

APPENDIX A

Newark EMA HIV Health Services Planning Council

Anti-Discrimination and Harassment Policy

General

The Newark EMA HIV Health Services Planning Council is an equal opportunity employer. State and Federal law make it unlawful for employers to discriminate in the employment of an individual by reason of:

- Race
- Religion
- Creed
- Color
- Ancestry
- National origin
- Sex
- Age
- Marital status
- Disability (physical or mental)
- Pregnancy
- Sexual orientation or affectional preference
- Liability for service in the Armed Forces of the United States.

The Newark EMA HIV Health Services Planning Council is committed to complying with all State and Federal anti-discrimination laws which prohibit discrimination with respect to hiring, promotion, compensation, transfer, retention, and benefits, including the obligation to provide employees, as well as other individuals affiliated with the Newark EMA HIV Health Services Planning Council including volunteers, Council and committee members, with a work environment free of discrimination which encompasses freedom from unlawful work place harassment, including sexual harassment.

Harassment

1. Unlawful Harassment Will Not Be Tolerated

The Newark EMA HIV Health Services Planning Council is committed to using its best efforts to provide a workplace free of harassment or intimidation based on any category protected by law (i.e. the categories listed above). Verbal or physical conduct based on any of the above listed categories that unreasonably interferes with another individual's work performance, creates an intimidating, offensive or hostile work environment or adversely affects employment opportunities will not be tolerated. Nor will the Planning Council tolerate any retaliation against a person for initiating a harassment complaint brought in good faith.

Approved - March 15, 2000;
Updated: 9/17/2007, 10/20/2021

2. Workplace Harassment

Workplace harassment because of an individual's race, national origin, marital status, color, pregnancy, creed, age, gender, religion, veteran status, affectional or sexual preference, or disability is unlawful. Workplace harassment can take many forms and it is impossible to describe all potential situations. You may find helpful the following examples of acts that may be perceived as harassing behavior:

- Kidding, joking, teasing, tormenting, verbal abuse, comments or remarks based upon someone's membership in a protected status
- Imitating a person's speech, accent, physical or mental disability
- Cartoons, e-mail, or other communications referencing a person's protected status
- Attributing specific behavior or descriptions to an ethnic group, gender, age, group, race or nationality, etc. or to an individual who is a member of that group
- The use of slang, derogatory or demeaning language
- Sabotaging the work of another employee, volunteer, Council, or committee member.

Unwelcome behavior may constitute workplace harassment, whether or not it takes place during business hours, at the office, and whether it is the behavior of another employee, a volunteer, a Council or committee member, a client, a vendor, a consultant, or any other individual with whom you interact in your capacity as an employee, volunteer, or member of the Planning Council or one of its committees.

3. Sexual Harassment

Sexual harassment is one form of workplace harassment. Like other types of workplace harassment, the definition of sexual harassment is constantly changing. However, New Jersey and Federal courts and agencies, recognize two types of unwelcome behavior that can constitute sexual harassment.

- A. The first type is labeled *quid pro quo* sexual harassment. It occurs when an employee, volunteer, Council or committee member, client, vendor, or consultant is either expressly told or it is implied that they must submit to unwelcome sexual behavior as a condition of keeping their position or remaining eligible for a benefit, raise, or promotion
- B. The second type, *hostile work environment*, can exist where unwelcome behavior, whether directed at a particular person or not, creates an intimidating, hostile, or offensive working environment. The question of whether a hostile work environment exists does not depend on whether the behavior was *intended* to be offensive, but whether it would be *perceived* as offensive to a reasonable person of the same sex. The courts have determined that the best judge of whether behavior is offensive is the person receiving the unwanted or offensive treatment. Some examples of conduct that would be offensive include:
 - Unwanted sexual jokes, teasing, or remarks
 - "dirty" jokes or sexually oriented language
 - Personal questions about social or sexual life
 - Introduction of sexual topics into the discussion
 - The use of subtle hints, suggestions, or unseemly gestures
 - Making comments about a person's anatomy or sexual comments about clothing or appearance
 - Touching any part of a person's body without their consent
 - Repeated, unwelcome requests for dates or sexual favors which are unwelcome
 - Staring at someone repeatedly
 - Displays of nude or pornographic pictures, cartoons or drawings
 - The use of slang, derogatory, or demeaning language
 - Lewd actions, or leering
 - Blocking or impairing a person's movement
 - Hugging, patting, pinching, etc.

- Unwelcome letters, e-mails, telephone calls etc.
- Whistling or catcalls
- Sexual gestures with hands or body movements

Complaints of Discrimination

1. Inform the immediate supervisor or Project Manager of the problem or incident as soon as possible. If the complaint is against a Council or committee member, the Chair of the Planning Council should be informed. If the complaint is about the immediate supervisor or Project Manager, then complainant should refer the problem or incident directly to the Chair of the Planning Council
2. The person in receipt of the complaint (immediate supervisor, Project Manager or Chair of the Planning Council) will, or will cause to, promptly and thoroughly investigate the alleged discriminatory conduct. The investigation will include notifying and interviewing the person accused of misconduct.
3. If the person accused denies the conduct, the investigator will perform fact-finding including, but not necessarily limited to, witness interviews.
4. To the extent possible, complaints will be handled in a confidential manner.
5. Upon a determination that inappropriate conduct exists or did occur, appropriate corrective action, as determined by the Executive Committee, will be taken within a reasonable period of time, including disciplinary action against the offender (e.g., oral or written reprimand with appropriate notation in their personnel file, possible termination (if an employee) or removal from the Planning Council.
6. The complainant shall be provided with appropriate information concerning the outcome of the investigation.
7. If an investigation reveals that a claim was made under false pretenses, then action may be taken against the complainant.
8. If the complainant is dissatisfied with process or outcome, then they may refer the issue to the Chair of the Executive Committee (if not already approached). The Planning Council Chair has the final authority and review of complaints brought forth by staff, volunteers, Council or committee members.
9. Planning Council members, as a final resort, may refer any unresolved issues to the Mayor of the City of Newark

No Retaliation

Employees, volunteers, Council and committee members are prohibited from taking any retaliatory action, reprisal or using intimidation against an individual who makes a complaint of unlawful discrimination or retaliation. No person should suffer retaliation, reprisal or intimidation as a result of using the internal complaint procedure. Anyone who violates this policy will be subject to appropriate corrective action up to and including termination. or removal from the Planning Council

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Acknowledgement of Receipt

I acknowledge that I have received a copy of the Newark EMA HIV Health Services Planning Council "Anti-Discrimination and Harassment Policy." I understand that the policy covers not only employees and volunteers but also Planning Council and Planning Council committee members. I am aware of the overall content of the policy and the fact that it includes a description of the complaints procedure.

Signature _____ Date _____

Name _____