

ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND PROCEDURE

Adopted 10/11/07

Policy Statement

The State Employees' Association of New Hampshire, SEIU Local 1984 has a longstanding commitment to provide a work environment which is free from discrimination and all forms of harassment. The continued growth of The State Employees' Association of New Hampshire, SEIU Local 1984 will result, in part, from enhancing and utilizing the abilities of all individuals to their fullest extent. Moreover, discrimination or harassment of any kind undermines the integrity of the employment relationship.

The State Employees' Association of New Hampshire, SEIU Local 1984 does not discriminate against or harass any employee because of race, color, religion, creed, sex, age, national origin, sexual orientation, gender identity and expression, physical or mental disability, any other basis prohibited by law, or protected activity under the anti-discrimination statutes (that is, opposition to prohibited discrimination or harassment or participation in the statutory complaint process).

In keeping with this policy, The State Employees' Association of New Hampshire, SEIU Local 1984 reaffirms that it will not tolerate any form of discrimination or harassment on any of the bases listed above. This prohibition covers discrimination and harassment by anyone in the workplace - supervisory and nonsupervisory employees, officers, members, local union staff and officers, vendors and other outsiders.

As a means to ensuring a workplace that is free from discrimination and harassment, The State Employees' Association of New Hampshire, SEIU Local 1984 has established a formal procedure for the handling of discrimination or harassment complaints. This procedure is intended to supplement - not to replace or supersede - the other procedures available to employees under any applicable collective bargaining agreement, Title VII of the Civil Rights Act of 1964, NH RSA Chapter 354-A: State Commission For Human Rights or other applicable state fair employment practices law, or otherwise.

Definition of Sexual Harassment

Sexual harassment can take many forms and can include many kinds of behavior. It may involve conduct by a person of either gender toward a person of the same or opposite gender, and may, depending on the circumstances, involve conduct by a supervisory or non-supervisory employee, officer, member, local union staff or officer, vendor or other outsider toward a supervisory or non-supervisory employee.

Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct, written communication, or other action of a sexual nature is 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.

DISCRIMINATION AND HARRASSMENT COMPLAINT AND INVESTIGATION PROCEDURE

A. General Principles

The State Employees' Association of New Hampshire, SEIU Local 1984 strongly encourages an individual to come forward with a complaint before discrimination or harassment becomes severe and pervasive. The State Employees' Association of New Hampshire, SEIU Local 1984 is committed to stopping discrimination and harassment even if the conduct has not risen to the level of a violation of law.

If the individual subject to harassing conduct feels comfortable doing so, she or he should respond to that conduct in a way that demonstrates that the conduct is unwelcome. However, the individual is not required to complain directly to the supervisor of the offending individual.

Efforts will be made to investigate and resolve complaints promptly, thoroughly, and impartially, and in as confidential a manner as is possible consistent with proper investigation of the complaint.

If an individual is accused of discrimination or harassment, he or she shall not play any role in administering or making decisions under this procedure.

It is the responsibility of all supervisors who learn of, receive a complaint of, or witness possible discrimination or harassment to report this information to the Business Administrator or the Contract and Field Operations Administrator. (If the Business Administrator or the Contract and Field Operations Administrator is the person accused of discrimination or harassment, the report shall be made to the other one of those two individuals.) Failure by a supervisor to so report is itself a serious matter and may be grounds for discipline up to and including termination in accordance with the Collective Bargaining Agreement.

There will be no retaliation or other adverse action taken against an individual who makes a good faith complaint, reports an incident of apparent discrimination or harassment, or who in good faith provides information in the course of the investigation of such a complaint or report. Retaliation against an individual for having complained of discrimination or harassment, reported an incident of apparent discrimination or harassment, or provided information during the investigation, can also be the subject of a complaint under this procedure. If such retaliation in fact occurred, prompt and appropriate corrective action will be taken and appropriate sanctions imposed, up to and including termination in accordance with the Collective Bargaining Agreement.

If an individual is determined to have engaged in discrimination or harassment, appropriate corrective action will be taken promptly, and appropriate sanctions will be imposed, up to and including termination in accordance with the Collective Bargaining Agreement.

If a member subject to harassment by another member, feels comfortable doing so, she or he should respond to that conduct in a way that demonstrates that the conduct is unwelcome. However, if a member feels it is necessary, they shall report the complaint to the President of the Association.

The President of the Association shall act in accordance with Section 3. Charge and Trial Board of the Constitution of the State Employees' Association, SEIU Local 1984.