

Equal Employment & Anti-Discrimination Policy

The Board Policy on Equal Employment and Anti-Discrimination
Adopted by the Board 6/24/2016

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1. Introduction

AIP has a policy prohibiting discrimination and harassment. AIP does not tolerate unlawful discrimination or harassment on the basis of race, color, sex, sexual orientation, gender identity, pregnancy, genetic information, religion, ethnic or national origin, age, mental or physical disability, veteran status, marital status, other non-disqualifying disability, or any other characteristic protected by law.

Not only does AIP prohibit conduct that is unlawful, but it also prohibits conduct that is otherwise offensive, including insulting, intimidating, threatening, degrading, defamatory, disparaging, disrespectful, or discourteous. This policy applies to conduct towards or by AIP staff members, Board members and other volunteers, vendors, individuals associated with Member Societies, independent contractors and other outside business contacts, and the prohibitions are in place whether or not the conduct is in a business or social setting.

Implementation of any and all equal employment and anti-discrimination policies is the responsibility of Human Resources.

2. Equal Opportunity

AIP is an equal employment opportunity employer. It is the policy of AIP to provide equal employment and advancement opportunities to all individuals; employment decisions will be based on the needs of AIP, merit, and qualifications. To affirm this policy, employment practices will not be influenced or affected by an applicant's or staff member's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, veteran status, or any other characteristic protected by law. This policy governs all

aspects of employment, including selection, job assignment, compensation, corrective action, termination, and access to benefits and training.

Equal employment opportunity notices are posted at AIP as required by law. These notices summarize the rights of staff members to equal employment opportunity and list the names and addresses of the various government agencies that may be contacted in the event that a person believes he or she has been discriminated against.

AIP will not terminate, demote, harass, or otherwise retaliate against an applicant or staff member for filing a charge of discrimination, participating in a discrimination proceeding (such as a discrimination investigation or lawsuit), or otherwise opposing discrimination.

All staff, through their actions, share in the responsibility for assuring that these policies are effective and applied consistently.

2.1 Pay Transparency

AIP will not terminate or in any other manner discriminate against staff if they inquire about, discuss, or disclose their own pay or the pay of another staff member or applicant. However, staff who have access to the compensation information of other staff or applicants as a part of their essential job functions cannot disclose the pay of other staff or applicants to individuals who do not otherwise have access to such information, unless the disclosure is (a) in response to a formal complaint or charge, (b) during an investigation, proceeding, hearing, or action, including an investigation conducted by AIP, or (c) consistent with the AIP's legal duty to furnish information.

2.2 Reasonable Accommodation of Individuals' Religious Beliefs and Practices

AIP recognizes and supports its obligation to reasonably accommodate staff members with sincere religious beliefs or practices who are able to perform the essential functions of a position, with or without reasonable accommodation, unless doing so would impose an undue hardship on AIP.

Staff members with a need for a reasonable accommodation of a sincere religious belief or practice should discuss the need with Human Resources.

2.3 Disability Accommodation

AIP will not discriminate against any qualified staff member or job applicant in connection with the terms, privileges, or conditions of employment because of person's physical or mental disability, provided that the disability does not render the individual unable to perform the essential functions of a position with or without accommodation. AIP will make all efforts to reasonably accommodate such disabilities, provided that the individual is otherwise qualified to safely perform the essential functions, duties, and assignments of the job, and provided that such accommodations do not impose an undue hardship on AIP.

AIP cannot accommodate disabilities if staff members fail to make their supervisors or Human Resources aware of disabilities interfering with job performance. In the absence of such disclosures, AIP will assume that applicants and staff members are fully capable of performing their duties or anticipated duties without accommodation. AIP may require medical documentation of a stated disability. If an accommodation is thought necessary, staff members with disabilities should disclose their needs to Human Resources. In such circumstances, please describe the nature of the accommodation requested.

A staff member in need of accommodations may provide Human Resources with a health care provider's certification that includes the date the reasonable accommodation(s) is medically advisable, the probable duration of the accommodation, and an explanatory statement as to the medical advisability of the accommodation as a prerequisite to an accommodation. Human Resources will then discuss with the staff member to determine the needs and what accommodations can be made.

2.4 Health Insurance Portability & Accountability Act (HIPAA)

In compliance with the *Health Insurance Portability and Accountability Act (HIPAA)*, medical information on individual staff is treated confidentially. AIP will take all reasonable precautions to protect private medical information from disclosure without permission. Supervisors and other staff members who have knowledge of an individual's medical information have a responsibility to respect and maintain the confidentiality of that information.

2.5 The Genetic Information Nondiscrimination Act of 2008 (GINA)

Under GINA, AIP will not discriminate on the basis of genetic information with respect to health insurance and employment. AIP is restricted from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information. The law forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, terminating, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment.

AIP will not tolerate any staff member who harasses a person because of his or her genetic information. Harassment can include, for example, making offensive or derogatory remarks about an applicant or staff member's genetic information, or about the genetic information of a relative of the applicant or staff member. Staff should report any such harassment to Human Resources.

2.6 Reasonable Accommodations for Disabilities Due to Pregnancy Act

AIP will provide pregnant staff members with certain reasonable accommodations beyond the requirements of the federal *Americans with Disabilities Act (ADA)* and *Pregnancy Discrimination Act (PDA)*. The *Maryland Reasonable Accommodations for Disabilities Due to Pregnancy Act* mandates that employers provide pregnant staff members who are temporarily disabled with light duty assignments or transfers to less strenuous jobs, among other potential accommodations, unless the accommodation would impose an undue hardship on AIP.

In particular, AIP may consider the following accommodations for a pregnant staff member:

- Changing job duties;
- Changing work hours;
- Relocating work area;
- Providing mechanical or electrical aids;
- Allowing transfer to a less strenuous or less hazardous position; and/or
- Providing leave.

Pregnancy related accommodation requests should be directed to Human Resources.

Also, AIP will provide a light duty assignment to a pregnant individual if the staff members' health care provider "advises the transfer" and if reasonable accommodation can be made.

Applicable staff must provide Human Resources with a health care provider's certification that includes the date the reasonable accommodation(s) became medically advisable, the probable duration of the accommodation, and an explanatory statement as to the medical advisability of the accommodation as a prerequisite to a light duty accommodation.

2.7 Workplace Bullying

AIP defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates AIP’s Standards of Business Ethics and Conduct, which clearly states that all staff will be treated with dignity and respect.

The purpose of this policy is to communicate to all staff that AIP will not tolerate bullying behavior. Staff members found in violation of this policy will receive corrective action, up to and including termination.

Bullying may be intentional or unintentional. When an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out corrective action. As in situations of harassment, it is the effect of the behavior upon the individual that is of critical importance. AIP considers the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or family member; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person’s work area or property.
- **Gesture bullying:** Nonverbal threatening gestures, glances, or symbols that convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

Any of these behaviors are incompatible with AIP’s values and will not be tolerated. Any of these behaviors should be reported immediately to a supervisor or Human Resources. An appropriate and timely investigation will follow.

3. Discrimination and Harassment

It is a violation of AIP policy to discriminate in employment opportunities, benefits, or privileges, or to create discriminatory work conditions or to use discriminatory evaluative standards if the basis of the employment decision is based on a protected class status.

Discrimination as defined above may also violate federal, state, and local laws, including but not limited to, *Title VII of the Civil Rights Act of 1964*; the *Age of Discrimination in Employment Act*; the *Americans with Disabilities Act of 1990*; the *Family and Medical Leave Act*, and all applicable state and anti-discrimination laws.

3.1 Unlawful Harassment, Including Sexual Harassment

The purpose of this policy is to communicate to all staff that AIP will not tolerate unlawful harassment and also does not tolerate any harassment of staff members at work. Staff found in violation of this policy will receive corrective action up to and including termination.

It is a violation of this policy to harass based on an individual's membership in any protected class. AIP will not tolerate harassment in the workplace by staff, including management, or others not employed by AIP. Harassment is any unwelcome verbal, nonverbal, or physical conduct which has the purpose or effect of creating an intimidating, hostile, or offensive work environment. Conduct that can be evidence of harassment includes, but is not limited to:

- Verbal conduct such as epithets, derogatory or obscene comments, slurs, jokes, propositions, advances, suggestive remarks, discussing sexual activities, commenting on physical attributes, whistling;
- Physical conduct such as unwanted touching, grabbing, kissing, hugging, interference with movement; and
- Nonverbal conduct such as displaying sexually suggestive objects, pornographic pictures, or calendars, and making lewd gestures.

While this policy sets forth our standards for promoting a workplace that is free from discrimination and harassment, this policy does not limit AIP's authority or ability to discipline or take any other remedial action for workplace conduct that is found to be inappropriate, regardless of whether that conduct meets the legal definition of discrimination or harassment under applicable local, state or federal law.

Such conduct may constitute harassment when:

- Submission to the conduct is made either an explicit or implicit condition of employment;
- Submission to or rejection of the conduct is used as a basis for an employment decision; or
- The harassment unreasonably interferes with a staff member's work performance or is severe or pervasive enough to alter the conditions of his/her employment and creates an abusive, intimidating, hostile, or offensive work environment.

AIP recognizes that, in the course of carrying out job responsibilities, staff members may be exposed to material that they consider offensive. If this occurs, the staff member should notify their supervisor or Human Resources and request to be excused from working with or around material that is found personally offensive.

3.2 Retaliation

Retaliation, including the loss of benefits, demotion, discipline, or adverse impact on the terms and conditions of employment for opposing discrimination or harassment, filing or responding to a complaint of discrimination, harassment or being a whistleblower, appearing as a witness in the investigation of a complaint of discrimination or harassment, or threatening to file a complaint of discrimination or harassment, will not be tolerated against any individual who makes a good faith complaint or provides information regarding a violation of this policy, including participation in an investigation under this policy or a related administrative or legal proceeding. Any individual who engages in retaliation is in violation of this policy and will receive corrective action, up to and including termination. Complaints and information of retaliation may be brought to AIP's attention through the use of the Open-Door Policy.

3.3 Reporting Discrimination and/or Harassment

Staff members should promptly report to their supervisor or Human Resources any incident that they believe is discriminatory or harassing, or could be considered to be discrimination or harassment. If the staff member feels that their supervisor is the source of the discrimination and/or harassment, the conduct

should be immediately reported to Human Resources or to another supervisor. All complaints of discrimination or harassment will be investigated promptly by AIP.

If the investigation finds that an individual falsely accused another of a violation of policy in a knowing or malicious manner, or otherwise knowingly or maliciously provided false information during the course of the investigation, that individual will also be subject to the appropriate corrective action, up to and including termination.

3.4 Investigation of Discrimination and/or Harassment

Human Resources staff, a member of the Board of Directors, or the Board's designee will investigate each complaint. AIP will endeavor to keep the investigation confidential. However, because AIP has a duty to investigate claims of discrimination and/or harassment, complete confidentiality may not be possible. AIP will strive to preserve confidentiality to the fullest extent possible.

Through the investigation process, AIP may do any of the following, depending on the circumstances of the complaint:

- Interview the complainant and the person alleged to have committed acts of discrimination and/or harassment;
- Ask the complainant what steps he/she would like AIP to take as a consequence of the alleged harassment;
- Conduct further interviews as necessary in order to objectively gather the facts regarding the complaint.

3.5 Prompt & Remedial Action

If AIP determines that harassment has occurred, then AIP will take prompt and remedial action. The appropriate corrective measures will be determined on a case by case basis. If the prohibited conduct is by a third party, AIP will take appropriate corrective action to ensure that such conduct is not repeated.

If the discrimination and/or harassment continues, the staff member should promptly report this to their supervisor, Human Resources, or the Leadership Team.