

AFT Guild, Local 1931
Non-Discrimination and Anti-Harassment Employment Policy
First Reading October 4, 2018

The Guild, your employer, 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 bias, prejudice, and discriminatory practices, including harassment. This policy of non-discrimination and anti-harassment applies to all aspects of the relationship between the Guild and its employees, including but not limited to: recruitment, employment, promotion, training, working conditions, wages and salary administration, employee benefits, and application of policies. The policies and principles of non-discrimination and anti-harassment also apply to the selection and treatment of independent contractors, personnel working on Guild premises who are employed by third parties and any other persons or firms doing business for or with the Guild. This policy applies without exception to all Guild employees.

Discrimination and harassment of any applicant or employee on the basis of his or her membership in a protected class is strictly prohibited.

Definitions

A. Discrimination

It is discrimination for any employer to make any decision regarding the terms or conditions of employment on an employee's race, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic protected by law.

B. Harassment

Harassment consists of unwelcome verbal, visual, or physical conduct that is based on another person's race, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic protected by law. It may include, but is not limited to, actions such as use of epithets, slurs, negative stereotyping, jokes, or threatening, intimidating or hostile acts that relate to sex, gender identity, race, age, disability, or other protected categories. Harassment may also include written or graphic material that denigrates or shows hostility toward an individual or group based on protected characteristics, whether that material is sent by email, placed on walls, bulletin boards, computer screens or other devices.

C. Sexual/Gender Harassment

For the purpose of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Gender-based harassment – not involving sexual activity or language but that is directed at someone because of his or her gender – is also a form of unlawful harassment.

Sexual/gender harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender: any form of harassment based on gender or gender stereotypes is prohibited. Depending on the circumstances, prohibited behaviors may include, but are not limited to, unwanted or unwelcome: sexual advances or requests for sexual favors; sexual jokes, innuendo and banter; verbal abuse of a sexual nature; gender-based belittling or patronizing comments; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures about sex or any gender in general; display or circulation in the workplace of sexually

suggestive objects or pictures; generalized sexist slurs; gender-derogatory nicknames; demeaning or insulting conduct that conveys negative attitudes about one's gender identity.

D. Other Forms of Prohibited Discrimination and Harassment

It is a violation of this policy for any employee to engage in unwelcome and offensive conduct that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment for others; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities, and such conduct is based on an applicant's age (40 or over), sex, race, color, religion, creed, national origin, disability, veteran or military status, pregnancy, sexual orientation, gender identity or expression, marital status, alienage or citizenship status, genetic predisposition or carrier status, or other legally protected status or based on such applicant's or employee's relationship or association with an individual in a legally protected group. Examples of prohibited conduct include, but are not limited to: jokes about a person's protected class or status; degrading or humiliating statements about protected class or status; pictures or gestures which depict negatively a protected class or status; and other expressions of stereotypical or prejudicial attitudes about protected class or status membership. Engaging in such conduct whether that material is sent by email, placed on walls, bulletin boards, computer screens or other devices is also specifically prohibited.

Non-Retaliation Policy

The Guild prohibits retaliation against any applicant or employee who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against any applicant or employee for reporting harassment or discrimination, or for participating in an investigation of a claim of harassment or discrimination, violates this policy.

Any employee who engages in retaliation is subject to disciplinary action, up to and including termination of employment.

Reporting

1. Any Guild employee who believes that he or she has been the target of discrimination or harassment on the above grounds or who believes that he or she has been subjected to retaliation or other adverse action in connection with claims of discrimination or harassment should report the allegation as soon as possible to the AFT President, who will collaborate with the AFT Executive Council to select an investigative committee of disinterested individuals. If the AFT President is the subject of the complaint, please inform the AFT Grievance Chair (in such circumstances the Grievance Chair will replace the AFT President in all the provisions listed below).
2. The complainant shall provide the investigative committee with a description of the alleged discrimination or harassment in as much detail as possible, including a description of what occurred and the date(s), time(s) and place(s) of the incident(s). The complainant also should provide the names of individuals who he or she believes have information relevant to the investigation. The investigative committee may request that this information be provided in writing.
3. The investigation will be conducted expeditiously, impartially, thoroughly, and in as confidential a manner as possible. During the course of the investigation, the AFT President will inform the individual alleged to have engaged in discrimination or harassment of the complaint, and will give her or him the opportunity to respond to the allegations and to submit the names of individuals who she or he believes have information relevant to the investigation.
4. The investigation may include meeting with the complainant, the accused and other individuals who may have relevant information. Relevant documents also may be reviewed. The investigation will be conducted promptly, thoroughly, impartially and in as confidential a manner as is possible consistent with proper investigation of the complaint.

5. The AFT President will take necessary steps to ensure that discrimination or harassment does not occur during the period of investigation.
6. At the conclusion of the investigation, the investigative committee shall make a determination of whether discrimination or harassment occurred and shall make a report to the AFT Guild's Executive Council, who shall make a determination of the appropriate action to be taken.
7. The Guild will thoroughly investigate every issue that is brought to its attention. Violations of this policy, regardless of whether or not an actual law has been violated, will not be tolerated. Any Guild employee who is found, after an appropriate investigation, to have engaged in discrimination against another AFT employee will be subject to the appropriate disciplinary action, up to and including termination of employment from the Guild.
8. The AFT President will inform both the complainant and the accused of the outcome of the investigation and, in general terms, of any measures taken to correct the discrimination or harassment.
9. If the investigation establishes that discrimination or harassment has occurred, the Guild will take appropriate action to ensure that the discrimination or harassment will not resumed, and that neither the complainant nor any other individual will be subjected to any retaliation for having complained of the discrimination or harassment, reported an incident of apparent discrimination or harassment, or provided information during the investigation.

Individuals Covered

This policy prohibiting discrimination, harassment and retaliation applies to all applicants, AFT Guild employees, and AFT Guild Executive Council Officers. It prohibits discrimination, harassment, and retaliation by fellow employees or AFT Guild Executive Council Officers, by a supervisor or manager, or by someone not directly connected to the Guild (e.g., outside vendors, consultants, or clients).

When non-employees are present on the Guild's premises, they are expected to adhere to the same standards of conduct that are expected from employees. The Guild likewise expects its employees to treat non-employees with the same courtesy and respect as co-workers.

For employees of the Guild who believe they are the target of discrimination or harassment, they may also have a right to file a charge under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or other applicable federal, state or municipal fair-employment-practices law. There are deadlines for filing charges of discrimination or harassment with the Equal Employment Opportunity Commission, or state or municipal fair-employment practices agencies. Those deadlines generally run from the last date of discrimination or harassment, not from the date the complaint to the investigative committee is resolved. Employees of the AFT Guild should contact the EEOC or other applicable state or municipal fair-employment-practices agency if they want more information about filing deadlines.