

Sudden Valley Community Association

Policy: Discrimination and Harassment Policy and Procedures for
Policy #: Employees 2018.05
Date: August 9, 2018

Policy

Purpose:

The Sudden Valley Community Association (SVCA) believes that every employee has the right to work in surroundings that are free from unlawful discrimination, harassment and retaliation. This Policy sets forth SVCA's commitment to maintaining a workplace free from all forms of discrimination and harassment. SVCA strictly prohibits unlawful discrimination and harassment in the workplace, and prohibits retaliation for appropriate reporting of such conduct. SVCA complies with all applicable Federal, State of Washington laws, and ethical business practices. All SVCA employees are required to comply.

SVCA takes immense pride in providing its members with the highest quality services. SVCA therefore expects its employees to treat each other, all Association Members, and all third-party contractors with the utmost respect and in full compliance with all applicable laws and SVCA policies. Employees are encouraged to address questions or concerns about this policy to the Human Resources Manager, General Manager, Board President, or Vice President. This is considered the Chain of Reporting in all matters regarding this policy, in the required order of approach. Skipping steps within the Reporting Chain may be appropriate only if one of the named persons is unavailable or directly involved.

Allegations of discrimination and harassment will be promptly addressed pursuant to the procedures set forth below, and appropriate action will be taken. SVCA will strictly enforce all provisions of this Policy and Complaint Procedures.

Discrimination Prohibited:

SVCA prohibits unlawful discrimination by, or of, employees based on race, color, religion, creed, national origin, age, sex, marital status, disability, sexual orientation, gender identity, citizenship, genetic information, familial status, veterans' status, military status, pregnancy or maternity status, HIV/Aids/Hepatitis C status, domestic violence victim status, or any other legally protected classification under applicable state or federal laws.

Discrimination is the unequal and illegal treatment or denial of normal privileges to persons because of the person's protected status as listed above. Decisions affecting an individual generally may not be made on the basis of one of these factors. Decisions should be made on the basis of neutral and objective criteria by which an individual may be evaluated in terms of their accomplishments and performance without regard to the above factors.

Prohibited discrimination includes, but is not limited to, discrimination in recruitment, hiring, training, discipline, evaluation, promotion, demotion, transfer, layoff, termination, rates of pay, benefits, other forms of compensation, and other employment conditions.

Harassment Prohibited:

SVCA is committed to maintaining a work environment free from inappropriate, disrespectful, intimidating and coercive conduct, and to preventing and eliminating all forms of harassment. This policy prohibits harassment based on the protected status factors listed above. (Harassment based on gender is specifically addressed below under “Sexual Harassment Prohibited.”) Harassment is conduct based on a protected status factor that has the purpose or effect of unreasonably interfering with an individual’s work conditions or performance; or creating an intimidating, hostile or offensive work environment. Harassment includes abusive or harassing behavior – whether non-verbal, verbal or physical – which demeans, intimidates, threatens, or injures an employee because of that person’s personal characteristics or beliefs, including membership in a protected status category. Such harassment also includes any malicious act that causes harm to any person’s physical or mental well-being. When SVCA becomes aware of an incident of harassment, it will take corrective steps to investigate and respond appropriately. SVCA is committed to stopping harassment even if it does not rise to the level of a legal violation.

Sexual Harassment Prohibited:

SVCA specifically prohibits any employee from sexually harassing anyone, including other employees, and any volunteer or other Association Member. This policy explicitly incorporates and prohibits sexual harassment as a form of gender discrimination. Sexual harassment encompasses any unwelcome conduct of a sexual nature. It may be conduct toward an individual of the opposite sex or the same sex. Sexual harassment may include, without limitation, unwelcome sexual advances, requests for sexual favors, other verbal, visual or physical conduct of a sexual nature, sharing or displaying sexually suggestive objects or pictures, sexually explicit or offensive jokes or engaging in any sexually-oriented conduct which unreasonably interferes with another’s work performance or creates a work environment that is intimidating, hostile or offensive. Such conduct constitutes sexual harassment when any of the following occur:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or other decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance, opportunities, or creating an intimidating, hostile or offensive work environment.

Determinations of sexual harassment are made by considering all facts and circumstances surrounding the allegations, including the perceptions of the parties, witnesses and others who have information about the presence or absence of the alleged conduct.

Sexual Violence Prohibited:

This policy explicitly incorporates and prohibits sexual violence. Sexual violence is a physical act of a sexual nature or purpose that includes aggression, coercion, assault,

rape, unwanted or forced sexual activity and/or lewd exposure to private parts or unwanted exposure to private parts. Sex with a drugged or intoxicated person constitutes rape. When SVCA becomes aware of any incident of sexual violence it will take prompt corrective action and shall also notify the appropriate police department.

Reporting Strongly Encouraged:

SVCA vigorously enforces its prohibitions against discrimination and harassment. Any SVCA employee who feels that they or others may have been subject to discrimination or harassment is strongly encouraged to bring the matter to the immediate attention of an appropriate person within the Reporting Chain as soon as possible.

Supervisor Reporting and Monitoring Required:

SVCA may be liable whenever any supervisor is notified or aware of possible discrimination or harassment. All supervisors must immediately report, within the Reporting Chain, all instances of possible discrimination or harassment, of which they are aware, whether resolved or not.

It is the direct responsibility of all supervisors to:

- Ensure that all employees are made aware of this policy, the types of conduct prohibited by it, and the avenues available for resolution of violations.
- Monitor their respective working areas for violations of this policy.
- Attentively listen to allegations of policy violations brought to their attention.
- Follow reporting requirements stated above.
- Eliminate or minimize the potential for retaliation as defined by this policy.

Threats of Physical Harm:

In situations where a supervisor reasonably believes there is imminent danger of serious bodily harm to an employee, or anyone else, the supervisor should take immediate and appropriate action, including informing an appropriate person within the Reporting Chain, separating the complainant and respondent, or notifying authorities if necessary. The individual receiving the reported threat will promptly inform the Board President.

Retaliation Prohibited:

SVCA prohibits retaliation or reprisal of any kind against any employee, volunteer or Board member for any good faith report of discrimination or harassment, or participation in an investigation of such a claim. Retaliation may take the form of verbal or written comments; intimidation; denial of reasonable and standard requests; denial of job assignments or promotions; assignment of additional or unreasonable tasks, or other forms of verbal or non-verbal communication. Such retaliatory action shall be regarded as a separate problem, subject to a separate complaint, distinct from the initial allegation of discrimination or harassment.

Employees who believe that they have experienced such retaliation should make a report, within the Reporting Chain, as soon as possible. Any individual who is found to have engaged in retaliatory conduct will be subject to appropriate corrective action, up to and including termination of employment.

If an initial discrimination or harassment complaint includes a report of threatened retaliation, or if the complainant has good reason to fear retaliation, the General Manager

or Executive Committee shall take appropriate action to eliminate or minimize the potential for retaliation.

Malicious, Frivolous or Bad Faith Allegations Prohibited:

This policy prohibits any individual from knowingly filing a false report of discrimination or harassment or from filing a complaint in bad faith or solely for a malicious or frivolous purpose. If it is determined that a complaint is malicious or frivolous in nature, the complainant may be subject to disciplinary action, including termination.

Free Speech Not Prohibited:

Nothing in this policy should be construed to prevent or discourage the free exchange and expression of diverse ideas and information, including the right to dissent or protest. SVCA encourages such discussions and expressions when conducted in a respectful manner.

Complaint Procedures:

Purpose:

The following procedures provide for the resolution of complaints alleging violations of SVCA's Employee Discrimination and Harassment Policy. These complaint procedures are available to any person who, at the time the alleged offense occurred, was an SVCA employee, applicant for employment, or an SVCA vendor or contractor. These procedures ensure that, according to principles of due process, a fair and impartial review of each complaint will be conducted in order to establish whether a Policy violation has occurred. The General Manager and Executive Committee of the Board are jointly responsible for approving and ensuring the appropriate implementation of these procedures.

Definitions:

Throughout this section:

- The term "Complainant" refers to any person who files a complaint alleging a violation of the Policy.
- The term "Respondent" refers to a person (or persons) accused of such a violation. The Respondent may be an employee, volunteer (including Board member), community member or third person, such as a vendor or contractor.
- The term "Parties" refers jointly to the Complainant(s) and Respondent(s).

Confidentiality:

SVCA is committed to providing an environment in which persons aggrieved may step forward with claims of discrimination and harassment safely, with dignity, and without fear of reprisal. While SVCA will make every effort to maintain confidentiality for the Complainant and Respondent, SVCA must act to eliminate any discrimination and harassment. SVCA cannot promise absolute confidentiality. SVCA will not disclose information obtained in connection with any investigation unless a legitimate business reason or legal requirement supports disclosure.

Formal Investigations and Informal Resolutions:

SVCA takes all credible, good faith reports of discrimination, harassment and retaliation seriously and conducts, as appropriate, an informal resolution or formal investigation. All informal resolutions and investigations will be conducted promptly, and should be completed within twenty (20) working days, unless compelling reasons exist requiring an extension. SVCA requires employees, volunteers, including Board members, to cooperate in any informal resolution or formal investigation, whether or not they are directly involved in the alleged misconduct.

Informal Resolutions: In some situations the Complainant may wish to request informal assistance in bringing an incident to the Respondent's attention to resolve the situation and prevent further incidents. In such situations, SVCA may not conduct a formal investigation, but instead, may speak with the Parties and any other individuals involved and attempt to resolve the issue informally.

Formal Investigations: If it is determined that a formal investigation is warranted, the General Manager, or as necessary the Human Resources Manager, the Board President or an outside professional investigator hired by Association Counsel, (collectively referred to as "investigator") will conduct a formal and comprehensive investigation. The investigator acts solely as a neutral fact-finder whose work is confidential to SVCA as attorney work-product. Based on their investigation, the investigator determines whether the facts support the allegations and whether this Policy has been violated. The investigator – if an outside investigator, in consultation with and approval by the Executive Committee – may make a report and recommendations to Association Counsel.

A formal investigation generally will be conducted as follows:

1. The investigator will notify the Respondent, and their supervisor if applicable, that a complaint has been filed, that a formal investigation will be conducted, and of the confidentiality requirement. The person within the Reporting Chain receiving the complaint will request that the Respondent's supervisor monitor the work unit for any conduct that may be considered retaliatory against the Complainant.
2. The investigator will separately interview the Complainant and Respondent, explaining the allegations, the investigator's role, the formal investigation process, confidentiality and its limitations, and the prohibition against retaliation. The Complainant will be asked to confirm the allegations to be investigated.
3. The investigator may interview any potential witnesses identified by the Parties as having relevant information. The investigator will review all relevant documentation provided by the Parties or obtained through their formal investigation, and the investigator may review the Parties' past complaints.
4. Based on their formal investigation, the investigator will make a determination on whether credible facts support the allegations, and whether the Policy has been violated. The investigator may make credibility assessments when necessary.
5. If the investigator determines there is insufficient basis to conclude a Policy violation has occurred, this will conclude their formal investigation. However, the General Manager or, if the General Manager is involved, the Executive Committee may address conduct that does not violate the Policy, but could be considered inappropriate, unprofessional or detrimental to the well-being of SVCA.
6. If the investigator determines there is reasonable cause to believe that a Policy violation has occurred, the investigator will discuss their findings, and any

recommendations, with the General Manager or Executive Committee. The General Manager or Executive Committee will implement any necessary corrective or disciplinary action found necessary by them, up to and including termination, and/or any other action deemed appropriate under the circumstances. The parties will be advised thereof.

Rights and Responsibilities of the Parties:

1. The Complainant has the right to take complaints to the Equal Opportunity Employment Commission or the Washington Human Rights Commission at any time during the complaint resolution or investigation process.
2. During a formal investigation or an informal resolution, both Parties are expected to:
 - a. Cooperate fully throughout the formal investigation, and be completely honest in answering questions and providing information.
 - b. Provide the investigator with all information and documentation that may be relevant to this matter as soon as possible.
 - c. Refrain from discussing this formal investigation with the opposing party or with any person who does not have a legitimate business need to know this information.
 - d. Refrain from any conduct that may be construed as retaliatory against a Complainant for filing a complaint.

Complaints Against Outside Individuals:

SVCA has an obligation to address all credible, good faith allegations of discrimination and harassment against its employees. When such allegations involve actions by non-SVCA staff, such as against vendors or contractors, SVCA will make all reasonable efforts to resolve the situation. These efforts may include the following:

- Preventing the Respondent from entering onto SVCA property.
- Conducting a formal investigation to the extent possible.
- Contacting the Respondent's employer and/or human resource director.
- Arranging for a substitute vendor or contractor pending an investigation.

Questions Regarding This Policy:

Questions regarding this policy should be directed to the General Manager or Board President. The General Manager can be reached by telephone at (360) 734-6430, ext. 321 and by email at gm@SuddenValley.com. As Board Executives can change yearly, the General Manager will provide the current contact information.

History: Rescinding/Superseding _____
Superseded/Replaced by Policy _____