

# Evanston Community Council

3204 Woodburn Avenue Cincinnati, Ohio 45207 (513) 281-2775 voice (513) 281-0071 fax

## Sexual Harassment Policy

### Policy:

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, sex, age or national origin. Sexual harassment is included among the prohibitions. It is Evanston Community Council's policy to promote an atmosphere free from sexual harassment. Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. At Evanston Community Council, sexual harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated.

### Definition:

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

- Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; 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. Examples of sexual harassment include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtation, advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, touching, pinching, suggestive insulting, or obscene comments or gestures of a sexual nature; and display in the work place of sexually-suggestive objects or pictures.

### Guidelines:

This policy covers all members of Evanston Community Council. Evanston Community Council will not tolerate, condone, or allow sexual harassment, whether engaged in by fellow employees, supervisors, managers, or by outside clients or other non-employees who conduct business with Evanston Community Council.

Evanston Community Council encourages reporting of all incidents of sexual harassment regardless of who the offender may be.

- All supervisory personnel within the agency are responsible for eliminating any and all forms of sexual harassment of which they are aware. Any management personnel who is made aware of sexual harassment and fails to take action pursuant to this policy will be subject to discipline up to, and including, termination and disbarment from Council.
- While Evanston Community Council encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, Evanston Community Council also recognizes that power and status disparities between an alleged person harassing, and a target may make such a confrontation impossible. In the event that such informal, direct communication

between individuals is either ineffective or impossible the Human Resources Department should not be contacted through the procedure outlined below.

Evanston Community Council will not in any way retaliate against an individual who makes a report of sexual harassment, nor will Evanston Community Council permit any supervisor, officer, or employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately.

**Procedures:**

- 1) A report of an alleged violation of this policy should be made immediately to the Executive Committee of designated officer.
- 2) An investigation of the alleged harassment will be handled through the Executive Committee or designated officer in a confidential manner so as to protect the privacy of persons involved. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances. In pursuing the investigation, the [designated department of the organization or individual officer, director or employer] will seek to take the wishes of the complainant into consideration but will thoroughly investigate the matter as appropriate under the circumstances. The alleged offender will be made aware of the report and will be given an opportunity to respond and present witnesses. The Executive Committee or designated officer will keep the complainant informed as to the status of the investigation. Upon completion of the investigation of a sexual harassment complaint, the [designated department of the organization or individual officer, director or employer] will recommend to management the appropriate action to be taken. If Evanston Community Council concludes that harassment occurred, the harasser will be subject to appropriate disciplinary action, as describes below. The complainant will be informed of the disciplinary action taken.
- 3) In the event the harassment cannot be substantiated, this finding will be communicated to the complainant in an appropriately sensitive manner. The complainant is always free to provide additional evidence which will also be investigated.
- 4) If any party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit his/her written comments in a timely manner to the chief executive officer.

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## Anti-Discrimination Policy

Evanston Community Council is committed to a atmosphere free of discrimination and harassment based on sex, race, color, religion, age, ancestry, national origin, disability, status as a veteran, or any protected status ("protected status").

Offensive or harassing behavior will not be tolerated against any member because of his or her protected status or the protected status of his or her relatives, friends, or associates. This policy covers vendors, customers, or others who enter our workplace, as well as all members. **Any member who engages in harassment will be subject to disciplinary action up to and including termination.**

Supervisory and other managerial personnel are responsible for taking proper action to end harassment in the workplace. Any supervisor or manager who has knowledge of such behavior yet takes no action to end it will be subject to disciplinary action up to and including termination.

Evanston Community Council strictly prohibits any harassing behavior, such as:

- Unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual nature.
- Making or threatening reprisals for refusing sexual favors.
- Repeated requests for dates or questions about one's sex life or experiences.
- Unwelcome physical contact such as pinching, kissing, inappropriately touching another member, or impeding another member's normal work movement.
- Slurs, jokes, posters, cartoons, offensive gestures, derogatory remarks, negative stereotyping, or offensive sounds that are based upon any protected status or directed toward a member because of his or her protected status.
- Acts of physical violence, threats of physical violence, or other physically intimidating behavior directed toward a member because of his or her protected status.
- Continuous discriminatory activities, engaged in because of a member's protected status, that not explicitly sexual (or racial, ageist, etc.) (e.g., unequal distribution of work, lack of assistance when such assistance is provided to those outside the protected status, hiding work tools or equipment, etc.).

Any such offensive conduct will be considered a prohibited form of harassment when either of the following is true:

- There is a promise or implied promise of preferential treatment or negative consequence regarding employment decisions or status.
- Such conduct has, or could have, the effect of creating an intimidating, hostile, or offensive work environment, or it unreasonably interferes with a person's work performance.

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## Conflict of Interest Policy

### Article I Purpose

The purpose of the conflict of interest policy is to protect Evanston Community Council (Organization) interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.

### Article II Definitions

#### 1. Interest Person

Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

#### 2. Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- a) An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,
- b) A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or
- c) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

### Article III Procedures

#### 1. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

#### 2. Determining Whether a Conflict of Interest Exists

After disclosure of the financial interests and all material facts, and after any discussion with the interested person, he/she shall leave the governing body or committee meeting while the determination

of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

**3. Procedures for Addressing the Conflict of Interest**

- a) An interest person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- b) The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternative to the proposed transaction or arrangement.
- c) After exercising due diligence, the governing board or committee shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- d) If a more advantageous transaction or arrangement is not reasonably possible under circumstances nor producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

**4. Violations of the Conflict of Interest Policy**

- a. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the members of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

**Article IV**  
**Records of Proceedings**

The minutes of the governing board and all committees with board delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing boards or committee's decision as to whether a conflict of interest in fact existed.
- b. The names of the persons who were present for the discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record any votes taken in connection with the proceedings.

**Article V**  
**Compensation**

- a. A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to the member's compensation.
- b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.
- c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

**Article VI**  
**Annual Statements**

Each director, principal officer and member of a committee with governing board delegated powers shall annual sign a statement which affirms such person:

- a. Has received a copy of the conflicts of interest policy,
- b. Has read and understands the policy
- c. Has agreed to comply with the policy, and
- d. Understands the Organization is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

**Article VII**  
**Periodic Reviews**

To ensure the Organization operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Organization's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

**Article VIII**  
**Use of Outside Experts**

When conducting the periodic reviews as provided for in Article VII, the Organization may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.