

# **BLUE WATER DEVELOPMENTAL HOUSING POLICY FOR HARASSMENT AND SEXUAL HARASSMENT**

## **Introduction**

Blue Water Developmental Housing, Inc. is committed to maintaining a workplace free from sexual harassment and other forms of harassment. Harassment and sexual harassment are forms of workplace discrimination. All employees are required to work in a manner that prevents harassment of any kind. This Policy is one component of Blue Water Developmental Housing's commitment to a discrimination-free work environment. Harassment and sexual harassment are against the law and all employees have a legal right to a workplace free from harassment. Employees are urged to report harassment or sexual harassment by filing a complaint internally with Blue Water Developmental Housing. Employees can also file a complaint with a government agency or in court under federal or state antidiscrimination laws.

This policy addresses both sexual harassment and harassment based on membership in a protected class. In Michigan, such classes include religion, race, color, national origin, age, sex, height, weight, marital status or disability. Blue Water Developmental Housing also recognizes sexual orientation and gender identity as protected classes.

References to harassment in this document include sexual harassment and harassment on the basis of membership in any class recognized as protected under Michigan Law or Blue Water Developmental Housing policy.

## **Policy:**

1. Blue Water Developmental Housing's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Blue Water Developmental Housing. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual or other harassment will not be tolerated. Any employee or individual covered by this policy who engages in harassment of any kind as defined by this policy or in retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this policy shall be subject to adverse action because the employee reports an incident of sexual or other harassment, provides information, or otherwise assists in any investigation of a complaint of harassment, of any kind. Blue Water Developmental Housing will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment or any other form of harassment. Any employee of Blue Water Developmental Housing who retaliates against anyone involved in an investigation into sexual harassment, or any other form of

harassment, will be subjected to disciplinary action, up to and including termination. All employees paid or unpaid interns, or non-employees<sup>1</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Executive Director or his/her designate. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment and other forms of harassment are offensive, are violations of our policies, are unlawful, and may subject Blue Water Developmental Housing to liability for harm to targets of such harassment. Harassers may also be individually subject to liability. Employees of every level who engage in harassment of any kind, including managers and supervisors who engage in such harassment who allow such behavior to continue, will be disciplined for such misconduct.
5. Blue Water Developmental Housing will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual or other harassment, or otherwise knows of possible harassment of any kind occurring. Blue Water Developmental Housing will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever harassment of any kind is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual or other harassment.
6. All employees are required to report any harassment or behaviors that violate this policy. Blue Water Developmental Housing will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Executive Director or his/her designate.
8. This policy applies to all employees, paid or unpaid interns, former employees, and non-employees and all must follow and uphold this policy. This policy will be provided to all employees upon hiring and/or its implementation and will be posted to the company's website. This policy will also be posted in the main office of the company and, to the extent possible, at other locations where Blue Water Developmental Housing does business, if appropriate.

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<sup>1</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

## **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment.
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

**Hostile Environment Harassment.** A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are reasonably<sup>2</sup> offensive or objectionable to the recipient, which reasonably cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

**Quid Pro Quo Harassment.** Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors or the toleration of overtly sexual behavior. These benefits can include hiring, promotion, continued employment, or any other terms, conditions or privileges of employment.

Any employee, applicant for employment, or non-employee worker who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

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<sup>2</sup> The conduct complained of must be objectively offensive using a “reasonable person” standard. Conduct that would not be objectionable or offensive, in context, under this standard may not constitute sexual harassment or be sufficient to create a sexually hostile environment.

The following describes some, but not all, of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays with others while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. Michigan law protects any person who is employed by an employer who has one or more employees, or by an agent of that employer, or who works for an employment agency. Employers, employment agencies, joint labor-management committees or training programs are prohibited from discriminating against an individual on the basis of membership in a protected category. This policy additionally protects paid or unpaid interns, and non-employees, including independent contractors, former employees, and

those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, or customer.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer-sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours where a person protected by or subject to this policy is involved.

### **Real-life examples of sexual harassment**

- **Quid pro quo** -- In *Meritor Savings Bank v Vinson*, 477 US 57 (1986), the person bringing the complaint, Mechelle Vinson, claimed her supervisor had coerced her to have sexual relations with him 40 or 50 times and asked for sexual favors at work in exchange for continued employment. She said she gave in because he threatened to fire her.
- **Hostile environment** -- The employee/victim, Karen Harris, was a manager at Forklift Systems, Inc., an equipment rental company. The president of the company, Hardy, often insulted Harris because of her gender and made her the target of unwanted sexual innuendo. Hardy's comments included, "You're a woman, what do you know?" and "We need a man as the rental manager." In front of other employees, Hardy suggested that he and Harris "go to the Holiday Inn to negotiate [Harris'] raise." Hardy asked Harris and other female employees to get change out of his front pants pocket, he threw objects on the ground in front of Harris and other women and asked them to pick them up, and he made sexual innuendos about the clothing worn by Harris and other women.
- Harassment is not limited to harassment of women by men and vice versa. In *Oncale v Sundowner Offshore Services*, 523 US 75 (1998) the male plaintiff was a roustabout on an oil platform in the Gulf of Mexico who complained that several of his male co-workers verbally abused him with epithets like "f-ggot," harassed him, and at one point he was physically assaulted and threatened with rape.

### **What Are Other Forms of Harassment?**

Harassment is not limited to sexual harassment. Harassment on the basis of an individual's membership in a "protected class or category" – on the basis of religion, race, color, national origin, age, height, weight, marital status or disability -- is also a violation of Michigan and/or federal law and this policy.

Like sexual harassment, harassment on the basis of membership in a protected category includes unwelcome conduct that is directed at an individual because of that individual's religion, race, color, national origin, age, sex, height, weight, marital status or disability when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the harassment.

A harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are directed at an individual because of that individual's membership in a protected class. Harassment on the basis of membership in a protected category also consists of any derogatory statements or discriminatory remarks made on the basis of an individual's membership in the protected category which are reasonably<sup>3</sup> offensive or objectionable to the recipient, which reasonably cause the recipient discomfort or humiliation, and which interfere with the recipient's job performance.

Any employee, applicant for employment, or non-employee worker who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of harassment on the basis of membership in a protected category/class**

The following describes some of the types of acts that may be unlawful harassment and that are strictly prohibited:

- Physical acts such as hitting, tripping, assaults or batteries.
- Gestures, noises, remarks or jokes, or comments about an individual's membership in a protected category, or language which is offensive to members of a protected category (ni--er, raghead, Spic, etc.) which create a hostile work environment.
- Discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that call for action against members of a certain race, religion, country of origin, etc., that describe members of a protected category in demeaning or obscene terms; that accuse members of a protected category of acts against the government, terrorism, etc.; the display of signs or symbols that are offensive to members of a protected class (e.g. Swastikas, the confederate flag) etc. This includes

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<sup>3</sup> As with a claim of sexual harassment, the conduct complained of in a claim of harassment based on membership in a protected category must be objectively offensive using a "reasonable person" standard. Conduct that would not be objectionable or offensive, in context, under this standard may not constitute harassment or be sufficient to create a hostile environment.

displays of such materials on workplace computers or cell phones and sharing such displays while in the workplace.

- Hostile actions taken against an individual because of that individual's membership in a protected category, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **Who can be a target of harassment?**

Harassment on the basis of religion, race, color, national origin, age, etc. can occur between any individuals, regardless of their race, color, national origin, gender, age, etc. Michigan law protects any person who is employed by, or applies to, an employer who has one or more employees, or who works for an employment or staffing agency. A victim of harassment does not have to be the person harassed, but can be anyone affected by the offensive conduct.

Employers, agents, employment/staffing agencies, joint labor-management committees or training programs are prohibited from discriminating against an individual on the basis of a membership in protected category. This policy additionally protects paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A harasser can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, or customer.

### **Where can harassment occur?**

Unlawful harassment is not limited to the physical workplace itself. Like sexual harassment, it can occur while employees are traveling for business or at employer-sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours where a person protected by or subject to this policy is involved.

### **Who can be a harasser?**

A harasser can be a victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker or a non-employee.

### **Real-life examples of other forms of harassment**

Employee, a Muslim, was the victim of a hostile environment based on religion where her employer screamed at her, told others that she was a non-Christian and therefore "evil,"

subjected her to different rules than her Christian co-workers, shunned and criticized non-Christians, and conducted prayer circles at work.

An African-American school district employee presented facts sufficient to support a claim of being subjected to hostile environment discrimination where an official at the school district in which he worked wore a Confederate soldier uniform on multiple occasions, although the official was aware the uniform was offensive to the employee.

A hostile environment may have been created where the 50+ worker's supervisor made age-related comments on a daily basis, including statements that she ought to retire and that she should be home taking care of her husband. The supervisor refused to listen to her work-related comments because she was old and her brain "need[ed] a lot of rest," and told her that the reason she had difficulty with emails was because she was "old and forgetful."

## **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a claim of sexual or other sexual harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is unlawful under federal and state law. Title VII of the Civil Rights Act of 1964 and Michigan's Elliott-Larsen Civil Rights Act protect any individual who has engaged in "protected activity." In the context of sexual harassment or any other kind of harassment, protected activity occurs when a person has:

- made a complaint of sexual or other harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual or other harassment under the Elliott - Larson Civil Rights Act ("ELCRA"), Title VII or other anti-discrimination law;
- opposed sexual harassment or other harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed or harassed on the basis of membership in a protected category; or
- encouraged a fellow employee to report harassment of any kind.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the



practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Intentionally false allegations of harassment of any kind made for the purpose of causing harm or distress to another is prohibited and offenders will be subjected to disciplinary action.

## **Reporting Sexual Harassment and Other Forms of Harassment**

**Preventing harassment of any kind is everyone's responsibility.** Blue Water Developmental Housing cannot prevent or remedy harassment of any kind unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment or harassment on the basis of membership in a protected class is encouraged to report such behavior to a supervisor, manager or the Executive Director or his/her designate. Anyone who witnesses or becomes aware of potential instances of any form of harassment should report such behavior to a supervisor, manager or the Executive Director or his/her designate.

Reports of sexual or other harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting harassment of any kind on behalf of other employees should use the complaint form and note that it is on another employee's behalf. Use of this form is preferred, but verbal reports made to a supervisor, manager or the Executive Director or his/her designate will also be accepted.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment or harassment on the basis of membership in a protected class may also seek assistance in other available forums, as explained below in the section on Legal Protections.

## **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected harassment of any kind, observe what may be harassing behavior, or for any reason suspect that sexual harassment or any form of harassment is occurring, **are required** to promptly report such suspected harassment to the Executive Director or his/her designate.

In addition to being subject to discipline if they themselves engaged in harassing conduct, whether sexual or based on protected class membership, supervisors and managers will be subject to discipline for failing to report suspected harassment of any kind or otherwise knowingly allow harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

## **Complaint and Investigation of Sexual and Other Forms of Harassment**

**All** complaints or information about sexual or other harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual or other harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected harassment of any kind. Blue Water Developmental Housing will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Division Director or his/her designate will inform the Executive Director or his/her designate of the complaint and will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If the complaint is verbal, the Division Director or his/her designate should encourage the individual to complete the "Harassment Reporting Form" in writing. If he or she refuses, the Division Director or his/her designate may prepare a Harassment Reporting Form based on the verbal reporting. If possible, the Division Director or his/her designate should ask the person making the complaint to verify the accuracy of the report prepared on his or her behalf.
- If documents, emails or phone records are relevant to the investigation, the Division Director or his/her designate should take steps to obtain and preserve them. No documents that are in any way related to the investigation should be destroyed.
- The Division Director or his/her designate should request and review all relevant documents, including all electronic communications.
- The Division Director or his/her designate should interview all parties involved, including any relevant witnesses;
- The Division Director or his/her designate must ensure all materials gathered and all interviews are treated in a confidential manner.

- The Division Director or his/her designate must create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
  
- The written documentation and associated documents should be turned over to the Executive Director and his/her designate, who must ensure that all documents are kept in a secure and confidential location. (These documents should be placed in a separate, confidential folder; they should not be part of an employee’s personnel file).
  
- The Executive Director or his/her designate must promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
  
- The Executive Director or his/her designate should inform the individual who reported of the right to appeal the decision and of the right to file a complaint or charge externally as outlined in the “Legal Remedies and External Remedies” section of this policy.

**Notification Procedure**

| <b>Who</b>                               | <b>Does What</b>  |
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| Employee(s)/Complainant(s)               | 1. Make a formal written complaint to their program supervisor using the Harassment Reporting Form (preferred), or make a verbal complaint. If the complaint involves an individual in the employee’s direct chain of command, the employee may go to another program supervisor and/or division director, or anyone in a management position with the complaint. |
| Division Director (or his/her designate) | 2. Investigates allegations of sexual or other forms of harassment immediately and thoroughly.<br>3. Contacts the human resources and quality assurance specialist and the  |

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|   | executive director or his/her designate immediately for guidance and assistance.<br>4. Promptly submits a written report of the complaint investigation to the executive director.  |
| Executive Director (or his/her designate) | 5. Assures that the investigation is handled in a fair, timely and appropriate manner.<br>6. Subjects any employee engaging in improper harassing behavior to disciplinary action, including possible termination of employment.<br>7. Handles all information gathered in the investigation of each allegation in a confidential manner. Ensures that the materials gathered in the course of the investigation are kept in a confidential file.<br>8. Advises the employee/complainant of the disposition of the claim and the right to appeal. |
| Employee/Complainant                      | 9. If appealing, must submit an appeal in writing to the executive director within a reasonable period of time after receipt of the disposition of claim.   |
| Executive Director                        | 10. Receives and reviews appeal. Must respond in writing in a timely manner.  |

**Legal Protections and External Remedies**

Sexual harassment and harassment based on membership in a protected class are not only prohibited by Blue Water Developmental Housing but are also prohibited by state and federal law.

Aside from the internal process at Blue Water Developmental Housing, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, individuals may seek the legal advice of an attorney.

**Elliott-Larsen Civil Rights Act (ELCRA)**

Michigan’s Elliott-Larsen Civil Rights Act, MCL 37.2101 applies to all employers in Michigan, regardless of the size of the employer’s business. Michigan law protects any person who is employed by an employer who has one or more employees, or by an agent of that employer, or who works for an employment agency.

A complaint alleging violation of the ELCRA may be filed with the Michigan Department of Civil Rights (MDCR), at one of its five offices (see the MDCR website, <https://www.michigan.gov/mdcr/> for locations) **within 180 days** after the discrimination/harassment occurred.

Complaining internally to Blue Water Developmental Housing does not extend your time to file with MDCR or in court. The **180 days is counted from date of the most recent incident of harassment.**

You do not need an attorney to file a complaint with the MDCR and there is no cost to file with the MDCR.

MDCR will investigate your complaint and determine whether there is probable cause to believe that sexual or other harassment has occurred. If there is cause to believe discrimination occurred, the MDCR will first attempt a conciliation. If the respondent does not agree to the conciliation, the MDCR may issue a formal charge and set a date for a public hearing before the Civil Rights Commission. After the hearing, the Civil Rights Commission may issue an order dismissing the complaint or directing that remedial actions be taken by the respondent.

An aggrieved party may also seek remedy in the courts.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within **300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

A complaint does not need to be filed with both the MDCR and the EEOC; an individual making a complaint can ask either agency to cross-file the claim with the other agency.

## **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, destruction of personal property, physical assault or threats of assault, the conduct may constitute a crime. Contact the local police department.

## **Consensual Relationships in the Workplace**

Bluewater Developmental Housing is committed to providing a workplace that is free of harassment, discrimination, conflicts of interest and favoritism. Blue Water Developmental Housing will not tolerate unwelcome or offensive conduct, conduct that creates a hostile work environment, or sexual harassment.

Blue Water Developmental Housing's Consensual Relationship Agreement is a tool used to provide employees and the organization with clarity about the social/romantic relationship status between employees working in the same organization. Employees' acknowledgement of their social/romantic relationships with other employees can be used to deter litigation and avoid the appearance of any behind-the-scenes impropriety. The Consensual Relationship Agreement can also serve to protect a person covered by this policy by establishing the existence of a consensual relationship where harassment could potentially occur.

### **Scope**

Each employee of Bluewater Developmental Housing is encouraged to inform the organization if a social/romantic relationship exists between the employee and another employee, regardless of location of employment, position or tenure of the employee in the organization.

To this end, Blue Water Developmental Housing, Inc., asks employees who are involved in a social/romantic relationship inform Human Resources and/or the Executive Director and/or his/her designate of the relationship, and sign the Blue Water Developmental Housing Consensual Relationship Agreement, which is attached to this policy.

If only one party to a consensual relationship elects to sign the Consensual Relationship Agreement, he or she may do so by signing the Consensual Relationship Agreement and notifying Human Resources and/or the Executive Director and/or his/her designate of the identity of the other party to the relationship.

**BY MY SIGNATURE BELOW, I ACKNOWLEDGE THAT I HAVE RECEIVED, READ, AND UNDERSTOOD THE BLUE WATER DEVELOPMENTAL HOUSING, INC. POLICY FOR HARASSMENT AND SEXUAL HARASSMENT AND AGREE TO FOLLOW ITS TERMS. IF I HAVE QUESTIONS ABOUT THE POLICY OR ITS ENFORCEMENT, I HAVE BEEN INSTRUCTED TO CONTACT A MEMBER OF MANAGEMENT AT BLUE WATER DEVELOPMENTAL HOUSING, INC.**

Signed by \_\_\_\_\_ (Employee) this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Witness Signature

**BLUE WATER DEVELOPMENTAL HOUSING, INC.**  
**CONSENSUAL RELATIONSHIP AGREEMENT**

We, the undersigned employees, have voluntarily entered into a social/romantic relationship.<sup>4</sup>

We acknowledge that Blue Water Developmental Housing is committed to providing a workplace that is free of harassment, discrimination, conflicts of interest and favoritism, and that Blue Water Developmental Housing will not tolerate unwelcome or offensive conduct, conduct that create a hostile work environment, or sexual harassment. We have read and understand Blue Water Developmental Housing's anti-discrimination and anti-harassment policies.

We understand and agree as follows:

Our relationship is entirely voluntary and consensual. Either of us may terminate the relationship at any time without suffering work place retaliation in any form. We agree that participation in this social/romantic relationship has not been made a condition or term of employment by either of us. Our relationship will not have a negative impact on our work.

We will not engage in any public displays of affection at work or other behavior that might make others uncomfortable or might create a hostile work environment for others.

We will not engage in any conduct that could reasonably be regarded by co-workers as favoritism.

We will act professionally towards each other at all times, even after the relationship has ended.

We will not participate in any company decision-making process that could affect each other's pay, promotional opportunities, performance reviews, hours, shifts or career, while in this relationship.

We understand that one or both of us may need to transfer to another location to remove any conflicts of interest in our working environment if one of us has, or later acquires, supervisory authority over the other. If a transfer will not remove the conflict of interest, we understand that one of us may have to resign or be demoted to remove the conflict of interest. We further understand that Blue Water Developmental Housing, Inc. will first ask us to choose which of us will be subject to a transfer, demotion, or resignation. If we fail to choose, Blue Water Developmental Housing will be forced to choose for us. We understand that Blue Water Developmental Housing will make such a decision without

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<sup>4</sup> In the event only one party to a consensual relationship elects to sign this Consensual Relationship Agreement, references to the plural "we" are incorporated into the singular.



regard to any protected class characteristic and in compliance with the organization's Equal Employment Opportunity Policy and the Consensual Relationship Policy of which this agreement forms a part.

We agree that, if the relationship ends, we will inform Blue Water Developmental Housing if we believe it is necessary to protect our rights or if the Blue Water Developmental Housing's policies on sexual harassment and other forms of harassment are violated.

We agree that, if the relationship ends, we will respect the other person's decision to end the relationship and will not retaliate against the other person, engage in unprofessional or inappropriate efforts to resume the relationship, or engage in any other conduct toward the other person that could violate the Blue Water Developmental Housing's policies on sexual harassment and other forms of harassment.

This agreement is confidential and is not intended to invade our privacy but to affirm that both of us have received and agree to comply with all relevant policies.

We understand that we may consult with an attorney before signing this agreement.

**EMPLOYEE PARTICIPATION THROUGH HIS OR HER AGREEMENT TO AND SIGNATURE ON THIS CONSENSUAL RELATIONSHIP AGREEMENT IS VOLUNTARY.**

Signed:

\_\_\_\_\_  
Employee

Dated: \_\_\_\_\_

Witness: \_\_\_\_\_

\_\_\_\_\_  
Employee

Dated: \_\_\_\_\_

Witness: \_\_\_\_\_

Identity of other party to the relationship if only one signature:

Name: \_\_\_\_\_

**OPT-OUT PROVISION:**

I have received and read a copy of this Consensual Relationship Agreement. At this time, the situation described in the Consensual Relationships Agreement is either not applicable to me or I do not wish to participate or enroll myself by signing my name to the Consensual Relationship Agreement as outlined above. I understand, however, that I may change my mind at any time while employed at Blue Water Developmental Housing. If I decide to participate as stated in the Consensual Relationship Agreement in the future, I have been advised to sign and date this Consensual Relationship Agreement where indicated above and give a copy of it to a Blue Water Developmental Supervisor and/or member of management. It has been explained to me that my decision not to sign the Consensual Relationship Agreement does not affect a term or condition of my employment.

**My decision not to sign the Consensual Relationship Agreement does not affect my agreement to be bound by and subject to any other Blue Water Developmental Housing policy including but not limited to the BLUE WATER DEVELOPMENTAL HOUSING POLICY FOR HARASSMENT AND SEXUAL HARASSMENT.**

\_\_\_\_\_  
Employee

Dated: \_\_\_\_\_

Witness: \_\_\_\_\_

August 2019 revised and approved kms

Reviewed: 9/18/19