassment

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 such conduct is made either explicitly or implicitly a term or condition of an individual's employment
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
- 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

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender, sex, gender identity, or gender expression. Sexual harassment may also include harassment that is based on sex, although not sexual or suggestive in nature.

Examples of conduct that violate this Sexual Harassment policy include:

- Sexual assaults, including rape and molestation, and attempts or threats to commit these assaults

- Unwanted intentional contact of a sexual or suggestive nature, such as touching, pinching, patting, grabbing, kissing, brushing against or poking a person's body
- Leering, whistling or gesturing to or about another person in a sexually suggestive manner
- Unwanted sexual advances, propositions or comments, including invitations to or requests for a date or requests for sexual favors
- Sexually-oriented jokes or comments about a person's sexuality or sexual experience, including boasts or speculation about sexual prowess or teasing or taunts about sexual deficiencies
- Other innuendo, whether verbal or non-verbal, of a sexual nature
- Preferential treatment or the promise of preferential treatment to a staff member for engaging in sexual conduct
- Displaying or publicizing pictures, posters, reading materials, calendars, objects, etc. that are sexually suggestive, sexually demeaning or pornographic
- Disciplining or retaliating against a staff member in any way because s/he has resisted, reported or complained about harassment. This includes threatening to discipline or retaliate against a staff member
- Other physical, verbal or visual conduct of a sexual nature.

This is only a partial list, and UWLLC reminds employees that unwelcome harassment can take many forms, all of which are unacceptable. Any employee who is found to have engaged in any form of sexual harassment of another employee, or of a third-party, will be subject to discipline up to and including possible termination of employment.

Harassment

Harassment on the basis of any protected characteristic is strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment,
- has the purpose or effect of unreasonably interfering with an individual's work performance
- otherwise adversely affects an individual's employment opportunities

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

In addition, UWLLC will not tolerate harassment and/or bullying of any kind in the workplace. Bullying is defined as any words or actions that make a person feel uncomfortable, threatened

or intimidated. UWLLC is committed to providing an environment where all employees can work in a safe and professional atmosphere.

Individuals and Conduct Covered

These policies apply to all employees, and non-employees who have a work relationship with UWLLC including vendors, suppliers, contractors, board members, committee members, and volunteers. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Reporting an Incident of Harassment, Discrimination or Retaliation

UWLLC encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, the Senior Director of Finance and Administration, and/or the Executive Director.

All employees of UWLLC should report any incident of potentially harassing, discriminatory, or retaliatory conduct that they have been made aware of or have witnessed. Incidences should be reported to the Senior Director of Finance and Administration who will inform the Executive Director. Steps will then be taken to initiate corrective action and/or a proper investigation (See Investigation Procedure below.)

UWLLC also encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. UWLLC recognizes, however, that an individual may prefer to pursue the matter through formal complaint procedures.

Investigation Procedure

Upon receipt of a complaint of harassment, discrimination or retaliation, the Senior Director of Finance and Administration and/or the Executive Director will determine the appropriate individual to review the matter. Under no circumstances will a complaint be assigned for investigation to a UWLLC employee who is in the reporting chain of either the complaining employee or the subject of the investigation. In the event the subject of the complaint involves the Senior Director of Finance and Administration, the complaint should be directly referred to the Executive Director for investigation. In the event the subject of the complaint involves the Executive Director, the complaint should be referred to the Board Chair and/or Executive Committee for investigation.

The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Any employee who is asked to provide information to an investigator reviewing a workplace complaint shall cooperate, meaning the employee must attend the interview and give full and truthful information to the investigator. Refusal to provide information in connection with a workplace investigation, or the falsification or concealment of evidence in a workplace investigation, may be grounds for disciplinary action up to and including possible termination of employment. UWLLC will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

The allegation and outcome of the investigation will be reported to the Board Chair and/or the Executive Committee.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as UWLLC believes appropriate under the circumstances. If a party to a complaint does not agree with its resolution, that party may appeal to UWLLC's Executive Director and/or the Senior Director of Finance and Administration. False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

Retaliation Prohibited

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed in accordance with the investigation procedure outlined above. Cooperation with workplace investigators who are reviewing reports of suspected retaliation is expected, and failure or refusal to cooperate may give rise to discipline up to and including termination of employment.

Substantiated complaints of retaliation, like harassment or discrimination itself, will lead to appropriate corrective action, which can involve disciplinary action up to and including termination of employment. If appropriate, UWLLC may also take other corrective action, such as: training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment, depending on the circumstances. With regard to acts of harassment by or to vendors, suppliers, contractors, board members, committee members, and volunteers, appropriate corrective action will be taken as outlined in this policy.