
SECTION No. 4
CATEGORY MISCELLANEOUS
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**COMPLAINT PROCEDURE
FOR ALL DISCRIMINATION
AND HARASSMENT ISSUES**

DISCRIMINATION FREE WORKPLACE

- 2.1 Lambda Legal is committed to providing a work environment that is free from discrimination, sexual harassment, and harassment or mistreatment of any kind. We do not tolerate discrimination of any kind based on a person’s race, color, religion, age, national or ethnic origin, sex, marital status, height, weight, parental status, pregnancy, sexual orientation, gender identity, gender expression, HIV status, veteran status, disability, non-job related criminal conviction history, political or union affiliation, or any other basis made unlawful by applicable federal, state, or local law.
- 2.2 This policy and procedure is intended to protect all Lambda Legal staff, volunteers, and interns. As means to that end, Lambda Legal has established a formal procedure for the handling of complaints, both sexual and non-sexual. (See Section 2.6)

SEXUAL HARASSMENT

- 2.3 Sexual Harassment, as defined by the Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature when:
 - 2.31 submission to such conduct made either explicitly or implicitly is a term or condition of an individual’s employment;
 - 2.32 submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
 - 2.33 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.
- 2.4 As used herein, sexual harassment can involve behavior by a person against a person of the same or different sex, and can include behavior of a supervisor toward an employee and behavior of any employee toward another employee, volunteer, or intern.
- 2.5 The person subject to sexually harassing conduct may choose to respond to the harasser in a way which demonstrates that the conduct is unwelcome. However, the person is not required to complain directly to the offending individual.

GRIEVANCE PROCEDURE FOR ALL COMPLAINTS INCLUDING DISCRIMINATION, SEXUAL HARASSMENT AND OTHERS

- 2.6** The following procedure will be used for all employee complaints, whether a general grievance or a complaint of discrimination or harassment (sexual or otherwise):
- 2.61** If you believe that you are the victim of discrimination/harassment, or have a complaint about a fellow employee, your complaint should be addressed to the Human Resources Director or the Human Resources Specialist. You are not required under this procedure to complain directly to the offending individual.
- 2.62** Retaliation against an employee for having complained of discrimination /harassment, or against an employee who provided information during the investigation, can be the subject of a complaint under this procedure. If such retaliation in fact occurred, appropriate corrective action will be taken and appropriate sanctions imposed.
- 2.7** Efforts will be made to investigate and resolve complaints in as confidential a manner as is possible consistent with proper investigation of the complaint and with considerations of fairness to the person accused, and institutional liability. There will be no retaliation or other adverse action against individuals who make complaints or against employees who provide information in the course of Lambda Legal's investigation of such complaints, except as noted in this policy (See section 2.76).
- 2.71** When discrimination/harassment is alleged, the Deputy Director, if appropriate, will talk to the parties involved and will attempt to resolve the matter informally. If the nature of the allegations makes such an informal investigation inappropriate or if such informal efforts do not resolve the matter, the Deputy Director will ask the employee to file a written complaint. The complaint should describe the alleged discrimination/harassment in as much detail as possible. The employee should also submit the names of witnesses whom the employee believes have information relevant to the investigation.
- 2.72** The Deputy Director will then inform the employee alleged to have engaged in discrimination/harassment against the complainant, and will give them the opportunity to respond in writing to the allegations and to submit the names of witnesses whom they believe have information relevant to the investigation.
- 2.73** The Deputy Director will conduct an immediate investigation to determine whether or not discrimination/harassment occurred. That investigation may include meeting with the complainant, the respondent, and other individuals who may have relevant information. Relevant records or other documents may also be reviewed. The investigation shall be conducted promptly and thoroughly.
- 2.74** At the conclusion of the investigation, the Deputy Director will submit findings to the Executive Director.
- 2.75** If the Deputy Director's investigation establishes that discrimination/harassment has occurred, the Executive Director will take personnel actions. These may include corrective action necessary to end and to remedy the discrimination/harassment. Action also may include imposition of discipline against the discriminator/harasser, ranging from reprimand to dismissal.
- 2.76** Given the gravity of harassment charges, if the investigation establishes that the complaining employee intentionally made false — rather than good faith but erroneous — accusations, appropriate sanctions will be imposed on that employee.

- 2.8 If the investigation established that discrimination/harassment has occurred, the Deputy Director will make follow-up inquiries to ensure that the offending conduct has not resumed and that the victim has not been subjected to any retaliation for having complained of that conduct.**
- 2.9 In the event that the Human Resources Director is the subject of the complaint, complaints should be filed directly with the Deputy Director.**
- 2.10 In the event that the alleged discriminator/harasser is the Deputy Director, complaints should be filed with the Executive Director, who will conduct the investigation and submit findings to the Co-chairs of the Board.**
- 2.11 In the event that the alleged harasser is the Executive Director, complaints should be filed with the Lambda Legal Board of Directors Co-chairs, who will conduct the investigation and submit findings to the Board of Directors.**