

A. SEXUAL HARASSMENT

The Equal Employment Opportunity Commission and the Court System have ruled that sexual harassment on the job constitutes sex discrimination and as such is prohibited by the Civil Rights Act of 1964. Guidelines from EEOC define sexual harassment as “any unwelcome sexual advances or request for sexual favors or any conduct of a sexual nature” 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 any individual is used as the basis for employment decisions affecting the individual is used as the basis for employment decisions affecting the individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.
4. See Appendix B for the procedure for addressing allegations of discrimination/sexual harassment.

It is the policy of Odyssey House to maintain a working environment free from all forms of sexual harassment or intimidation. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are serious violations of our policy and will not be condoned or permitted. Not only is sexual harassment a violation of company policy, but it may also violate Title VII of the Civil Rights Act.

APPENDIX A

POLICY: SEXUAL HARASSMENT

POLICY STATEMENT:

It is the policy of Odyssey House to promote a cooperative work environment in which there exists mutual respect for all employees and residents. Harassment of employees or residents based upon sex is inconsistent with this objective and contrary to Odyssey House policy of equal employment opportunity without regard to age, sex, race, color,

creed, religion, national origin, sexual orientation, age, disability, marital status or citizenship status. Sexual harassment is illegal under Federal, State, and City laws, and will not be tolerated in the Odyssey House environment.

Odyssey House will disseminate this policy and take other steps to educate the Odyssey House community about sexual harassment. Odyssey House will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the Odyssey House community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for Odyssey House to investigate the allegations.

A. PROHIBITED CONDUCT

It is a violation of Odyssey House policy for any employee or resident to engage in sexual harassment or to retaliate against any other employee or resident for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

B. DEFINITION OF SEXUAL HARASSMENT

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or written communications or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or treatment;
2. submission to or rejection of such conduct by an individual is used as a basis for employment or treatment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or treatment effectiveness, or creating an intimidating, hostile or abusive work or treatment environment.

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individual of unequal power (such as between supervisor and staff members, or between counselor and resident), it may also occur between individuals of equal power (such as between fellow employees), or in some circumstances even where it appears that the harasser has less power than the individual harassed (for example, a resident sexually harassing a staff member). A lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.

C. EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment may take different forms. Using a person's response to a request for sexual favors as a basis for an employment or treatment decision is one form of sexual harassment. Examples of this type of sexual harassment (known as quid pro quo harassment) include, but are not limited to, the following:

- requesting or demanding sexual favors in exchange for employment or treatment opportunities;
- submitting unfair or inaccurate job evaluations or treatment evaluations, or denying training, promotion or access to any other employment or treatment opportunity, because sexual advances have been rejected.

Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target does find, and a reasonable person would find, that an intimidating, hostile or abusive work or treatment environment has been created. Examples of this kind of sexual harassment (known as hostile environment harassment) include, but are not limited to, the following:

- sexual comments, teasing, or jokes;
- sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;
- graphic or sexually suggestive comments about an individual's attire or body;

- inquiries or discussions about sexual activities;
- pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- sexually suggestive letters or other written materials;
- sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling; coerced sexual intercourse or sexual assault.

D. CONSENSUAL RELATIONSHIPS

Amorous dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between an Odyssey House staff member and any subordinate employee for whom he or she has a professional responsibility. These dangers can include: that a subordinate employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affect his or her employment; that conflicts of interest may arise when a supervisor is required to evaluate the work or make personnel decisions with respect to an individual with whom he or she is having a romantic relationship; that employees may perceive that a fellow resident or co-worker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Supervisors and other members of the Odyssey House community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with an employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

For purposes of this section, an individual has “professional responsibility” for another individual at Odyssey House if he or she performs functions including, but not limited to, hiring, supervising, evaluating, or making recommendations that confer benefits such as promotions or remuneration, or that

may impact upon other employment opportunities; or in the case of residents, treatment considerations.

E. FALSE AND MALICIOUS ACCUSATIONS

Members of the Odyssey House community who knowingly and willingly make false or malicious complaints or sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

F. PROCEDURES

Odyssey House shall develop procedures to implement this policy. The President/CEO and Senior Management Team shall have ultimate responsibility for overseeing compliance with this policy. In addition, each Program Director or other person with supervisory responsibility shall be required to report any complaint of sexual harassment to an individual or individuals to be designated in the procedures. All members of the Odyssey House community are required to cooperate in any investigation of a sexual harassment complaint.

G. ENFORCEMENT

There is a range of corrective actions and penalties which Odyssey House may employ for violations of this policy. Following applicable investigatory proceedings, employees who are found to have violated this policy are subject to various penalties, including termination of employment.

APPENDIX B

PROCEDURE FOR PROCESSING CHARGES OF SEXUAL HARASSMENT OR DISCRIMINATION

Step I

The employee who perceives that s/he has been subject to sexual harassment or discrimination should report the matter to the Director of Human Resources or another senior manager of Odyssey House with whom the employee feels comfortable discussing the matter. This would include the President/CEO, Cheift

Financial and Administrative Officer, Director of Human Resources or any other senior manager of Odyssey House.

On or after the initial contact with the chosen administrator, the complaint must be submitted, in writing, to the Director of Human Resources unless the complainant is charging him/her with the harassment/discrimination. Should that be the case, an alternate administrator from those listed above would be chosen.

Step II

An immediate investigation will be conducted by the Director of Human Resources or designated member of the management. This will include interviews with all individuals and witnesses with knowledge of the incident.

Within three days of the completion of the interviewing process, the Director of Human Resources will provide to the complainant a written decision in the matter which will include any recommendations for the correction of the situation.

Step III

Should the decision not be satisfactory to the complainant, he/she will submit his/her written appeal to the Chief financial and administrative Officer who will review the written records of the case and render a decision. If he/she believes it is appropriate, additional investigation and interviews will be conducted. A decision will be rendered within three days of the completion of the investigation.

Step IV

Should the appeal not result in an adjustment to the satisfaction of the complainant, the matter can be submitted to the President/CEO for a final review and a written decision to be completed within seven days.