



Subject: Anti-Harassment and Discrimination Policy

Purpose: To provide employees with a workplace free from any form of discrimination or harassment on the basis of an employee's race, sex, sexual orientation, religion, age, national origin, citizenship status, disability, or veteran status.

Scope: All Benchmark Employees

Related Forms: None

Related Entity: All entities owned and managed by A.W. Holdings, LLC

Description:

Any form of discrimination, including harassment of qualified employees and job applicants, on the basis of race, sex, sexual orientation, religion, age, national origin, citizenship status, disability, or veteran status, is strictly prohibited. Such harassment is prohibited whether engaged in by a fellow employee, a supervisor or manager, or by someone not directly connected to Benchmark Human Services (Benchmark) [e.g. outside vendor, consultant, etc.]. Benchmark will take appropriate and prompt action in response to complaints or knowledge of violations of this policy.

Harassment

- A. **Sexual harassment.** Federal law has specific guidelines dealing with unlawful sexual harassment, which is defined as follows: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when;
1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 3. 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.

Federal law recognizes two types of sexual harassment: quid pro quo and hostile work environment. Sexual harassment may involve individuals of the same or different gender and may include, but is not limited to, the following:

1. unwelcome verbal comments or jokes, catcalls, and physical gestures or actions of a sexual nature toward another employee (for example, touching, patting, pinching, indecent exposure, or profane jokes or other sexually oriented conduct that is circulated in the workplace, or placed anywhere in the Company's premises such as an employee's desk, workspace, or on Company computer, email or voicemail);
2. unwelcome demands or requests for sexual favors;

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Effective Date: 10/15/07	Source: VP of Human Resources	Approved by: Policy Review Committee
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3. the promise of special treatment with regard to an individual's employment in exchange for sexual favors or sexual activity; and/or
4. Any sexually related comments or conduct that has the purpose or effect of unreasonably interfering with an employee's work performance.

B. Harassment on the basis of any other prohibited characteristic as defined above.

Generally, unlawful harassment is defined as verbal or physical conduct which denigrates or shows hostility or aversion to an individual because of his or her race or other protected characteristic as listed above, and which:

1. has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
2. has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. otherwise adversely affects an individual's employment opportunities.

Harassment includes, but is not limited to: epithets, slurs, negative stereotyping, or jokes, or threatening, intimidating, or hostile acts that relate to any protected characteristic as listed above; written or graphic material that denigrates or shows hostility toward an individual or group because of any protected characteristic listed above and that is circulated in the workplace, or placed anywhere in the workplace such as an employee's desk, workspace or on a Benchmark computer, email, or voicemail.

Retaliation: Retaliation against an individual for exercising his or her rights under this policy is also strictly prohibited and is a separate violation of this policy and will be subject to disciplinary action. This includes any retaliation against an individual for reporting discrimination or harassment or for participating in an investigation of a claim of harassment or discrimination.

Complaint Procedures: An employee who believes he or she is a victim of harassment, other discriminatory conduct or retaliation is encouraged to and has a responsibility to report these matters in writing to his or her supervisor or department director as soon as possible after the incident. If an employee is uncomfortable reporting the matter to the supervisor or department director, he or she may report the incident to the following:

VP of Human Resources: Eric Weeks
 Phone: (260) 207 – 5668
 Email: eweeks@benchmarkhs.com
 Fax: (260) 207 – 5669
 Mail: Benchmark Human Services
 Attn: VP of Human Resources
 8515 Bluffton Road
 Fort Wayne, IN 46809

Corporate Counsel: Ragna Urberg
 Phone: (260) 207-5704
 Email: rurberg@benchmarkhs.com
 Fax: (260) 207-5704
 Mail: Benchmark Human Services
 Attn: Corporate Counsel
 8515 Bluffton Road
 Fort Wayne, IN 46809

Employees are not required to file their complaints with their immediate supervisor first before filing with the VP of Human Resources or Corporate Counsel.

It is extremely important that any violation of this policy be reported promptly so that Benchmark can act to stop such conduct at the earliest possible time. Do not wait until the conduct becomes severe or pervasive to report it. If Benchmark does not know about the conduct, it cannot act. Such reports will be treated as confidential to the greatest extent practicable, consistent with Benchmark's need to conduct an adequate investigation and the need to take prompt and appropriate corrective action.

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If a supervisor or manager becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee coming forward, the supervisor or manager must immediately report it to the VP of Human Resources.

Benchmark is committed to eliminating such conduct from the workplace and will investigate all complaints under this policy promptly, thoroughly and impartially. The nature and details of the investigation process will vary depending on the details of the complaint. The investigation may include interviews of the parties involved and any individual who may have witnessed the alleged conduct or have other relevant knowledge.

Corrective Action: Benchmark will not tolerate harassment or other discriminatory conduct. Any employee who is determined to have committed discrimination, harassing conduct or retaliation in violation of this policy will be subject to appropriate disciplinary measures up to and including termination of employment. Benchmark can take disciplinary measures regardless of whether such conduct is considered under law to constitute unlawful discrimination or harassment or retaliation.

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