



ANTI-DISCRIMINATION AND HARASSMENT POLICY AND PROCEDURES

POLICY

Consistent with the Equal Employment Opportunity Policy, the Archdiocese of Miami is committed to providing a professional work environment that is free of discrimination and harassment. As such, the Archdiocese will not tolerate discrimination or harassment on the basis of a person's protected status, such as race, color, national origin, gender, disability, genetic information, or age, or any other protected characteristic.

In keeping with this commitment, the Archdiocese of Miami has adopted a zero-tolerance policy with respect to employee discrimination or harassment, including sexual harassment. It expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment. The Archdiocese will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, offensive, or hostile working environment. The Archdiocese will investigate all complaints of discrimination and harassment thoroughly and promptly, and may take corrective action against an offending employee.

I. DEFINITIONS

- A. **Harassment.** Harassment is verbal or physical conduct that demeans, denigrates, isolates, or manifests hostility or aversion toward an individual based upon race, color, national origin, gender, disability, genetic information, age, or any other protected characteristic. All Archdiocesan employees are responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise and as such the Archdiocese has developed a procedure for reporting and investigating complaints. Anyone who may experience or witness any job-related discrimination or harassment based on race, color, national origin, gender, disability, age, or another protected characteristic; or believes that s/he may have been treated in an unlawful, discriminatory manner, must promptly report the incident to her/his supervisor or the Human Resources Office. This policy applies to all incidents of alleged discrimination or harassment, including those that occur off-premises, or off-hours, where the alleged offender is a supervisor, coworker, third-party vendor or volunteer. All employees have a duty to report any conduct which they believe violates this policy.
- B. **Sexual Harassment.** With respect to sexual harassment, the behavior may include unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual nature. The Archdiocese prohibits this conduct, which is a form of unlawful discrimination and is considered illegal under various federal, state and local laws. The Archdiocese prohibits such conduct when 1) submission to the conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of the conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of the individual's employment; or (3) the conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.
- C. **Examples.** Examples of the type of unwelcome conduct that this policy prohibits include, but are not limited to: unwelcome physical contact such as patting, pinching or brushing against another's body, explicit sexual propositions, sexual innuendos, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene



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language or other communication, such as e-mails; slurs, derogatory or sexual jokes; taunts, threats or derogatory or offensive comments based on gender, race, color, religion, national origin, disability or other factors protected by law; display of foul or obscene printed or visual material including sexually explicit or offensive email, posters, or calendars; and, insulting or indecent comments or gestures.

II. PROCEDURE

- A. **Complaint.** The Archdiocese takes complaints of discrimination and harassment very seriously. Thus, there is no need to follow any formal chain of command when filing a complaint of harassment or discrimination. The employee may bypass anyone in the direct chain of command and file a complaint or discuss any issue of concern with a member of Human Resources (in the case of a school, the Superintendent of Schools) at any time. If an employee believes a member of Human Resources is involved in the alleged discrimination or harassment, a complaint can be made directly to the Chancellor for Administration.
- B. **Investigation.** It is the policy of the Archdiocese to investigate all such complaints thoroughly and promptly. To the fullest extent practicable, the Archdiocese will keep complaints and the terms of their resolution confidential. Every employee has a duty to cooperate with any investigation directed by the Archdiocese, regardless of whether the investigation is being conducted by the Archdiocese or outside parties retained by the Archdiocese.
- C. **Corrective Action.** If an investigation confirms that harassment or discrimination has occurred, corrective action may be taken against the offending employee, including such discipline up to and including immediate termination of employment, as is appropriate. The burden of any actions taken must fall on the harasser and not the claimant (for example, re-location of offices or shifts).
- D. **Retaliation.** The Archdiocese will not tolerate any form of retaliation against any employee for reporting a violation of this policy, filing a complaint under this policy, or assisting in a complaint investigation. However, if, after investigating any complaint of harassment or unlawful discrimination, the Archdiocese determines that the complaint is frivolous and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or gave the false information, up to and including termination. This statement is not made to discourage reporting matters that might be doubtful. When in doubt whether discrimination, harassment, sexual harassment and/or retaliation may have occurred, you must report.
- E. **Confidentiality.** While respecting necessary confidentiality, the employee filing the complaint will generally be informed that the issue has been investigated, and if applicable, appropriate action has been taken.
- F. **Reporting.** Employees who become aware of discrimination, harassment, sexual harassment, and/or retaliation in accord with these procedures must report. Failure to report may be subject to disciplinary action, up to and including termination.

Initial: October, 2012
Current: October, 2012