

Unlawful Harassment Policy The Pennsylvania Association of School Retirees (PASR)

The Policy Statement

This defines the harassment policy of the Pennsylvania Association of School Retirees (PASR), headquarters located at 878 Century Drive, Mechanicsburg, PA 17055.

The Pennsylvania Association of School Retirees (PASR) is committed to providing a safe environment for all free from harassment, including sexual harassment, at any PASR office or function. PASR will operate a **zero-tolerance policy** for any form of harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of harassment. **Any person found to have harassed another will face disciplinary action, up to and including dismissal from employment or removal from office.** All complaints of harassment will be taken seriously and treated with respect and in confidence.

All employees have a right to work in an environment free from harassing conduct, including sexual harassment.

This policy applies to all PASR Employees, PASR Board of Directors and Officers, PASR Vendors, PASR Interns, PASR Volunteers, PASR Lobbyists or Legislative Consultants, and PASR Members and Associate Members attending PASR State, Region, and/or Chapter activities or functions.

This policy sets a standard of conduct that may be higher than what federal, state, and local laws require, as it forbids harassing conduct of the kind described in this policy even if the conduct does not rise to the level of a violation of applicable law.

Definition of Harassment

Harassment means unwelcome conduct, behavior or actions that offend, humiliate, intimidate, threaten, or abuse a person, creating a hostile work environment. Harassment on the basis of race, color, creed, ancestry, national origin, political views, age, disability, gender, arrest or conviction record, marital status, and sexual orientation, is expressly prohibited under this policy.

Sexual harassment is one type of harassment and includes unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. It also is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Recognizing Harassment

Harassment may be subtle, manipulative and is not always evident. It does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and is personally offensive. All forms of gender harassment are covered. Men and women can be sexually harassed. Offenders can be managers, supervisors, co-workers, and non-employees such as clients or vendors.

PASR recognizes that harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee. Anyone, including PASR employees, clients, customers, casual workers, contractors, and volunteers, who harasses another will be reprimanded in accordance with this internal policy.

All harassment is prohibited whether it takes place within PASR premises or outside, including at social events, business trips, training sessions or conferences sponsored by PASR.

Sexual harassment can involve one or more incidents and actions constituting harassment and may be physical, verbal and non-verbal. Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

Physical Conduct

1. Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
2. Physical violence, including sexual assault
3. Blocking a person's movement or standing too close
4. Brushing against a person's body

Verbal Conduct

1. Comments on the appearance, age, private life, or pressures for sexual favors of anyone covered by this policy
2. Sexual comments, stories and jokes
3. Sexual advances
4. Repeated and unwanted social invitations for dates or physical intimacy
5. Insults based on the gender of the worker
6. Sending sexually explicit messages (by phone or by email)
7. Jokes, insults and innuendo (based on race, sex, age, disability, etc.)
8. Degrading sexual remarks
9. Referring to someone as a stud, hunk or babe
10. Cat calls or whistling
11. The use of job-related threats or rewards to solicit sexual favors
12. Issuing threats to another employee

Non-Verbal Conduct

1. Display of sexually explicit or suggestive material
2. Sexually suggestive gestures or offensive gestures

Delegation of Responsibility

Anyone who believes he or she has been subject to harassment should, if appropriate, inform the alleged harasser that the conduct is unwanted and unwelcome. PASR recognizes that harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be appropriate for the victim to inform the alleged harasser.

Any PASR employee, PASR Board of Directors and Officers, PASR Vendors, PASR Interns, PASR Volunteers, PASR Lobbyists or Legislative Consultants, and PASR Members and Associate Members attending PASR State and/or Region activities or functions who believes he or she is being harassed, or anyone who becomes aware of harassment, should promptly notify:

- The Executive Director of PASR or
- The President of PASR or
- One of the PASR Officers or a
- Member of the Board of Directors

The Executive Director shall publish and disseminate this policy and the complaint procedure at least annually to PASR employees, PASR Board of Directors and Officers, PASR Vendors, PASR interns, PASR Volunteers, PASR Lobbyists or Legislative Consultants and PASR Members and Associate Members.

The Executive Director or designee shall be responsible to complete the following duties when receiving a complaint of harassment:

1. Inform the complainant of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. If the Executive Director is the subject of the complaint, refer the complainant to the President of PASR and/or a PASR Officer and/or a member of the PASR Board of Directors.

The Complaint Procedure

Step 1 - Reporting

Any individual covered by this policy who believes he/she has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Executive Director.

If the Executive Director is the subject of the complaint, the complainant shall report the incident directly to the President of PASR, a PASR Officer, or a member of the PASR Board of Directors.

The complainant is encouraged to use the report form available from the PASR Office, but oral complaints are acceptable. (See attached form.)

Step 2A - Informal Complaint Mechanism

If the complainant wishes to deal with the matter informally, the Executive Director will:

1. Give an opportunity to the alleged harasser to respond to the complaint
2. Ensure that the alleged harasser understands the complaint mechanism
3. Facilitate discussion between both parties to achieve an informal resolution
4. Ensure that a confidential record is kept of what happens
5. Follow up after the outcome of the complaint mechanism to ensure that the behavior has stopped
6. Ensure that the above is done speedily and within 15 days of the complaint being made

If the Executive Director is the subject of the complaint, the President of PASR or a designated officer or member of the PASR Board of Directors will follow the procedure listed above.

If the complainant wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome, the formal complaint mechanism will be used to resolve the matter.

Step 2B - Formal Complaint Mechanism/Investigation

Upon receiving a formal complaint of harassment, or if the informal complaint mechanism stated above has not led to a satisfactory outcome, the Executive Director shall immediately investigate the complaint, unless the Executive Director is the subject of the complaint or is unable to conduct the investigation, then a PASR Officer or a member of the PASR Board of Directors shall immediately investigate the complaint. The investigator will:

1. Interview the complainant and the alleged harasser separately
2. Interview other relevant third parties separately
3. Inform all people interviewed that they will have the right to review their statement, as recorded by the investigator, to ensure its accuracy
4. Decide whether or not the incident(s) of harassment took place

5. Produce a report detailing the investigations, findings and any recommendations
6. If the harassment was found to take place, decide the appropriate remedy
7. Follow up to ensure that the recommendations are implemented and that the behavior has stopped
8. If it is determined that the harassment did not occur, he/she may still make recommendations to ensure proper functioning of the workplace
9. Keep a record of all actions taken
10. Ensure that all the records concerning the matter are kept confidential
11. Ensure that the investigation is done as quickly as possible within 15 days of the formal complaint being made

Step 3 - Investigative Report

The investigative report will include:

1. A description of allegations
2. The response of the person against whom the complaint was made
3. A summary of information learned from witnesses (if applicable), and a decision about whether, on a balance of probabilities, harassment did occur
4. All necessary documentation to back any disciplinary action
5. All records contained in one confidential file

The investigator shall prepare and submit a written report to the PASR Board of Directors within 15 days of the formal complaint being made. Both parties to the complaint will be given a copy.

Step 4 - Sanctions and Disciplinary Measures

Anyone who has been found to have harassed another person under the terms of this policy is subject to any of the following sanctions:

1. Verbal or written warning
2. Adverse performance evaluation
3. Demotion
4. Suspension
5. Dismissal/Termination
6. Removal from Office

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of harassment are not treated as trivial.

False Accusations

If an investigation results in a finding that a complainant has knowingly or in a malicious manner made a false complaint under this policy, such person will be subject to appropriate disciplinary action, up to and including dismissal from employment or removal from office.

Non-Retaliation

This policy also expressly prohibits retaliation of any kind against anyone covered by this policy bringing a complaint or assisting in the investigation of a complaint. Such employees shall not be adversely affected in any manner related to their employment. Any act of retaliation will be considered a violation of this policy and appropriate disciplinary action will be taken.

Monitoring and Evaluation

PASR recognizes the importance of monitoring this harassment policy and will ensure that it collects information as to how it is used and whether or not it is effective.

Those responsible for dealing with harassment cases will report first to the PASR Board of Directors on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. As a result of this report, PASR Board of Directors will annually evaluate the effectiveness of this policy and make any changes as needed.

Promotion of This Policy

To avert liability, the parties covered in this policy must know that this policy exists and need to understand the complaint procedures. It should be presented separately in handbooks and posted in various places at PASR Headquarters. The staff should be asked for their input and given an opportunity to voice their concerns.

Unlike other policies that are invoked only when a particular situation arises, our harassment policy governs workplace interaction all day, every day. It shouldn't be a reference that employees turn to only after a problem arises.

REPORT FORM FOR COMPLAINTS OF HARASSMENT

Complainant: _____

Home Address: _____

Home Phone: _____

Date of Alleged Incident(s): _____

Alleged harassment was based on: _____

Name of person you believe violated PASR's harassment policy:

If the alleged harassment was directed against another person, identify the other person:

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e. threats, requests, demands, etc.) what, if any, physical contact was involved. Attach additional pages if necessary:

When and where the incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____
has harassed me or another person. I certify that the information I have provided in this complaint is true, correct
and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date