

conduct; (ii) Prior complaints made by the complainant; (iii) Prior complaints made against the respondent; (iv) The quality of the evidence (first-hand knowledge, credible corroboration etc.). If the investigation is inconclusive or it is determined that there has not been a violation of this policy, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.

3. Alternative Legal Remedies

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

1. Vermont Attorney General's office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, tel: (802) 828-3171 (voice/TDD). Complaints must be filed within 300 days of the adverse actions.
2. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel: (617) 565-3200 (voice), (617) 565-3204 (TDD). Complaints must be filed within 300 days of the adverse action.
3. Vermont Human Rights Commission, 135 State Street, Montpelier, VT 05633-6301, tel: (802) 828-2480 (voice/TDD). Complaints must be filed within 360 days of the adverse action.

A copy of this policy will be provided to all employees. Extra copies will be available by contacting Human Resources at 229-1399.

Upon request, reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment or discrimination.

E. THE COMPLAINT PROCESS

Any person electing to utilize this complaint resolution procedure will be treated courteously. The complaint will be investigated promptly and as confidentially as feasible in light of the need to take appropriate corrective action. The registering of a complaint in good faith will in no way be used against the complainant nor will it have an adverse impact on the individual's employment status or status as a client or contractor of WCMH. While reporting such incidents could be a difficult personal experience, allowing harassment activities to continue will most certainly lead to less desirable outcomes. For that reason, employees and other persons are strongly urged to utilize this procedure. However, filing groundless and malicious complaints is an abuse of this policy and is prohibited.

1. Confidentiality

During the complaint process, while the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person regarding action by the office cannot be guaranteed in every instance, they will be protected to as great a degree as is legally possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the company's legal obligation to act upon the charge and the right of the charged party to obtain information. In most cases confidentiality will be strictly maintained by the company and those involved in the investigation; however, confidentiality cannot be guaranteed in every instance. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

2. Complaint Procedure

Any individual who believes that she or been the target of harassment or discrimination, or who believes she or has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged and expected to directly inform the offending person or persons that such conduct is offensive and must stop. A person who feels harassed, discriminated or retaliated against is encouraged and expected to report the situation as soon as possible to the Human Resources Director (who has been designated to receive such complaints) or to the Executive Director.

Upon receiving the complaint or being advised by a supervisor, manager or employee that a violation of this policy may be occurring, the Human Resources Director or designee will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.

During the investigation, the Human Resources Director, together with legal counsel or other management employee, will take all necessary steps to ensure that the matter is promptly investigated and addressed. This may include interviewing the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred. The Agency is committed, and required by law, to take action if it learns of potential unlawful harassment, even if the aggrieved employee, tenant or client does not wish to formally file a complaint.

If it is determined that harassment or discrimination in violation of this company's policy has occurred, the Human Resources Director will recommend appropriate action. The appropriate action will depend on the following factors: (i) The severity, frequency and pervasiveness of the

1. "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions, better working hours, etc., are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity can engage in quid pro quo harassment. Example: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
2. "Hostile work environment," where the harassment creates an offensive and unpleasant working environment. Hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, emails, cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

C. RETALIATION

No adverse action, loss or benefit or penalty may be imposed on an employee for:

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

D. RESPONSIBILITIES

Employees

- Be familiar with and behave in accordance with this policy.
- If you feel that you have been the target of harassment or discrimination you are encouraged and expected to directly inform the offending person or persons that such conduct is offensive and must stop.
- If you are a witness to discrimination or harassment, report incidents to your supervisor or Human Resources Director as appropriate.

Managers and supervisors

- Ensure that all employees are aware of the non-discrimination, anti-harassment policy and procedures.
- Provide leadership and role-modeling in appropriate professional behavior.
- If you become aware that discrimination or harassment might be occurring, either from personal observation or as a result of an employee coming forward, you should immediately report it to the Human Resources Director. Failure by a manager or supervisor to appropriately report or address such complaints or suspected acts shall be considered to be in violation of this policy.

Human Resources

- Respond promptly, sensitively and confidentially to all situations where inappropriate behavior is observed or alleged to have occurred.

2. Nonverbal: Distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, disability, gender identity, appearance, marital or other protected status.

3. 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, that lowers morale and therefore interferes with work effectiveness. Sexual harassment may take different forms.

Examples of conduct that may constitute sexual harassment are:

Verbal: Sexual innuendoes, suggestive comments, jokes 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 "kidding" that is oriented toward a prohibitive form of harassment, including that which is sex oriented and considered unwelcome.

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.

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.

An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on employer premises and whether or not the incidents occur during working hours.

There are basically two types of sexual harassment:

WASHINGTON COUNTY MENTAL HEALTH SERVICES, INC.
NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

A. POLICY STATEMENT

WCMHS embraces and encourages our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique. All employees of WCMHS have a responsibility to treat others with dignity and respect at all times. Employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other company-sponsored and participative events.

WCMHS will not tolerate unlawful discrimination or harassment. This type of behavior is unacceptable because it breaches principles of equality and fairness, and it frequently represents an abuse of power and authority. Through enforcement of this policy and by education of employees, WCMHS will seek to prevent, correct and discipline behavior that violates this policy. All employees, regardless of their positions, as well as clients and tenants are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action, up to and including termination of employment, will be taken against any employee who violates this policy.

B. PROHIBITED CONDUCT UNDER THIS POLICY

1. Discrimination

It is a violation of this policy to discriminate in the provision of employment, benefits or privileges; to create discriminatory conditions; or to use discriminatory evaluative standards if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

Discrimination of this kind also may be 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, the Americans With Disabilities Act of 1990 ("ADA"), and the Vermont Fair Employment Practices Act, 21 VSA §495 *et seq.* This policy is intended to comply with these antidiscrimination laws.

2. Harassment

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

Examples of harassment are:

1. Verbal: Comments that are not flattering or are unwelcome regarding a person's national origin, race, color, religion, age, gender, sexual orientation, disability, gender identity, appearance, marital or other protected status. Epithets, slurs, negative stereotyping.