

## **Nondiscrimination/Anti-Harassment Policy and Complaint Procedure**

### **Objective**

The Boston Cyclists Union is committed to fostering an organizational culture 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, including harassment. Therefore, the Boston Cyclists Union strives to promote an environment free from bias, prejudice and harassment.

The Boston Cyclists Union has developed this policy to ensure that its employees work in an environment free from unlawful harassment, discrimination and retaliation. The Boston Cyclists Union will make every reasonable effort to ensure that all concerned are familiar with this policy and are aware that any complaint in violation of it will be investigated and resolved appropriately.

### ***Equal employment opportunity***

It is the policy of the Boston Cyclists Union to ensure equal opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law. The Boston Cyclists Union prohibits any discrimination or harassment based on such characteristics.

### ***Retaliation***

The Boston Cyclists Union encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Boston Cyclists Union to promptly and thoroughly investigate such reports. The Boston Cyclists Union prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

### ***Sexual harassment***

Sexual harassment constitutes discrimination and is illegal under federal and state laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) 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.

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:

- Unwelcome flirtations, sexual advances, propositions 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;
- Sexually degrading words used to describe a person;
- Leering, whistling or touching;
- Insulting or obscene comments or gestures;
- Display, by any means in the workplace, of sexually suggestive objects or images; and
- Unwelcome physical, verbal or visual conduct.

### ***Harassment***

Harassment on the basis of any other protected characteristic is also strictly prohibited.

"Harassment" is defined as verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to:

- Epithets, slurs or negative stereotyping;
- Threatening, intimidating or hostile acts;
- Denigrating or demeaning jokes; and
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

### ***Individuals and Conduct Covered***

This policy applies to all applicants, staff, volunteers, board members and vendors/contractors of the Boston Cyclists Union.

Conduct prohibited by this policy is unacceptable in any setting where business of the Union is being conducted, including meetings and events.

### ***Reporting an Incident of Harassment, Discrimination or Retaliation***

The Boston Cyclists Union encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their

immediate supervisor, Executive Director, Board President or Vice-President or Governance Committee Chair. See the complaint procedure described below.

In addition, the Boston Cyclists Union encourages individuals who believe they are being subjected to such conduct to, if possible, promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Note that this is not required, and individuals may proceed with the complaint procedure without advising the offender that the behavior is unwelcome.

### ***Complaint Procedure***

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, Executive Director, Board President or Vice-President or Governance Committee Chair. Contact information can be found at the end of this policy.

The Boston Cyclists Union encourages prompt reporting of complaints or concerns so that rapid and constructive action can be taken and actual or perceived incidents of harassment can be resolved.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. 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.

The Boston Cyclists Union will maintain confidentiality throughout the investigatory process to the extent possible and consistent with adequate investigation and appropriate corrective action. 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, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the Boston Cyclists Union believes appropriate under the circumstances.

If a party to a complaint does not agree with its resolution, that party may appeal to the Executive Director of the Boston Cyclists Union, Board President or Vice President, or Governance Committee Chair.

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.

This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and the policies of the Boston Cyclists Union prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

**Contact Information:**

Executive Director: Becca Wolfson, [bwolfson@bostoncyclistsunion.org](mailto:bwolfson@bostoncyclistsunion.org)

Board President: Steve Bercu, [bercu@limelaw.com](mailto:bercu@limelaw.com)

Vice-President: Angela Rodriguez, [angelar@bostoncyclistsunion.org](mailto:angelar@bostoncyclistsunion.org)

Governance Committee Chair: Phil Stango, [phil@bostoncyclistsunion.org](mailto:phil@bostoncyclistsunion.org)

**Additional Resources:**

Employees may contact the Equal Employment Opportunity Commission (EEOC) or the Massachusetts Commission Against Discrimination (MCAD).

EEOC - Boston Office  
JFK Federal Building  
475 Government Center, Boston, MA 02203  
(800) 669-4000  
<http://www.eeoc.gov>

*The time for filing a complaint with the EEOC is within 300 days from the incident(s).*

MCAD - Boston Office  
One Ashburton Place, Rm. 601  
Boston, MA 02108  
(617) 994-6000  
<http://mass.gov/mcad/>

*The time for filing a complaint with MCAD is within 300 days from the incident(s).*