

DBA MVL Policy

Unlawful Discrimination, Harassment & Retaliation

The CBA and DBA (Metro Volunteer Lawyers) Associations have a strong policy against unlawful discrimination, harassment and retaliation toward anyone at work because of his or her race, color, age, religion, veteran status, sex, disability, national origin, creed, sexual orientation, gender identity/expression, or other protected class. The Associations are committed to maintaining a workplace that is free of any such unlawful conduct.

Harassment includes any verbal, physical or written conduct that insults or shows hostility or aversion toward an individual in a way that is protected by law. It includes jokes, verbal abuse, epithets, degrading comments, negative stereotyping, displaying objects and pictures, hostile acts and other offensive conduct.

Retaliation against an employee for opposing unlawful discrimination, harassment or retaliation, for filing a bona fide complaint of discriminatory or unlawful behavior, or for providing information in good faith regarding another employee's complaint, is strictly prohibited.

Because the Associations take allegations of harassment, discrimination and retaliation seriously, we will respond promptly to complaints and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

A. Sexual Harassment

The Associations are firmly committed to maintaining a positive working environment and a workplace which is free of inappropriate conduct, including offensive verbal and written communication of a sexual nature.

Sexual harassment does not mean occasional compliments, which are socially acceptable. Sexual harassment of employees occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment, is unlawful and will not be tolerated. Further, any retaliation against an individual who has complained about sexual harassment or individuals who cooperate with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

The EEOC has issued guidelines interpreting Title VII of the Civil Rights Act of 1964's prohibition against sexual harassment. Those guidelines define "sexual harassment" as follows:

Unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when,

- (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 decisions affecting such individual, or
- (3) 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.

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 workers 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 including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Dissemination of sexually explicit voicemail, email, graphics, downloaded material or websites;
- Sexual epithets, sexual jokes, written or oral references to sexual conduct, gossip regarding one's sex life or activities;
- Comments about an individual's body and/or comments about an individual's sexual activity, deficiencies or prowess;
- Displaying sexually suggestive objects, pictures or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments; and/or
- Inquiries into one's sexual experiences.

While most instances of sexual harassment involve a male harassing a female, it can also involve individuals of the same sex, or a female harassing a male. Regardless of level or gender, all incidents will be treated with the same degree of consideration and seriousness.

B. Legal Services

No person is excluded from services because of race, color, creed, national origin, religion, religious preference, sex, sexual orientation, gender identity or expression, genetic information, marital status, parental status, familial status, age, handicap, disability, military or veterans status, political affiliation, or any other consideration prohibited by law.

C. Affirmative Action

The Associations make an affirmative effort and take the affirmative action necessary to achieve equal employment opportunity for all persons in the filling of its staff positions, including elements such as: contacting various organizations in the community including minority group news media when advertising in the general media to fill jobs; self-identification as an equal employment opportunity employer in recruitment advertisements; and using employment agencies which do not discriminate on the basis of any of the above-listed considerations.

D. Complaint Procedure

If a person believes that they have been subject to or were a witness to unlawful discrimination, harassment and/or retaliation by a co-worker, supervisor, volunteer, client, vendor, or anyone else during the course of their employment, please report concerns immediately to the Director of Metro Volunteer Lawyers. S/he will ensure that the matter is immediately addressed and appropriately directed to the Executive Director or the Deputy Executive Director of the Associations. In addition, complaints of an equal employment opportunity problem, reasonable accommodation request or problem, or of any other unlawful behavior should be made as soon as possible. Any person can submit a complaint to Metro Volunteer Lawyers' Director. The complaint need not be in writing or signed, but when practical, signed complaints are preferred as they can provide a more solid and informative basis for investigation. Upon receiving a complaint, the Associations will undertake an investigation of the matter. To the extent practicable, complaints and all actions taken to resolve them will be kept confidential. However, as a general rule, confidentiality cannot be guaranteed as it may be necessary to disclose some aspects of the complaint in order to pursue the investigation.

Any employee who is determined to have committed discrimination, harassment or retaliation or who fails to cooperate with the Associations' investigation of a complaint will be subject to disciplinary action, up to and including immediate dismissal. There will be no discrimination or retaliation against any employee for making or participating in good faith a complaint or an investigation.

E. Complaint Procedure for Agencies Receiving Federal Financial Assistance

In addition, anyone who believes that they have been discriminated against, or has information of discriminatory actions taken by agencies that may be receiving money from Office of Justice Programs may file a complaint in writing to OJP's Office for Civil Rights. Any complaints should be filed as soon as possible because under some civil rights laws a person may only have 180 days after the incident to file a report. www.ojp.usdoj.gov/about/ocr/complaint.htm

Federal civil rights laws prohibit a recipient of federal funds from retaliating against any individual who opposed an unlawful policy or practice, made charges, testified, or participated in any complaint under the federal civil rights laws that OJP/OCR enforces.