

Discrimination or Harassment Policy & Reporting

Harassment of any kind by or against anyone will not be tolerated by PAS. Harassment consists of unwelcome conduct, whether verbal, physical, or visual that is based upon a status protected by applicable laws, including race, color, religion, sex/gender, sexual orientation, national origin, age, physical or mental disability, or veteran status. Sexual harassment is one form of harassment prohibited by law and PAS. It is defined, generally as unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct of a sexual nature or based on gender, which affects the terms and conditions of volunteering. Further conduct can be reviewed by the Board of Trustees.

In order to prevent unlawful harassment from occurring in our shelter, PAS maintains a strict policy that prohibits all conduct of a sexual or gender-based nature, or based on any other protected status, that could be reasonably perceived as offensive to others in the shelter.

POLICY FOR INVESTIGATION OF CLAIMS OF UNLAWFUL DISCRIMINATION OR HARASSMENT

Parma Animal Shelter (PAS) does not tolerate unlawful discrimination or harassment. The purpose of PAS' Unlawful Discrimination or Harassment Policy is (a) to provide a safe, comfortable working atmosphere for all volunteers, free from unlawful discrimination or harassment; (b) to provide a safe, comfortable atmosphere for all members of the public, including adopters or potential adopters, free from unlawful discrimination or harassment; and (c) to provide a thorough, objective process for the investigation of allegations of unlawful discrimination or harassment which is fair to both the Complainant and the Respondent.

All volunteers of PAS, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. While this policy strives for fairness, PAS understands that "fairness" is often in the eye of the beholder. Therefore, it is important to note that volunteering with PAS is "at will". This means that any volunteer may resign with or without cause, and PAS may likewise terminate any volunteer with or without cause.

PROHIBITED CONDUCT UNDER THIS POLICY

PAS, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination

It is a violation of PAS' policy to discriminate in the provision of opportunities, benefits or privileges; to create discriminatory work 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, sex, sexual orientation, gender identity or expression, genetic information, or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws. Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment

PAS prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment

is any verbal or physical conduct designed to threaten, intimidate or coerce a volunteer, co-worker, any person working for or on behalf of PAS, or any member of the public who comes into contact with PAS.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

Sexual harassment

- Sexual harassment is a form of unlawful discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under PAS' anti-harassment policy. 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 may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

Nonverbal sexual harassment includes 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, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.

Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Bullying

PAS defines bullying as repeated, health-harming mistreatment of one or more people by one or more perpetrators. It is abusive conduct that includes:

- Threatening, humiliating or intimidating behaviors.
- Work interference/sabotage that prevents work from getting done.
- Verbal abuse.

All volunteers and members of the public will be treated with dignity and respect.

PAS considers the following types of behavior examples of bullying:

- Verbal bullying. Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying. Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- Gesture bullying. Nonverbal gestures that can convey threatening messages.
- Exclusion. Socially or physically excluding or disregarding a person in work-related activities.

Retaliation

No hardship, loss, benefit or penalty may be imposed on a volunteer in response to:

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

Lodging a bona fide complaint will in no way be used against the volunteer or have an adverse impact on the individual's volunteer status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

PROCEDURE

Any volunteer is required to report any act of suspected unlawful discrimination or harassment immediately to one of the following persons, in the following order of preference:

- his or her supervisor;
- Board President
- Board Vice President
- Board Secretary

This four-tiered reporting system is intended to provide options to volunteers where they might have reason to believe that any supervisor or other individual was implicated in the reported act of unlawful discrimination or harassment. The person receiving the report of suspected harassment shall then forward the report to the Board as a whole and, where necessary, to PAS' general legal counsel.

Any investigation of unlawful discrimination or harassment shall be conducted for the purpose of providing information to PAS' legal counsel so that counsel may properly advise PAS how the situation should be handled. All notes, recordings, statements and other internal communications shall be treated as attorney-client confidential material, shall be forwarded immediately to legal counsel, and shall not be released to any other person without a recommendation by legal counsel to do so.

The Board will immediately assign an investigator to conduct an investigation, as follows:

1. The person reporting harassment (the Complainant) should be told:
 - a. PAS does not tolerate unlawful discrimination or harassment, and takes any allegation seriously.
 - b. Any allegation will be fully investigated.
 - c. Nobody will be demoted or otherwise punished for reporting an incident of unlawful discrimination or harassment, so long as that person has good reason to believe that the facts in the report are true.
 - d. The Complainant will be separated from the person(s) accused of harassment (the Respondent) at least until the investigation is completed where possible.
 - e. PAS will keep this matter as confidential as possible, although some information may have to be revealed to certain people in order to both conduct a full and fair investigation and to promote the goals of protecting the victim of harassment.
 - f. No one is permitted to discuss this matter with anyone else until the investigation is completed, including the Complainant. The purpose of this restriction is to protect the privacy of co-workers, to avoid disruption in the workplace, and to avoid compromising the integrity of the investigation. Any person, including the Complainant, who violates this rule may be disciplined, up to and including termination.
2. Interview the Complainant, and then have that person complete a written statement, preferably using the attached PAS Unlawful Discrimination or Harassment Complaint Form attached hereto.
3. Interview all witnesses separately, including the Respondent. All interviews should be conducted in private. The interviewer may have a neutral person present as a witness at his/her discretion. Interviews may be recorded, also at the interviewer's discretion. In any event, the interviewer should prepare complete, written notes about the interview soon after its completion.
4. The interviewer should not immediately identify the Complainant or the other facts alleged in the report to avoid leading the interviewee. The interviewer should begin by stating that he/she has received a complaint of unlawful discrimination or harassment, and ask if the interviewee knows anything about it. The interviewer may then reveal additional information as needed in order to obtain a complete statement, and to give the interviewee an opportunity to fully address the allegations.
5. The interviewer should carefully take note of the following:
 - a. WHO: Identify the persons involved in the incident, including additional witnesses.
 - b. WHAT: Describe in detail what happened.
 - c. WHEN: The time and date for each event, and why the witness remembers. If the witness doesn't recall precise times or dates, get that person's best estimate.
 - d. WHERE: The precise location for each event.
 - e. WHY: Every witness statement is expected to vary in some small way. If there is a clear and obvious discrepancy between any of the statements on a major issue, explore whether there might be other motives for that discrepancy.

f. HOW: How did the interviewee obtain the information? Did he/she witness the event first hand? What opportunity did the person have to witness the events? Or did the person only hear about the incident from another person?

6. Every person being interviewed should be told that he/she may not discuss this matter with anyone else until the investigation is completed. The purpose of this restriction is to protect the privacy of co-workers, to avoid disruption in the workplace, and to avoid compromising the integrity of the investigation. Any person who violates this rule may be disciplined, up to and including termination. Every person has a duty to report any violations of this rule.

7. Upon conclusion of an investigation, the person conducting the investigation will submit a written report of his or her findings to the Board. If it is determined that a violation of this policy has occurred, the Board will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:

- a) the severity, frequency and pervasiveness of the conduct;
- b) prior complaints made by the Complainant;
- c) prior complaints made against the Respondent; and
- d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

8. If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Board may recommend appropriate preventive action.

9. Once a final decision is made by the Board, the Board will meet with the Complainant and the Respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the Respondent will be informed of the nature of the discipline and how it will be executed.