

Policy #:  
Effective Date:  
Board Approval:

## **ANTI- DISCRIMINATION, HARASSMENT AND RETALIATION**

The Autism Society of Maine is committed to providing equal opportunity in all practices, which affect our employees, applicants for employment and clients.

The Autism Society of Maine does not discriminate against employees or applicants for employment on the basis of race, color, sex, sexual orientation, marital status, age, religion, ancestry or national origin, status as a veteran, disability, or any other legally protected characteristics, in accordance with applicable state and federal laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, transfer, leaves of absence, compensation and training.

The Autism Society of Maine prohibits the harassment of one employee by another employee or supervisor, client, or visitor, when it is motivated by any of the characteristics identified above. Any employee who harasses another employee may be subject to discipline, up to and including immediate termination. While it is not always easy to identify precisely what conduct constitutes harassment, prohibited conduct certainly includes slurs, epithets, derogatory comments, unwelcome jokes, teasing, sexual advances, requests for sexual favors or other similar verbal or physical conduct.

The Autism Society of Maine also prohibits any form of retaliation against any employee for making a good faith complaint under this policy or for assisting in a complaint investigation. Anyone found to have engaged in such retaliation against a person who has made a complaint under this policy or to have retaliated against anyone for assisting in the investigation of a complaint, will be subject to disciplinary action which may include suspension or termination. Any employee who believes that he or she is being retaliated against should bring it to the attention of his/her immediate supervisor, the Executive Director, or The Autism Society of Maine's Equal Employment Opportunity (EEO) Coordinator so that appropriate action may be taken.

Any employee who feels that he or she has been a victim of discrimination, harassment or retaliation should report the complaint to his/her immediate supervisor, the Executive Director, or The Autism Society of Maine's EEO Coordinator. The complaint will be handled according to the procedures described in Procedure C-2, Anti-Discrimination/Anti-Harassment/ Anti-Retaliation Complaint Procedures.

## **Policy on Sexual and Other Forms of Harassment**

The Autism Society of Maine believes that all employees should be able to work in an environment free from all forms of intimidation and harassment, including sexual harassment.

To achieve our goal of providing a workplace free from sexual and other illegal harassment, the misconduct described in this policy will not be tolerated. Outlined below is the procedure by which The Autism Society of Maine will deal with inappropriate conduct. Where inappropriate conduct is found, The Autism Society of Maine will act promptly to eliminate the conduct and impose such corrective actions as are necessary including disciplinary action or termination where appropriate.

It is important to note that while this policy outlines The Autism Society of Maine's goals of promoting a workplace that is free from sexual or other unlawful harassment, the policy is not designed or intended to limit The Autism Society of Maine's authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment.

**Harassment** refers to unreasonable conduct or behavior, which is personally offensive or threatening, impairs morale, or interferes with the work effectiveness of employees. Examples of unlawful harassment include conduct or comments that threaten physical violence; offensive, unsolicited remarks; unwelcome gestures or physical contact, display or circulation of written materials, items or pictures degrading to any gender, racial, ethnic, religious, age, disability or other characteristic identified above; and verbal abuse or insults about or directed at any employee, or group of employees because of they are identified with any of the characteristics identified above.

**Sexual harassment** means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- b. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to certain workers because of their sex or sexual orientation may also constitute sexual harassment. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess; sexual bantering, off color language or jokes, sexual flirtations, sexually degrading words used to describe individuals;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences, or;
- Gossip/discussion regarding one's sex life.

Harassment can come from supervisors, fellow employees, clients, visitors or vendors. Men as well as women can be victims of sexual or other harassment. It cannot be stressed enough that The Autism Society of Maine will not tolerate any form of illegal discrimination, retaliation or harassment. Violations of this policy, whether intended or not, will not be permitted.

Supervisors receiving any form of complaint alleging discrimination, retaliation or harassment must immediately notify the Executive Director or the EEO Coordinator.

Annually, each employee shall receive a copy of this policy and the related complaint procedure.

