



PHILADELPHIA ORCHARD PROJECT

Anti-Harassment Policy (Published September 2021)

What is Harassment?

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, as stated under the Equal Employment Opportunity section for the Commonwealth of PA ([link to state statutes here](#)). The Philadelphia Orchard Project (POP) will not tolerate harassing conduct, including, specifically, harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Harassment can take many forms, including, but not limited to: words, signs, jokes, pranks, intimidation, physical contact, or violence.

All employees have the right to be treated with respect and dignity. POP supports employees' right to work in an environment free from sexual and other harassment. It is POP's policy that no employee may harass another.

Sexual harassment is offensive behavior directed towards employee(s) on the basis of gender, and can include sexual advances, requests for sexual favors, or verbal and physical conduct of a sexual nature when:

- Submission to 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; or
- 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.

While it is not possible to list all circumstances that could constitute sexual harassment, the following are examples of conduct that, if unwelcome, may constitute unlawful harassment:

- Use of sexual epithets, written or oral references to sexual conduct, gossip regarding one's sex life.
- Comments on an individual's body.
- Comments about an individual's sexual activity, deficiencies, or prowess.
- Displaying sexually suggestive objects, pictures, cartoons.
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Inquiries into one's sexual experiences or discussion of one's sexual activities.

For purposes of this policy, "other harassment" is defined as verbal, written, or physical conduct that denigrates an individual, or shows hostility or aversion toward an individual, because of any of the individual's protected characteristics, such as those listed under the Equal Employment Opportunity section for each State which are protected under applicable law, and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment; or
- has the purpose or effect of unreasonably interfering with the individual's work performance.

Some examples of such harassment are: using epithets or slurs or making jokes or pranks that focus on a protected characteristic; and circulating or displaying written or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

Because the intent of this Policy is to deter conduct that is unwanted, unreasonable, and demeaning, POP may consider an employee's or volunteer's conduct to be in violation of this Policy even if it falls short of unlawful harassment under applicable law. When determining whether conduct violates this Policy, we consider whether a reasonable person could conclude that the conduct created an intimidating, hostile, degrading, or demeaning environment.

Reporting and Investigation of Harassment Complaints; Prohibition of Retaliation

All employees, and particularly managers, have a responsibility for keeping the work environment free of harassment. An individual who makes unwelcome advances, threatens, or in any way harasses another employee may be personally financially liable for such actions and their consequences in accordance with applicable law.

All employees are expected (and managers are required) to promptly report any violation or suspected violation of this policy. Any employee, intern or volunteer at POP who believes that he or she has been subjected to sexual or other harassment, or who has heard about or witnessed a potential violation of this policy, should report the conduct to:

- Kim Jordan, Co-Executive Director; Email: kim@phillyorchards.org, P: (215)-724-1247 x 102; or,
- Phil Forsyth, Co-Executive Director; Email: phil@phillyorchards.org, P: (215)-724-1247 x 101

If the employee feels uncomfortable reporting to these individuals, employees may also email POP's Board President (President@phillyorchards.org) or any member of management or the POP Board of Directors who the employee feels comfortable reporting to may be contacted. In addition to notifying POP management, someone who feels they have been subjected to harassment should complete the [complaint form linked here](#). If a staff member or volunteer witness statement [via the complaint form linked here](#).

Any reported incident of harassment will be promptly and thoroughly investigated. All employees are expected to cooperate with internal investigations. While each investigation will proceed as the particular circumstances warrant, an investigation may involve an interview with the employee making the complaint and interviews with persons identified as witnesses or otherwise having knowledge of the incident or conduct. All persons involved in an investigation will be asked to respect the importance of confidentiality in the investigation process, in order to preserve the integrity of the investigation, protect the privacy of complainants, witnesses, and ensure a full and thorough investigation.

Also, POP will not tolerate any form of retaliation against an individual in connection with any

good-faith report of harassment or participation in the complaint or investigation process. If an employee believes that he/she has been retaliated against in connection with any good-faith report of inappropriate conduct or harassment, the employee should immediately report such conduct to Phil Forsyth or Kim Jordan, or, if the employee feels uncomfortable reporting to the latter two individuals, any other member of management who the employee feels comfortable reporting to. Any manager receiving a report of retaliation is required to report it immediately to Phil Forsyth or Kim Jordan.

If, as a result of the investigation, it is determined that any individual engaged in conduct that either constitutes harassment or otherwise violates POP's policies, appropriate remedial or disciplinary action will be taken. Such actions could include (among others) eliminating contact between the employees involved in the incident, mandated training and/or counseling, demotion, or termination. POP may also meet with the employees involved to make certain that any improper conduct has stopped, and that there has been no discrimination or retaliatory action against the complaining employee or anyone else in connection with any good-faith report of harassment. POP will also take appropriate corrective action to address harassment by non-employees.

POP also recognizes that false accusations, especially of sexual harassment, may have serious effects on innocent persons. Any employee found to have made false accusations of sexual or other harassment may also be subject to appropriate disciplinary action, up to and including termination of employment.

The importance of this policy cannot be emphasized enough. An environment free of sexual and other harassment is not only the law; it is fundamental to the culture of POP. While we hope that any employee who experiences or witnesses sexual or other harassment in the workplace will immediately bring the matter to the attention of Management and/or the individuals designated above, employees also have the right to contact the following state and federal employment discrimination agencies, which enforce the law against sexual harassment and discrimination:

Resources

United States Equal Employment Opportunity Commission ("EEOC")

The nearest office for the EEOC can be found at www.eeoc.gov.

In Pennsylvania:

Pennsylvania Human Rights Commission ("PHRC")

110 North 8th Street, Suite #501

Philadelphia, PA 19107

(215) 560-2496