

P R O P O S E D

Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County PERSONNEL POLICIES AND PROCEDURES	SECTION - X
PROCEDURE: Policy Statements	EFFECTIVE DATE:
SUBJECT: Anti-Discrimination/Anti-Harassment	SUPERSEDES DATE:

POLICY:

The ADAMHS Board is committed to providing and maintaining a work environment that is characterized by respectful and considerate behavior. Each individual has the right to work in an atmosphere that promotes equal opportunities and prohibits unlawful discriminatory practices, including harassment. This policy only applies to severe and pervasive physical, written or verbal harassing conduct that is predicated on racial, religious, sexual, age-based, veteran status, or disability differences. The standard for determining severe and pervasive is a "reasonable person" standard. The standard is not the subjective experience of the accuser, but what a "reasonable person" would determine to be outrageously offensive. This policy refers to discrimination/harassment of applicants and employees in the following areas: race, color, religion, sex (Ref. Section-X, Sexual Harassment), national origin, disability, age (40 years or older) or veteran status. Such conduct is completely unacceptable, against federal and state laws and ADAMHS Board policy. The ADAMHS Board supports Title VII of the U.S. Civil Rights Act of 1964, as amended, and Chapter 4112 of the Ohio Revised Code and will not tolerate unlawful discrimination or harassment of any nature by any of its employees.

Harassment includes three types of conduct: verbal, written, or demonstrative. Verbal harassment occurs with the oral use of offensive epithets, slurs or comments aimed at a particular protected group. Demonstrative conduct includes the use of gestures, pictures, body parts, drawings and other items, which offend a protected group. Written harassment reflects nonverbal conduct of offensive words, comments, cartoons and/or drawings reduced to paper. All employees, including supervisors and other management personnel, are expected and required to abide by this policy. It also applies to volunteers and interns working under the direction of ADAMHS Board employees. Any reported matter will be dealt with promptly, and with confidentiality to the extent permitted by law, on a "need to know basis". Reporting of all incidents shall be in accordance with the Procedure under this policy and in Section II, Affirmative Action Employee Grievance Procedures. Retaliation against an individual filing a complaint or for having participated in a subsequent investigation is strictly prohibited and actionable. The ADAMHS Board is committed through each supervisor and manager to maintaining a work place free of unlawful harassment and intimidation.

The ADAMHS Board will promptly investigate all complaints, seek early resolution to the problem, and when appropriate, take disciplinary action against the offending party. (Ref. Section-VI, Disciplinary Actions)

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Confidentiality:

Every effort shall be made to protect all information received in connection with the reporting, investigation, and resolution of allegations of harassment. However, it may be necessary to disclose particulars in the course of the investigation or when compelled to do so by law. Therefore, anonymity and complete confidentiality cannot be guaranteed once an incident is reported or unlawful behavior is made known to the ADAMHS Board. The ADAMHS Board will maintain files pertaining to complaints in confidence to the fullest extent of the law.

Protection Against Retaliation:

ADAMHS Board policy and applicable law prohibit retaliation against any employee by another employee or by the ADAMHS Board for using this policy or for participating in an investigation. If you believe you have been retaliated against, you're required to follow the same procedures in this policy and in Section II, Affirmative Action Employees Grievance Procedures.

PROCEDURE:

Employee Responsibility. In order to take appropriate corrective action, the ADAMHS Board must be aware of *discrimination, harassment (sexual or otherwise) or retaliation*. Therefore, any employee who believes that he or she, or that another employee is being subjected to discrimination, intimidation or harassment, including retaliation, by another employee of the ADAMHS Board or by individuals outside the ADAMHS Board with whom they interact in the course of their job (ex. contractors, vendors, repair persons, etc.) must immediately report it to the ADAMHS Board. For purposes of this policy, reporting to the ADAMHS Board includes your immediate supervisor, division director, EEO Officer, and the Executive Director as indicated below. Reporting may include immediately taking the following steps:

1. Politely, but firmly confront whoever you believe is harassing you. Notify the offender that his or her behavior is unwelcome, requesting that the behavior stop immediately. This course of action is encouraged by the ADAMHS Board, but is not required. (Note: At any stage of this procedure, you may go directly to the EEO Officer or the Executive Director with your concern or complaint.)
2. If the offensive behavior continues or if you believe some employment consequences may result from such a confrontation with the person who is

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offending, you may go to your immediate supervisor, relating specific details of the offensive behavior.

3. If the circumstances prohibit, or discourage this approach, report the behavior to your division director. You should relate specific details of the offensive behavior to your division director.
4. If after a reasonable length of time you believe inadequate action has been taken to resolve the complaint, go directly to the EEO Officer or the Executive Director with your complaint or concern. The policy of the ADAMHS Board is to promptly investigate all complaints, seek early resolution to the problem, and, when appropriate, to take discipline against the offending party, up to and including discharge. (Ref. Section-VI, Disciplinary Actions)

Again, it is important to remember that you are free to go directly to EEO Officer at any time.

Note: It is also the employee's responsibility to report any suspected retaliation for having made a complaint according to this procedure.

Management Responsibility. Any supervisor and other managerial personnel who experiences, witnesses or receives a written or oral report or complaint of harassment or related retaliation **are required to** promptly report it to the EEO Officer. Upon receipt of a complaint (whether formal or informal) of a violation of this policy, the supervisor/or representative of management shall give such complaint his/her immediate attention. ***Once an employee has complained to the ADAMHS Board regarding conduct that may be prohibited by federal or state law, the ADAMHS Board has an obligation to address the issues raised in the complaint; the complaining employee's preference in this regard is not controlling.*** All internal procedures for handling such complaint shall be adhered to.

Procedure for Investigation of Complaints:

1. Investigation of a complaint of such a violation may include conferring with the parties and witnesses.
2. Because of their importance and sensitive nature, such complaints will be investigated with particular care and all information relating to the complaint and investigation shall be treated, to the greatest extent possible, on a "need to know" basis.

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However, because the ADAMHS Board is a public agency and due to the nature of the complaint and the necessity for a thorough investigation, bn confidentiality cannot be guaranteed.

3. If the investigation substantiates complaint allegations, prompt corrective action, including disciplinary action shall be taken.

However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, up to and including dismissal.

Disciplinary Action:

1. Any employee who has engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including dismissal. The ADAMHS Board reserves the right to determine the appropriate discipline. (Ref. Section-VI, Disciplinary Actions)
2. Supervisors and managerial personnel are subject to disciplinary action for knowingly disregarding, knowingly failing to correct, knowingly failing to report, and/or condoning or engaging in unlawful discrimination or harassment.
3. Because of the serious nature of unlawful discrimination or harassment, usual concepts of progressive discipline may not be applicable and the more severe forms of disciplinary action may, where appropriate, be implemented immediately.

Note: An individual who has discriminated, harassed, or retaliated against another may be subject to civil and criminal liability under applicable state and federal law.

Contact person, ADAMHS Board
Patty Stultz, EEO Officer
ADAMHS Board for Montgomery County
409 E. Monument Ave., Suite 102
Dayton, OH 45402
937-443-0416 ext 102

Equal Employment Opportunity
Commission
513-684-2851

Ohio Civil Rights Commission

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937-285-6500