

Program Applied to: AGENCY WIDE

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TITLE: NON-DISCRIMINATION  
POLICY & PROCEDURE

Approved by: Board of Dir.  
Effective Date: March, 2020

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I. POLICY

There shall be no unlawful discrimination or harassment against employees, applicants for employment or non-employees because of race or color, religion or creed, sex or gender, sexual orientation, marital status, pregnancy, national origin or ancestry, age, physical or mental disability, military status, genetic information or other protected status. Equal employment opportunity shall apply to all personnel actions including, but not limited to, recruitment, hiring, upgrading, promotion, demotion, layoff, employment, placement, transfer, reduction of workforce and termination, rates of pay or other forms of compensation, selection for training and participation in all company-sponsored employee activities. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity or age limitations will be adhered to by the company where appropriate.

II. DEFINITIONS

- A. **Age** as used above refers to the age group 40 and above as specified by the Age Discrimination in Employment Act and the Colorado Antidiscrimination Act.
- B. **Sex, Gender and Sexual Orientation.** Sex and gender discrimination includes unlawful discrimination on the basis of sex, gender and pregnancy and includes sexual harassment. Colorado law defines “sexual orientation” as “a person’s orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or an employer’s perception thereof.”
- C. **Genetic Information** Genetic information includes: 1) information about a person’s genetic tests; 2) information about the genetic tests of that person’s family members; 3) a person’s family medical history (i.e., the manifestation of a disease or disorder in a person’s family members, often used to determine if a person has an increased risk of getting a disorder, disease or condition in the future); 4) a person’s request for, and receipt of, genetic services; 5) a person’s participation in clinical research that includes genetic services (or the person’s family members participation); 6) the genetic information of a fetus carried by a person or a family member of the person; 7) the genetic information of an embryo legally held by a person or a family member using assisted reproductive technology.

D. **Sexual Harassment** occurs when an employee is subjected to unwelcome conduct based on sex or gender that is severe or pervasive and: (1) which conduct is either an explicit or implicit condition of an individual's employment; (2) submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting the individual, e.g. salary increases; (3) or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Unprofessional conduct may rise to the level of sexual harassment if it is unwelcome, based on sex, and severe or pervasive. Unprofessional conduct includes, but is not limited to, unwelcome sexual advances or propositioning, jokes of a sexual nature, unwelcome sexual comments about someone's clothing or appearance, intimate stories about one's sex life, sexually explicit photographs or drawings, unwelcome touching of a sexual nature, and adverse treatment based on gender. Unprofessional conduct may result in discipline or discharge, regardless whether it rises to the level of unlawful sexual harassment.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

E. **Harassment** on the basis of any protected status listed above is unlawful where it is unwelcome, severe or pervasive, and unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment. Slurs, derogatory statements or demeaning treatment, jokes and stereotyping based on protected status are unprofessional and may result in discipline or discharge, regardless of whether they rise to the level of unlawful harassment.

F. **Retaliation** No employee shall be retaliated against for making a report of conduct that the employee honestly and reasonably believes violates this policy or the law, or for participating in an investigation of such conduct. Any retaliatory conduct against the employee must be reported using the above procedure for reporting discrimination and harassment.

### III. **PROCEDURE**

A. Community Options is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, harassment or retaliation. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during community outings.

- B. This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or by someone not directly connected to Community Options (e.g., an outside vendor, consultant or independent contractor). This includes conduct by co-workers, management, officers or directors, contractors, suppliers or others encountered during the course and scope of employment.
- C. Community Options encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Community Options encourages the prompt reporting of complaints or concerns; preferably within 30 days of an incident, so that rapid and constructive action can be taken before relationships become irreparably damaged. Employees are strongly encouraged to use the attached form when filing a complaint.
- D. It is essential that the reporting individual treat unwelcomed behavior as unwelcomed. Community Options encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Community Options recognizes that an individual may prefer to pursue the matter through this complaint procedure.
- E. The agency will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief, unless doing so would result in an undue hardship to the agency or create a direct threat to the employee or others. Requests for reasonable accommodation must be made at least 30 days prior to the need for accommodation and directed to the director and/or the Human Resources Department.
- F. Individuals who believe that they have been the victim of such conduct should discuss their concerns with his/her director or human resources representative. Staff who report verbally will be asked to document their concerns in writing.
- G. Employees are strongly advised that they should not quit employment because of conduct that violates this policy rather than reporting such conduct. Please give Community Options a reasonable opportunity to investigate and correct any violations of this policy.
- H. Any reported allegations of harassment, discrimination or retaliation will be investigated within 30 days of receiving a written complaint. Because of the need to investigate and take action, Community Options cannot promise confidentiality regarding a reported violation of this policy.
- I. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

- J. Employees must cooperate fully during any investigation, including investigations of mistreatment, abuse, neglect or exploitation of a person receiving services, and must provide the investigator with honest and complete responses.
- K. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, may be subject to disciplinary action. Acts of retaliation should be reported in writing immediately and will be promptly investigated and addressed. Employees and applicants shall not be subjected to harassment, intimidation or any type of retaliation because they have assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity; opposed any act or practice made unlawful by any federal, state or local law requiring equal opportunity; or exercised any other legal right protected by federal, state or local law requiring equal opportunity.
- L. An employee engaging in any unlawful discrimination or harassment against another employee shall be subject to disciplinary action that may include termination, demotion, or suspension, or any disciplinary action Community Options deems appropriate under the circumstances. Employees may be disciplined or discharged for unprofessional conduct in violation of this policy, even if the conduct is not so severe or pervasive that it is unlawful conduct.
- M. The above-mentioned policies shall be periodically brought to the attention of supervisors and shall be appropriately administered. It is the responsibility of each supervisor to ensure implementation of these policies to avoid any discrimination in employment. All employees are expected to recognize these policies and cooperate with their implementation. Violation of these policies is a disciplinary offense.
- N. If a party to a complaint does not agree with its resolution, that party may appeal to Community Options' Executive Director.
- O. False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

## Discrimination Complaint Form

Have you read the Non-Discrimination Policy?  Yes  No  
If no, please secure a copy of the policy and read in full prior to filing a complaint.

What is the protected class that you are basing your complaint?

Please describe the situation/issue you are complaining about.

When did this situation begin and when was the most recent incident? \_\_\_\_\_

What, if anything, have you done to resolve this situation?

Have you discussed this with your Director? If yes, when? \_\_\_\_\_

If no, why not?

Print Your Name \_\_\_\_\_

Best Phone Number \_\_\_\_\_

Address \_\_\_\_\_

Email Address \_\_\_\_\_

Your Signature \_\_\_\_\_

Date Submitted \_\_\_\_\_

Forms without names and contact information will not be entertained.  
Please submit to your Director or HR department.