

**Suggested policy format and content. RTPA specific policies should be developed in consultation with RTPA Legal Counsel, Board of Directors and appropriate regulatory agencies.**

### **3. Discrimination and Harassment Prevention**

It is the policy of RTPA to provide a work environment free from unlawful harassment or discrimination based upon the following protected classes: race, color, religious creed (including religious dress and grooming practices), national origin, ancestry, age, gender (including gender identity and gender expression), sex (including pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), medical condition (including AIDS/HIV, history of cancer), disability (including mental or physical), genetic information, sexual orientation, marital status, military or veteran's status, or any other category protected under federal or state law. Harassment can include any unwelcome, unsolicited, and unwanted behavior that offends, humiliates, embarrasses, intimidates, or otherwise causes distress. Discrimination can include any unequal treatment or action that indirectly results in unequal treatment of persons in a class protected by law.

In addition to the types of harassment described above, harassment that constitutes abusive conduct also is prohibited at RTPA. "Abusive conduct" means: conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance.

RTPA will not tolerate harassment and discrimination by or against any and all persons in its workplace, including applicants, employees, temporaries, interns, volunteers, Board members, contractors, vendors, and visitors.

Harassment and discrimination are not only illegal, they also create a negative atmosphere that reduces work productivity and morale, undermines the integrity of the workplace, and destroys professionalism.

Examples of prohibited actions include, but are not limited to:

- The use of derogatory verbal comments, slurs, jokes; or derogatory pictures, cartoons or posters.
- Refusing to hire or promote an employee because she is pregnant.<sup>1</sup>
- Derogatory comments regarding a person's age.
- Failing to provide a reasonable accommodation to an employee with a known mental or physical disability.

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<sup>1</sup> See the RTPA Family Care and Medical Leave Policy for further information related to leave due to pregnancy.

## **Applicability**

This policy applies to all applicants for employment, employees, temporaries, interns, officers, Board members, contractors, vendors, and visitors to RTPA. All of these individuals are required to adhere to a standard of conduct that is respectful to all persons within the RTPA work environment.

## **Responsibilities**

Every supervisor at RTPA is required to support the principles of equal opportunity stated in this policy. It is their responsibility to ensure that these principles are fully enforced and that every employee is provided a discrimination- and harassment-free work environment.

Supervisors will be held accountable for ensuring that equal opportunity practices are adhered to in their department. Any supervisor of employees who observes or knows of a harassing situation, whether or not it occurred in his/her department and/or division, who fails to take corrective action, may be disciplined. Court decisions indicate that supervisors may be held personally liable for failure to take action on equal opportunity violations of which they were or should have been aware.

The Director of Finance and Administrative Services is responsible for ensuring that this policy and the complaint procedures it contains are disseminated and implemented. This policy is referred to in the RTPA Employee Handbook and is available on the RTPA Intranet website. All employees, temporaries, and interns will be informed of this policy and are responsible for reviewing it.

## **Complaint Procedures**

RTPA is committed to investigating and resolving any complaints of harassment or discrimination, including sexual harassment.<sup>2</sup> Disciplinary action, up to and including termination, will be taken against employees for improper behavior. This non-discrimination policy applies to decisions affecting all aspects of employment, including, but not limited to, recruitment, selection, placement, assignment, training, transfer, promotion, evaluation, discipline, termination, compensation, and benefits.

Any employee who feels that this policy is being violated must inform a supervisor, the Director of Finance and Administrative Services or the Executive Director.

Supervisors are responsible for verbally notifying the Director of Finance and Administrative Services immediately upon receipt of an allegation. The supervisor shall submit a written incident report to the Director of Finance and Administrative Services on all harassment and/or discrimination complaints within five days after reporting a complaint.

Once a complaint is made known to the Director of Finance and Administrative Services, he/she shall investigate, conciliate, resolve, and/or make appropriate recommendations to the Executive Director and the appropriate supervisor in order to ensure the situation is remedied. The Director of Finance and Administrative Services shall follow up with the Department and/or Division Director on the progress of the investigation and proposed resolution within two weeks. A written report of the investigation will be prepared and coordinated with the Executive Director and RTPA legal counsel.

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<sup>2</sup> See the RTPA Sexual Harassment Policy for policies and procedures specifically related to sexual harassment.

All cases shall be evaluated on an individual basis, taking into consideration all the facts and circumstances pertaining thereto. The Executive Director and appropriate supervisor will be given a summary of findings, recommendations, and required actions. The complainant and alleged harasser also will be informed of the results of the investigation. The Director of Finance and Administrative Services shall monitor all actions until completed.

If, after investigation, RTPA determines that conduct constituting discrimination has occurred, corrective action designed to prevent further discrimination or harassment will be taken. In the case of a RTPA employee, the corrective action will include discipline up to and including termination from employment. In the event the discrimination was carried out by a non-employee, corrective action may include, but will not necessarily be limited to counseling, removal from RTPA premises, or cancellation of an offender's contract.

## **Protections**

Employees have the right to file charges of discrimination or harassment in good faith. If, in the course of the investigation it is found that the charges are intentionally malicious or fraudulent, the Director of Finance and Administrative Services shall make appropriate recommendations as to the disposition of the case. An individual who makes a false or fraudulent complaint under this policy will be subject to discipline, up to and including termination.

RTPA will not tolerate retaliation against any individual who complains of discrimination or harassment, or makes a complaint. RTPA will not tolerate retaliation against any person who participates in an investigation covered under this policy. If retaliation is alleged, it shall be processed as a separate complaint that shall be filed directly with the Director of Finance and Administrative Services. The law prohibits such acts of retaliation. Any person found to be retaliating against another person shall be subject to disciplinary action up to and including termination.

