


# Prohibition of Discrimination, Harassment, and Retaliation

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<b>Prohibition of Discrimination, Harassment, and Retaliation</b>			
	New Mexico Steam Locomotive & Railroad Historical Society 1833 8 <sup>th</sup> Street Albuquerque, NM 87102		
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# Prohibition of Discrimination, Harassment, and Retaliation

## 1 Responsibility

- New Mexico Steam Locomotive & Railroad Historical Society volunteers and employees
- Contractors
- Suppliers
- Customer representatives

## 2 Policy Statement

The New Mexico Steam Locomotive & Railroad Historical Society (NMSL&RHS) will not tolerate harassment, discrimination or retaliation in the workplace based on factors such as race, ethnicity, ancestry, color, creed, religion, national origin, sex, gender, age, sexual orientation, gender identity or expression, disability (physical/mental), marital status, medical condition, genetic information, veteran status, military status, or any other characteristic protected by applicable law. NMSL&RHS will not tolerate sexual harassment in the workplace. This includes business on NMSL&RHS property, at customer sites, at Society functions, on Society travel, or at any other time when the volunteer or employee is reasonably assumed to be representing the Society or in the presence of other NMSL&RHS volunteers, employees, or customers.

NMSL&RHS will not tolerate retaliation in the workplace. Retaliation is prohibited by federal law and defined as taking action against a person because of a complaint of discrimination or harassment, or because the person participated in or assisted an investigation of discrimination or harassment.

## 3 The Nature of Harassment

Harassment refers to behavior towards another person based on a legally protected characteristic, such as that person's race, ethnicity, ancestry, color, creed, religion, national origin, sex, gender, age, sexual orientation, gender identity or expression, disability (physical/mental), marital status, medical condition, genetic information, veteran status, military status or other characteristic protected by applicable federal, state or local law which is unwelcome and personally offensive to its recipient and (1) creates an intimidating, offensive or hostile work environment; or (2) unreasonably interferes with the person's work performance. Not only is harassment a violation of NMSL&RHS policy, it can also be a violation of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, as amended, as well as other federal, state, or local laws.

Sexual harassment, a particular form of harassment, may include sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such prohibited behavior is either an explicit or implicit term or condition of employment;
- Submission or rejection is used as a basis for employment decisions;
- The conduct substantially interferes with an individual's work performance; or
- The conduct creates an intimidating, hostile, or offensive work environment.

Conduct similar to the examples listed above but based on any other legally protected characteristic (i.e., race, ethnicity, color, creed, religion, gender, age, national origin, marital status, sexual orientation, gender identity or expression, disability, genetic information, or veteran status), may also constitute harassment. We prohibit harassment based on these characteristics and any others that are protected by applicable law.

Other examples of prohibited conduct include racial slurs, ethnic jokes, sexually oriented jokes, unwanted physical contact, sexually oriented propositions, obscene gestures, posting of offensive statements, posters or cartoons, or other similar conduct which may be considered offensive to another volunteer or employee.



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In addition to the procedure described above, NMSL&RHS requires all volunteers and employees to complete an annual training on workplace harassment, discrimination, and retaliation prevention. Volunteers and employees who fail to complete this mandatory training may be subject to disciplinary action described in the “Policy Violation” section of this policy.

## 4 Prohibiting Retaliation

NMSL&RHS is committed to a workplace based on mutual respect that upholds the principles that are in NMSL&RHS’s policies and legal requirements. A critical component of our commitment to this type of environment is NMSL&RHS’s prohibition of retaliation. NMSL&RHS prohibits retaliation against individuals who engage in behavior that is protected under NMSL&RHS policies or local, state, or federal law.

NMSL&RHS asks all volunteers, employees, contractors, suppliers, vendors, and other individuals to report activities that may violate NMSL&RHS policies and applicable legal requirements. Volunteers, employees, contractors, suppliers, vendors, and other individuals making good faith reports are protected from retaliation of any kind under NMSL&RHS policies.

## 5 Retaliation Defined

“Retaliation” is defined as any adverse volunteerism action (e.g., censorship, expulsion, etc.) taken against an individual as a direct result of their reporting a concern, participating in an investigation, or refusing to engage in behavior that the individual believes may violate NMSL&RHS policies or legal requirements.

### 5.1 Activities Protected under this Policy:

Below is a list of examples of certain types of activities that may be protected under this policy. This list is not exhaustive.

1. Submitting Good Faith Reports: A “good faith report” is a report that is made with an honest and reasonable belief that a violation of policy or law may have occurred.
2. Participating in an Investigation: NMSL&RHS volunteers and employees are required to participate in internal investigations into allegations of violations of NMSL&RHS policies or laws. Volunteers and employees are required to provide honest and complete answers during the course of investigations.
3. Refusing to Engage in Inappropriate Behavior: Individuals who refuse to engage in behavior that may violate NMSL&RHS policies or legal requirements are protected from retaliation.

Individuals who engage in these or other similar activities are protected from retaliation.

### 5.2 Activities Not Protected under this Policy:

By contrast, certain activities are not protected under this policy. The following list provides examples of the types of activities that are not protected under this policy.

1. False Reports: Individuals who knowingly make false reports or maliciously falsify information under the guise of reporting an alleged violation of policy or law may be subject to disciplinary action up to and including termination.
2. Repeated Unsubstantiated Reports: NMSL&RHS encourages individuals to report inappropriate behavior. In instances where an individual makes multiple reports without evidence of wrongdoing and where previous investigations have not substantiated the allegations, further reports may violate NMSL&RHS policies. If an individual makes multiple reports of inappropriate behavior, the individual should provide additional or new evidence of wrongdoing. If none exists, the individual is encouraged to personally contact a member of Human Resources or management to talk about their concerns.



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## 6 Reporting Potential Violations

If you believe that you have experienced, witnessed, or learned of potential violations of this policy, do not ignore it. If you are comfortable doing so, speak directly with the colleague about the inappropriate behavior. If the behavior persists or you do not feel comfortable speaking with the colleague, immediately report the behavior to the Society's president.

If you oversee and/or direct the work of other volunteers or employees (i.e., a supervisor), you have a special duty to create and maintain a team culture of mutual respect and to foster a positive work environment free from discrimination, harassment, and retaliation. If you observe inappropriate behavior, or receive complaints about inappropriate behavior, you must take it seriously. Immediately consult with the president of the Society.

## 7 Investigating Potential Violations

Reports of potential violations of this policy will be investigated quickly to determine if harassment, discrimination, or retaliation has occurred. Investigations will be conducted as impartially, discretely, and confidentially as feasible. Investigations will be initiated within 10 business days of the receipt of the complaint and will be conducted by the president of the Society or by those directly delegated by the president. Investigations will be closed in a timely manner commensurate with the complexity of the investigation.

## 8 Policy Violations

Any volunteer or employee, regardless of position, found to have engaged in behavior that violates this policy may be subject to appropriate disciplinary action, up to and including expulsion from the Society.

Any contractor, supplier, or customer representative who engages in such conduct is subject to a request for removal from the worksite.

No volunteer or employee will be adversely affected in their volunteerism status with NMSL&RHS as a result of bringing good faith complaints of harassment, discrimination, or retaliation. Fabricated claims will not be tolerated and may result in disciplinary action, up to and including termination.

## 9 Supplemental Document Information

Reference Documents (for information only)
PCY0000030, Personal Conduct and Discipline
PCY0000020, Respect in the Workplace
PCY0000040, Workplace Investigations

