



Bensley-Bermuda Volunteer Rescue Squad, Inc.  
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Serving the citizens of Chesterfield Count since 1954

Policy #1005

February 20, 2021

## Discrimination and Harassment Policy

### I. POLICY

Bensley-Bermuda Vol. Rescue Squad is an equal volunteer opportunity committed to providing a work environment that is free from discrimination and harassment.

Discrimination and harassment in the workplace on the basis of race, color, national origin, sex, pregnancy, childbirth or related medical conditions, age (40 or older), marital status, sexual orientation, gender identity, disability, religion or genetic information is prohibited.

All volunteers shall be responsible for abiding by this policy and promoting a workplace that is free of discrimination and harassment. Volunteers are obligated to report instances of discrimination and harassment or any illegal activity toward either volunteers, vendors, contractors, customers or patients to their supervisor or BOD. Supervisors who allow workplace discrimination or harassment to continue or fail to take appropriate corrective action upon becoming aware of the discrimination or harassment may be considered parties to the offense, even though they may not have directly engaged in the discrimination or harassment.

To ensure volunteers are informed of the Discrimination and Harassment Policy and are trained on their rights and responsibilities under the policy, Target Solutions will distribute this procedure to all new volunteers and to existing volunteers.

### II. IDENTIFYING DISCRIMINATION AND HARASSMENT

A. **General Guidelines** – Under this policy, discrimination or harassment occurs whenever an volunteer is denied an employment opportunity based on an identified protected category as defined by the Civil Rights Act of 1964 (Title VII), the Age Discrimination and Employment Act (ADEA), the Americans with Disabilities Act (ADA) and the Code of Virginia. These protected categories are race, color, national origin, sex, pregnancy, childbirth or related medical condition, age (40 and older), marital status, sexual orientation, gender identity, disability, religion and genetic information.

- B. **Age Discrimination** – Treating an applicant or volunteer unfavorably in personnel actions because of his or her age. Volunteers who are 40 years old or older are protected against age discrimination.
- C. **Bona Fide Occupational Qualification (BFOQ)** – An exception to the general prohibition of discrimination, which allows the BOD/membership committee to place restrictions on certain protected categories when accepting applications or putting forth for membership (except on the basis of race) if the restriction is necessary to the performance of the duties of the position. BFOQs must be pre-approved by BOD and are only allowed when the very nature of the job requires certain limitations, e.g., gender or age.
- D. **Disability Discrimination** – Treating an applicant or volunteer unfavorably in personnel actions because they have a disability or are perceived to have a disability. All reasonable accommodation requests for disability should follow Administrative Procedure 6-18, Americans with Disabilities Act.
- E. **Disparate Impact** – When a neutral policy or practice has the effect of disproportionately excluding or harming members of a protected class.
- F. **Disparate Treatment** – When an volunteer is intentionally treated adversely because he or she is a member of a protected category.
- G. **Harassment** – Harassment is unwelcome conduct that is based on race, color, national origin, sex, pregnancy, childbirth or related medical condition, age, marital status, sexual orientation, gender identity, disability, religion or genetic information. Harassment that is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive is prohibited by this policy. Harassment may include, but is not limited to, offensive comments, gestures, slurs, texts, email messages, jokes, posters, cartoons, pictures, or drawings that are based on an individual’s race, color, sex, pregnancy, childbirth or related medical condition, religion, age, national origin, marital status, sexual orientation, gender identity, disability, or genetic information. Harassment does not require the intent to offend. Thus, inappropriate conduct meant as a joke, prank, or even a compliment may lead or contribute to harassment.
- H. **Personnel Action** – Promotions, training, or disciplinary actions, including termination.
- I. **Race/Color/National Origin Discrimination** – Adversely affecting an applicant or volunteer in a personnel action because of his or her race, color, or national origin. This includes discriminating against volunteers with certain physical characteristics (such as skin color, hair texture or other physical features) birthplace, ancestry, culture, native language, or accent.
- J. **Religious Discrimination** – Treating an applicant or volunteer unfavorably in a personnel action because of his or her religious beliefs or religious affiliation.

- K. **Retaliation** – When an individual is treated unfavorably because he or she has reported discrimination/harassment or has cooperated, given testimony, or participated in any manner in an EEO investigation, proceeding or hearing. Retaliation is prohibited under this policy. Anyone who is being subjected to retaliation shall report it pursuant to Section III of the policy and it shall be investigated and resolved in the same manner as discrimination/harassment complaints.
- L. **Sex Discrimination** – Treating an applicant or volunteer unfavorably because of his or her sex, gender identity, or sexual orientation.

### III. ENFORCEMENT PROCEDURE

- A. **BOD Responsibilities** – BOD, and supervisors are obligated to ensure that objective practices within the squad comply with Non-Discrimination and Equal Opportunity plan and this policy. They are also obligated to maintain a non-discriminatory environment for volunteers and report instances of discrimination/harassment immediately to BOD.
- B. **False/Vindictive Claims** – False allegations or vindictive acts of retaliation shall constitute violations of this policy.
- C. **Complaint Procedure** – Any volunteer, applicant for the squad, vendor, contractor, customer or patient is protected by this policy from illegal discrimination and harassment based on race, color, national origin, sex, pregnancy, childbirth or related medical condition, age, marital status, sexual orientation, gender identity, disability, religion or genetic information. Sexual harassment investigations shall be governed by a committee headed by the President and reported to the BOD.  
Individuals are protected from retaliation if they have opposed discrimination/harassment, filed a complaint of discrimination/harassment, or participated in the EEO complaint process.
- D. **Filing a Formal Complaint** – A person who is being subjected to discrimination or harassment shall make a complaint to their Chief, BOD or President within 30 days of the discrimination or harassment. The individual (complainant) will be asked to complete the EEO Discrimination/Harassment Complaint form.
- E. **Investigation** – The President and a committee shall conduct confidential, in-depth interviews with the complainant, witnesses, co-workers and the respondent to gather all relevant information and shall refrain from disclosing the complainant's name, if at all possible. The investigation may also include collecting statements, interviewing staff and gathering related documents. After interviewing all relevant parties, the president, in conjunction with the committee, shall determine whether or not discrimination and/or harassment in violation of

this policy has occurred based on the evidence gathered during the investigation. The President and committee shall suggest appropriate disciplinary actions in writing, if necessary, to the BOD.

The secretary shall maintain all documents regarding discrimination and harassment in a confidential manner. The individual filing the complaint will receive written notice of the findings.

- F. **Complaint Involving Non-Volunteer** – If a complaint is filed by or against a contractor or vendor or against a patient or citizen, it may be investigated by the President and committee. If the complaint is founded against a non-volunteer, the investigator shall take appropriate action to ensure that the discrimination/harassment ceases.
- G. **Accused Rights** – If practical, within 10 calendar days of receipt of the formal complaint (after complainant interview), a Notice of Complaint form shall be issued to the respondent. If accused of discrimination or harassment, an individual has the right to:
  - 1. Respond to the complaint;
  - 2. Receive discipline in conformance with the policies and procedures, if substantiated; and
  - 3. Utilize the Squads Grievance Procedure if they disagree with the disciplinary action, if eligible.
- H. **Cooperation** – All Squad volunteers are required to cooperate in discrimination and harassment investigations.
- I. **Impeding Investigations** – Impeding an investigation or otherwise covering up a violation is prohibited.
- J. **Confidentiality** – All participants in the investigation, including the complainant and the respondent, shall be required to keep the details and results of any investigation confidential as possible.
- K. **Violation/Discipline** – In determining whether a violation of this policy has occurred, the investigating committee shall consider the totality of the circumstances, the nature of the act and the context in which the incident occurred. The President along with the committee will make recommendations on situationally appropriate discipline. BOD shall be consulted of the committees' discipline recommendation. All violations of this policy, including violation of the retaliation, confidentiality, cooperation, impeding investigations and false/vindictive claims provisions, shall result in disciplinary action up to and including termination in accordance with the Squad's Policies and Procedures. Anyone who fails to report an incident to HR or allows discrimination or harassment to continue or fails to take appropriate corrective action or retaliates or discriminates against the complainant, or any other individual who cooperates in the investigation, shall be subject to discipline, up to and including termination. A complainant should report such a violation to the BOD for investigation.

- L. **Interim Remedial Measures** – After a complaint is received, interim remedial measures may be taken to protect the individuals involved and/or to protect the interests of the Squad. Any remedial measure may be reversed or modified pending final resolution of a complaint.
- M. **Follow-up** – Once a complaint has been resolved, The President/committee or BOD will follow-up with the complainant periodically to ensure that the discrimination or harassment has ceased, and/or no retaliation is occurring.
- N. **Files** – The secretary shall ensure that all documents and files regarding an EEO discrimination and harassment investigation are maintained in a confidential manner and that access to such files is restricted.

I, \_\_\_\_\_, have read and understand this document. I understand that I am liable for the information within this document, and must abide by these rules as a member/affiliate of BBVRS.

Signature