**United Way of Northeast Kentucky Harassment Policy**

**Adopted: November 2020**

The United Way of Northeast Kentucky (UWNEK) is committed to providing a workplace that is free from sexual harassment and other forms of harassment. In light of the United Way mission to improve lives by mobilizing the caring power of communities around the world to advance the common good, UWNEK employees are responsible for upholding the highest standards of ethical and professional behavior in their dealings with the public, volunteers, program participants, stakeholders and one another. The public has a right to expect high standards of behavior from those who hold themselves out as working for the common good, and we in turn hold ourselves to high standards of behavior. We believe these standards go beyond mere compliance with laws and regulations and call us to fulfill higher obligations as stewards of the public trust.

One of the most basic of our obligations to the public and to one another is to treat all of our colleagues with respect and dignity. UWNEK is committed to providing a workplace free of sexual harassment (which includes harassment based on gender, gender identity or expression, pregnancy, childbirth, or related medical conditions), as well as harassment based on such factors as race, color, creed, sex, national origin, age, physical disability, mental disability, medical condition, veteran status, or any other basis protected by federal or state laws or otherwise protected under UWNEK policy. UWNEK prohibits and will not tolerate harassment of employees by other employees. Similarly, UWNEK will not tolerate harassment by its employees of non-employees (such as vendors, suppliers, contractors or visitors) with whom UWNEK employees have a professional relationship. UWNEK will not tolerate and will promptly address harassment of its employees by nonemployees in the workplace or in any setting in which the employee is performing the work of UWNEK.

**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: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) 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 some of the kinds of conduct that violate this Sexual Harassment policy include:

1. Sexual assaults, including rape and molestation, and attempts or threats to commit these assaults;

2. Unwanted intentional contact of a sexual or suggestive nature, such as touching, pinching, patting, grabbing, kissing, brushing against or poking a person’s body;

3. Leering, whistling or gesturing to or about another person in a sexually suggestive manner;

4. Unwanted sexual advances, propositions or comments, including invitations to or requests for a date or requests for sexual favors;

5. 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;

6. Other innuendo, whether verbal or non-verbal, of a sexual nature;

7. Preferential treatment or the promise of preferential treatment to a staff member for engaging in sexual conduct;

8. Displaying or publicizing pictures, posters, reading materials, calendars, objects, etc. that are sexually suggestive, sexually demeaning or pornographic;

9. Disciplining or retaliating against a staff member in any way because s/he has resisted, reported or complained about sexual harassment, or threatening to discipline or retaliate against a staff member for resisting, reporting or complaining about sexual harassment; and

10. Other physical, verbal or visual conduct of a sexual nature.

This is only a partial list, and UWNEK 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 termination of employment.

**Reporting and Investigation of Harassment**

**Reporting**

If the Executive Director or Board President receives an allegation of sexual harassment, or has reason to believe sexual harassment is occurring, they will take the necessary steps to ensure that the matter is promptly investigated and addressed. If the allegation is determined to be credible, the Executive Director or Board President will take immediate and effective measures to end the unwelcome behavior.

Employees should bear in mind that UWNEK is only able to investigate and address situations of which it is made aware, and that if allegedly harassing or discriminating conduct is never reported, it may never be investigated or corrected.

All UWNEK employees are required to immediately report any incident of potentially harassing, discriminatory, or retaliatory conduct of which they become aware. Failure to immediately report such conduct is grounds for discipline up to and including termination of employment.

UWNEK recognizes that employees may be uncomfortable reporting an incident of suspected harassment or discrimination through a particular channel or to a particular person. Therefore, UWNEK employees who believe they have witnessed or been subjected to possible harassment or discrimination may report the incident(s), verbally or in writing, to any of the following individuals or officers:

• The employee’s own supervisor;

• The Board President; or

• Other Executive Officer

Allegations of sexual harassment shall be reported to the Executive Committee.

**Investigation**

UWNEK is committed to thoroughly investigating reports of suspected discriminatory or harassing behavior, and to taking appropriate action to prevent and correct such behavior, but we can only address what we know about. The Executive Director and/or Board President is responsible for initiating investigations into complaints whether verbal or written, of suspected discrimination, harassment or retaliation. Upon receipt of a complaint of suspected harassment, discrimination or retaliation, the Executive Director and/or Board President will promptly determine the appropriate individual to review the matter. Under no circumstances will a complaint be assigned for investigation to a UWNEK employee who is in the reporting chain of either the complaining employee or the subject of the investigation.

The investigator will have the primary responsibility for reviewing any written materials related to the complaint and for determining which witnesses to interview and whether to conduct follow-up interviews. Any employee who is asked to provide information to an investigator reviewing a workplace complaint must cooperate, meaning the employee must attend the interview and give full and truthful information to the investigator. If a complaining employee refuses to cooperate with a workplace investigation into his or her own complaint, the investigator may draw an inference in favor of the subject of the investigation or otherwise take the complaining employee’s refusal to cooperate into account in the course of fact-finding. 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 discipline up to and including termination of employment.

UWNEK understands that many employees who are called to give information in connection with a workplace investigation are concerned about confidentiality. However, UWNEK cannot guarantee total confidentiality. The investigator will make efforts throughout the investigatory process to treat all evidence presented with discretion and to maintain confidentiality of information to the extent consistent with UWNEK’s need to conduct a full investigation and take appropriate corrective action, if warranted.

**Retaliation Prohibited**

UWNEK understands that employees may be reluctant to report suspected discrimination or harassment, or to participate in a workplace investigation into such issues, out of fear of retaliation. However, employees should be reassured that they can make complaints and give information freely, because UWNEK does not tolerate any retaliation - whether by a peer or a supervisor - against any employee who either complains of suspected harassment or discrimination, or who supports another employee or otherwise participates in a workplace investigation into a complaint of suspected discrimination or harassment.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is strictly prohibited, and such retaliation is a violation of this policy. Acts of suspected retaliation shall be reported immediately and will be promptly investigated and addressed in accordance with the investigation’s procedure outlined above. As with other reports made in connection with this policy, cooperation with workplace investigators who are reviewing reports of suspected retaliation is a job requirement, 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, UWNEK 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 clients, vendors, or contractors, appropriate corrective action will also be taken.

**Media Inquiries**

The Executive Director or designated spokesperson are the only staff members at UWNEK authorized to speak on behalf of the organization or to provide the organization’s official response to a media or press inquiry. Any media or press requests for official comments should be forwarded promptly to the Executive Director.

Employees have the right to discuss the terms and conditions of their employment with any person or entity, including the media. Nothing in this policy is intended to, or should be read to, infringe upon any rights that employees have to discuss the terms and conditions of their employment pursuant to the National Labor Relations Act. Employees who are contacted by the media, or who decide to speak to the media about issues related to the workplace, however, should state clearly that their opinions or positions are theirs alone and do not represent UWNEK’s official policy or position. Moreover, employees who provide maliciously false information to a third party, including the media or a government agency, or who engage in threatening, harassing or discriminatory behavior or behavior that is otherwise unlawful, may be subject to discipline up to and including termination of employment.

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UWNEK Board President Date