

Fairhill Center

SEXUAL HARASSMENT POLICY

I. Statement of Policy

Fairhill is committed to maintaining a work environment that encourages and fosters appropriate conduct among employees or volunteers and respect for individual values and sensibilities. Accordingly, Fairhill intends to enforce its Sexual Harassment Policy at all levels within the work place in order to create an environment free from discrimination of any kind, including sexual harassment.

Sexual harassment, according to the Equal Employment Opportunity Commission and for the purposes of this policy, consists of unwelcome sexual advances, requests for sexual favors, other verbal or non-verbal or physical acts of a sexual or sex-based nature, where:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; or
2. An employment decision affecting an employee or volunteer is based on that individual's acceptance or rejection of such conduct; or
3. Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment can occur between men and women or members of the same gender. This behavior is unacceptable in the work place or in other work-related settings.

It is unlawful to retaliate in any way against anyone who has complained of sexual harassment or discrimination, whether that concern relates to harassment of or discrimination against the individual raising the concern or against another individual. Where sexually-oriented acts or sex-based conduct is directed by a supervisor toward a subordinate, the former will be held to a higher standard of accountability because of the degree of control and influence he or she is perceived to have over the employment conditions and benefits of the subordinate.

II. Prohibited Conduct

Prohibited acts of sexual harassment can take a variety of forms. At times, the offender may be unaware that his or her conduct could be offensive or harassing to others. Examples of conduct which could be considered sexual harassment include:

1. Persistent or unwelcome flirting, pressure for dates, sexual comments or touching;
2. Sexually suggestive jokes, gestures, or sounds directed toward another or sexually oriented comments directed toward another;

3. preferential treatment or the promise of preferential treatment to an employee or volunteer in exchange for dates or sexual conduct; or the denial or threat of denial or employment benefits or advancement for refusal to consent to sexual advances;
4. The open display of sexually oriented pictures, posters or other material offensive to others;
5. Retaliation against an individual for reporting sexually harassing conduct.

III. Individuals Covered Under the Policy

This policy covers all employees and volunteers. Fairhill will not tolerate, condone or allow sexual harassment by any employee or volunteer or by those who conduct business with the organization. Fairhill supports and encourages reporting of all incidents of sexual harassment, regardless of who the offender may be, and will promptly investigate all reported incidents. Where the alleged offender is not an employee or volunteer of Fairhill, Fairhill's management, in consultation with the complainant, will review the complaint and make every effort to identify a reasonable remedy if sexual harassment has been confirmed.

IV. Complaint Process

Fairhill encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome. Fairhill recognizes, however, that power and status differences between individuals may make such communication impossible. If informal, direct communication is ineffectual or impossible, or even if it has occurred, the following steps should be taken:

1. Report suspected sexual harassment to the immediate supervisor except where that person is the individual accused of harassment. In that case, the complaint should be reported to the President / CEO. If the President / CEO is the individual's supervisor and the person accused the harassment, the complaint should be reported to the Chairperson of the Board of Directors. The report may be made either orally or in writing. However, to initiate an official investigation, a request must be made in writing.
2. When a written complaint has been received, the supervisor, the President / CEO or the Board Chairperson will initiate an investigation within five (5) working days of notification.
3. The investigating person shall prepare a written report within ten (10) working days, unless extenuating circumstances prevent this time line. The report shall include a finding that the alleged sexual harassment did or did not occur, or that there is inconclusive evidence. A copy of the report will be given to the Complainant, the individual(s) to whom the suspected harassment was directed, and the individual

accused of harassment.

4. Every effort will be made to keep matters related to the investigation confidential. In the event of a lawsuit, however, Fairhill advises that the records it maintains and the Complainant maintains may not be considered privileged from disclosure.
5. Fairhill encourages prompt reporting of complaints.
6. Fairhill will not in any way retaliate against an individual who makes a report of sexual harassment, or permit any employee or volunteer to do so.
7. If either party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit written comments within five working days of receiving the decision to the President / CEO, whose decision is final except in the case where the President / CEO is the subject of the complaint. If the President / CEO is the subject of the complaint, appeal may be made to the Board Chairperson.

V. Discipline

Disciplinary action will be taken against any employee or volunteer found to have engaged in sexual harassment. The extent of sanctions may depend upon the nature of the offense. Fairhill has the right to apply any sanction up to and including termination, to deal with unreasonable conduct or discrimination.

Where a hostile work environment has been found to exist, Fairhill will take all necessary steps to eliminate the conduct creating such an environment

If an investigation results in a finding that the Complainant falsely accused another of sexual harassment knowingly or maliciously, the Complainant will be subject to appropriate sanctions, up to and including termination.

This policy is not a contractual obligation and Fairhill reserves the right to amend the policy from time to time as it may see fit.