



HUMAN RESOURCES POLICY/PROCEDURE

OFFICE OF PRIMARY RESPONSIBILITY:

Human Resources

EFFECTIVE DATE:

April 16, 2009

Revision Date: April 25, 2019

Replaces: Productive Harassment-Free Environment Policy

SUBJECT: Anti-Harassment and Anti-Bullying Policy

Approved By

James E. Harrison, Esq., P.E.
Chief Executive Officer, LYNX

OBJECTIVE:

The Central Florida Regional Transportation Authority (hereinafter "Authority") was created by Part III, Chapter 343, Florida Statutes, to own, operate, maintain and manage a public transportation system in the areas of Seminole, Orange, Osceola Counties, and to adopt such policies as may be necessary to govern the operating of a public transportation system and public transportation facilities. The Chief Executive Officer is authorized to establish and administer such policies. Therefore, it is necessary to establish an Anti-Harassment and Anti-Bullying Policy.

SCOPE:

This policy applies to all employees of the Authority.

AUTHORITY:

Authority for this policy and procedure are as follows:

- Florida Statutes, Title XXVI, Chapter 343, Part III
- Administrative Rule 2, Board Governance (By Laws), Rule 2.6 Policies and Procedures
- Administrative Rule 3, Human Resources
- Title VII of the Civil Rights Act of 1964

POLICY:

The Authority will not tolerate unlawful discrimination or harassment in the workplace. In connection with this policy, The Authority expressly prohibits any form of unlawful discrimination and harassment based on race, color, age, national origin, religion, sexual orientation, sex (including pregnancy, childbirth, or related medical conditions), gender identity or gender expression, military or veteran status, physical or mental disability, genetic information, or status in any group protected by state or local law. Improper conduct, including the conduct of visitors, contractors, customers and any interference with the ability of employees to perform their expected job duties is not tolerated.

Harassment includes unwelcome verbal, visual or physical conduct creating an intimidating, offensive, or hostile environment. Examples of harassment include verbal (including slurs, jokes, insults, epithets, gestures or teasing), graphic (including offensive posters, symbols, cartoons, drawings, computer displays, or e-mails), or physical conduct (including physically threaten another, blocking someone's way) that denigrates or shows hostility or aversion towards an individual because of any protected



characteristic. Such conduct constitutes harassment when: 1) it has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or 2) it has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) it otherwise adversely affects an individual's employment.

With respect to sexual harassment, the Authority prohibits the following conduct which includes, but is not limited to:

- Unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - Submission to or rejection of such conduct could be used as the basis for decisions affecting an individual's employment; or
 - Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- Offensive comments, jokes, innuendoes, and other sexually oriented statements.

Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:

- Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body
- Sexually suggestive touching
- Grabbing, groping, kissing, or fondling
- Violating someone's "personal space"
- Whistling
- Lewd, off-color, sexually oriented comments or jokes
- Foul or obscene language
- Leering, staring, or stalking
- Suggestive or sexually explicit posters, calendars, photographs, graffiti, or cartoons
- Unwanted or offensive letters or poems
- Sitting or gesturing sexually
- Offensive e-mail, voice-mail, or text messages
- Sexually oriented or explicit remarks, including written or oral references to sexual conduct
- Gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess
- Questions about one's sex life or experiences
- Repeated requests for dates
- Sexual favors in return for employment rewards (actual or potential), or threats if sexual favors are not provided
- Sexual assault or rape
- Abusive or malicious conduct that a reasonable person would find hostile, offensive, and unrelated to the Authority's legitimate business interests
- Any other conduct or behavior deemed inappropriate by the Authority

REPORTING DISCRIMINATION AND HARASSMENT:

It is the responsibility of the Authority and each employee to create an atmosphere free of discrimination and harassment. In addition, it is the responsibility of each employee to respect the rights of his or her co-workers. If an employee experiences or observes any hostile conduct or harassing behavior, or believes that he/she has been treated in an unlawful discriminatory manner, because of race, color, age, national origin, religion, sexual orientation, sex (including pregnancy, childbirth, or related medical conditions),



gender identity or gender expression, military or veteran status, physical or mental disability, genetic information, or status in any group protected by applicable federal, state or local law, he/she must immediately report the matter (orally or in writing) to their supervisor/manager, EEO Officer/ Manager of Compliance or to Human Resources. Upon receipt of a complaint, the Authority will undertake a prompt and thorough investigation of the allegations. Confidentiality will be maintained concerning the allegations and the investigation to the extent possible, and particularly when it is determined by the Authority that any of the following factors are present:

- Witnesses needing protection;
- Evidence is in danger of being destroyed;
- Testimony is in danger of being fabricated; or
- There is a need for confidentiality in order to prevent a cover up.

Employees who fail to cooperate with an investigation conducted pursuant to this policy, or who breach confidentiality resulting in a threat to the integrity of the investigation, may be subject to disciplinary action up to and including termination.

If the investigation establishes that an individual has engaged in harassing, discriminatory, or other wrongful or inappropriate conduct, disciplinary action, up to and including termination, will be taken against the offending employee.

BULLYING:

Bullying is unwelcome or unreasonable behavior that demeans, intimidates or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior. The Authority considers workplace bullying unacceptable and will not tolerate it in any circumstances. The Authority will investigate workplace bullying. Any employee who feels he or she has been victimized by bullying is encouraged to report the matter to his or her supervisor/manager or to Human Resources. Any report of workplace bullying will be treated seriously and investigated promptly, as confidentially as possible, and impartially.

RETALIATION:

The Authority prohibits retaliation against those who make a good faith complaint pursuant to this policy.