



Discrimination and Harassment Policy

Any actions, words, jokes, or comments that discriminate against any individual on the basis of actual or perceived, race, color, religion, national origin, sex, gender identity, sexual orientation, disability, or any other legally protected characteristic will not be tolerated. Taking an adverse action against an individual because of a *mistaken* belief that the individual belongs to a particular protected class is also discrimination.

This policy applies to the work environment, all of our programs and the interactions employees, Board members, and volunteers might have with each other and the many diverse individuals we serve. Any violation of this policy could result in disciplinary action, up to and including termination of employment. In addition to potential negative consequences for individuals, discrimination may result in violations of state and federal laws which can result in litigation against EVAWI as well as the individuals who engaged in discriminatory practices.

Definition of Gender Identity and Sexual Orientation

Gender identity means actual or perceived gender-related characteristics. Gender identity is a person's internal view of the individual's gender. Transgender can be used to describe a person whose gender identity is different from the individual's assigned sex at birth. Male, female, and transgender are all examples of gender identities for purposes of gender discrimination. Heterosexual, homosexual and bisexual are all sexual orientations.

Sexual Harassment

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes
- Verbal sexual advances or propositions



Discrimination and Harassment Policy

- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations
- Physical conduct that includes touching, assaulting, or impeding or blocking movements

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and 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 employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Gender Harassment

While sexual harassment has sexual overtones, gender harassment is not overtly sexual but nonetheless based on gender. Most commonly, gender harassment is based on the fact that the victim is a woman, and it often takes place in environments where sexual harassment is also occurring, as well as other forms of workplace incivility and abuse. For example, it could include remarks, actions, and other behaviors that degrade women as a class. Gender harassment is typically based upon cultural stereotypes about women.

Other Forms of Harassment

Similarly, harassment can be based on actual or perceived membership in any protected class: race, color, religion, national origin, sex, gender identity, sexual orientation, disability, or any other characteristic protected by law. As with gender harassment, this type of harassment is frequently based on stereotypes regarding the group.

Adverse Treatment

Members of a protected class may also report that they are experiencing adverse treatment such as being:

- Denied promotions
- Given undesirable assignments, work schedules, or transfers
- Denied requests for paid time off or other leave
- Given negative performance evaluations
- Held to a higher standard of performance
- Denied opportunities for overtime or specialized training
- Unfairly investigated for policy violations



Discrimination and Harassment Policy

- Disciplined more severely for comparable infractions

Documentation of a negative job action might be found with direct evidence such as a document or statement that the action was based on the person's group membership (e.g., age, gender, gender identity, sexual orientation, race, national origin). However, more commonly it will be supported with circumstantial evidence. For example, if benefits and promotions are only given to younger employees yet routinely denied to older employees, this would suggest that the negative job action was based on age.

Adverse Impact

Somewhat more subtle is the form of discrimination referred to as "adverse impact." This refers to policies or practices that do not appear on the surface to be discriminatory but in fact serve to disadvantage members of a protected class. An example would be a selection test that "weeds out" candidates from an ethnic minority. If such a pattern exists, it is irrelevant whether or not the organization intended to discriminate. Rather, the question is simply whether the policy or practice has a negative impact on members of a protected class, regardless of discriminatory intent.

How to Respond

If you experience or witness discriminating behaviors against any individual, that **you think *might* constitute discrimination or harassment**, immediately report it to the Chief Executive Officer (CEO). Please provide as much detail as possible.

If you have any questions about any of the various forms of discrimination or harassment, you are encouraged to speak to your immediate supervisor, the Executive Director or the CEO.

You will not be disciplined for asking questions about discrimination or harassment, for bringing these types of problems to our attention, or for reporting a suspected violation – as long as it is in good faith.

EVAWI will promptly and thoroughly investigate all reports of discrimination and harassment. We will protect the identity of a person who makes a report to the extent possible.

Retaliation

Retaliation in response to reporting or opposing discrimination, or in response to participating in the investigation of a complaint of discrimination, is itself unlawful discrimination.

Federal Grant Conditions and the Office of Civil Rights

Because EVAWI is a recipient of federal funding, any person who believes that he or she has experienced discrimination on the basis of actual or perceived race, color,



Discrimination and Harassment Policy

religion, national origin, sex, gender identity, sexual orientation, or disability may file a complaint with the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice. OCR has authority to investigate complaints alleging a violation of the Violence Against Women Act (VAWA) nondiscrimination grant condition.

A complaint must generally be filed within one year from the date of the alleged discrimination. To file a complaint, please download and complete the [Complaint Verification Form \(CVF\)](#) and [Identity Release Statement \(IRS\)](#) which are available from the website for the [Office of Justice Programs, U.S. Department of Justice](#). These two forms should then be returned to:

Office for Civil Rights
Office for Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531

OCR also accepts third-party discrimination complaints on behalf of people who are either unable or reluctant to file a complaint on their own behalf. The absence of a signed IRS from the aggrieved person may severely limit OCR's investigation into a single incident of discrimination against an individual. However, the absence of a signed IRS will not prevent OCR from investigating an alleged discriminatory practice or policy.

Additional information about how to file a complaint with OCR is available on their website: <http://www.ojp.usdoj.gov/about/ocr/complaint.htm>

