

YMCA of the Virginia Peninsulas
Personnel Policy Manual, Revised March 2021

V. EMPLOYMENT PRACTICES

A. Discrimination, Harassment, and Retaliation

The Association is committed to being an equal opportunity employer. The Association does not discriminate against individuals in employment on the basis of race, sex, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, genetic information, religion, color, national origin, age, marital status, military or veteran status, disability, protected activity, or any other legally protected status, nor does it tolerate any form of harassment in the workplace against individuals on the basis of their race, sex, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, genetic information, religion, color, national origin, age, marital status, military or veteran status, disability, protected activity, or any other legally protected status. Protected activities include, for example, making a complaint of illegal discrimination or harassment. Discrimination based on race includes discrimination on the basis of traits historically associated with race, including hair texture, hair type, and protective hairstyles, such as braids, locks, and twists.

Harassment is a form of discrimination and can take many forms. Harassment includes conduct or behavior that is insulting or derogatory to an individual based on race, sex, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, religion, color, national origin, age, disability, genetic information, marital status, military or veteran status, protected activity, or any other legally protected status. By way of illustration, harassment can include racial, ethnic, sexual, or religious insults or jokes, unwelcome comments, or conduct or stereotyping on the basis of one of the above delineated protected classifications. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Any unwelcome behavior constitutes harassment in violation of this policy when:

- (1) submission to such conduct is made a term of 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 creates an intimidating, hostile, or offensive working environment.

This prohibition of discrimination and harassment applies to all terms and conditions of employment from the hiring stage through the cessation of employment. The Association requires all of its employees, as a condition of employment, to act in accordance with this policy of non-discrimination, non-harassment, and equal opportunity for all individuals regardless of their race, sex, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, genetic information, religion, color, national origin, age, marital status, military or veteran status, disability, protected activity, or any other legally protected status.

The Association will not tolerate retaliation, including any adverse employment action, harassment, or other form of retaliation, against an employee because

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that employee filed a complaint of discrimination or harassment, participated in a complaint-related investigation, or otherwise opposed discrimination or harassment. Please see the complaint procedure (in Section V. C.) for the procedures in handling or reporting any violations of this section.

B. Reasonable Accommodations

The Association is committed to providing reasonable accommodations to individuals with disabilities; i.e., individuals who are qualified to perform the essential functions of the particular position, but require reasonable accommodation. The Association is also committed to providing reasonable accommodations to employees for known limitations related to pregnancy, childbirth, or related medical conditions, including lactation. Any individual in need of an accommodation should contact his or her supervisor with the request. The Association will engage in an interactive process with the employee, and, if needed, a health care provider, to determine what, if any, reasonable accommodation is available.

Although an employee specific request will be considered, the Association reserves the right to determine ultimately whether an accommodation is to be provided and the accommodation, if any, to be provided. Requests for accommodations that seek to eliminate an essential job function, constitute an undue hardship, or constitute a direct threat to health and safety are not reasonable, and, thus, cannot be granted. Please see the complaint procedure (in Section V. C. below) for the procedures in handling or reporting any violations of this section.

C. Complaint Procedure

1. If anyone believes that he or she has been a victim of, or a witness to, any type of discrimination, harassment, or retaliation during the course of his or her employment, he or she must follow the reporting instructions set forth below.

The employee must report the incident promptly to his or her immediate supervisor or, if such reporting is inappropriate, it should be reported to the Department Director, Center Director, or the SVP/Chief Human Resources Officer. Once reported, an Association representative or designated agent will investigate the complaint. The Association retains the discretion to determine the method and means of the investigation, but, in most cases, the investigation will involve meeting with the alleged victim, the alleged wrongdoer, and relevant witnesses. Although the Association must necessarily investigate the complaint and cannot assure complete confidentiality, the Association will maintain the confidentiality of the complaint to the extent possible. Once the investigation is complete, the Association will take any warranted remedial action the Association deems necessary to end the discrimination or harassment or to prevent an offense from being repeated. The Association will not tolerate any form of retaliation against employees who, in good faith, make a complaint of discrimination, assist in making such a complaint, or cooperate in an investigation of such complaint.