

Anti-Harassment Policy

[**Organization Name**] is committed to providing a workplace that is free of verbal, physical, and visual forms of harassment so that everyone can work in a productive, respectful, and professional environment.

Introduction

Harassment in employment that is based on race, color, national origin, ancestry, creed, religion, age, citizenship, veteran status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), sexual orientation, gender, gender identity (including transgender status), gender expression, marital status or civil partnership/union status, physical or mental disability (actual or perceived), medical condition, genetic characteristics, possession of an undocumented drivers' license, or any other basis prohibited by applicable federal, state, or local law **is strictly prohibited**.

The Company does not tolerate harassment by anyone in the workplace, including managers, co-workers, or non-employees (including customers, vendors, independent contractors, and any other persons who conduct business with the Company). The Company should be immediately alerted to any such conduct so that it can take immediate and appropriate corrective action and best attempt to prevent further harassment.

Employees, supervisors, or managers who violate this policy are subject to discipline, up to and including termination, and may also be held personally liable for their own harassing conduct.

Topic outline:

1. Prohibited Harassment.....	2
2. Employee Responsibilities.....	4
3. Employee Rights and Complaint Procedures.....	4
4. Confidentiality.....	5
5. Prohibited Retaliation.....	6
6. Supervisor's Responsibility and Policy Implementation.....	6
• Appendix: Employee Acknowledgement.....	9

Prohibited Harassment

Definition of sexual harassment:

Sexual harassment is a form of prohibited harassment that warrants particular attention. It is generally defined as unsolicited and/or unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed to a person of the same or of the opposite sex when one of the following is true:

- Submission to such conduct is explicitly or implicitly made a term or condition of employment.

- Submission to or rejection of this conduct is used as a basis for an employment decision affecting the employee.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Examples:

Examples of **sexual harassment** include *but are not limited to* the following types of behavior:

- Excessive, one-sided, romantic attention in the form of requests for dates, love letters, telephone calls, emails, or gifts.
- Unwelcome sexual advances, like requests for dates or propositions for sexual favors, whether or not they involve physical touching.
 - This may include an expression of sexual interest after being informed that the interest is unwelcome or a situation which began as reciprocal attractions, but later ceased to be reciprocal.
- Offering employment benefits in exchange for sexual favors.
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive comments, staring, sexual flirtation, or proposition.
- Displaying a sexually suggestive object in the workplace or telling or showing sexual jokes, stories, drawings, pictures, or gestures.
- Making or repeating a sexually related rumor about another employee.
- Making an inquiry into an employee's sexual experiences.
- Reprisal or making a threat after a negative response is made to a sexual advance.

Examples (continued):

- Unwelcome physical contact, including pats, hugs, brushes, touches, shoulder rubs, assaults, or impeding or blocking movements.
- Physical assault, such as rape, sexual battery, an attempt to commit an assault, or intentional physical conduct, such as:
 - Impeding or blocking movement
 - Touching or brushing against another employee's body
- Making a derogatory comment or joke regarding an individual's sexual orientation or perceived sexual orientation.

Examples of prohibited **harassment** can include *but are not limited to* the following:

- Cartoons or other visual displays of objects, pictures, or posters that depict protected groups in a derogatory way.
- Verbal conduct, including making or using derogatory comments, epithets, slurs, or jokes towards such groups.

Additional notes:

- Such conduct is actionable if offensive to a reasonable person and the victim was actually offended.
- A man or woman may be the harasser of the same or opposite sex as the victim.
- The harasser does not necessarily have to be the victim's supervisor.
- The victim does not necessarily have to be the one to whom the remark or conduct is directed but may be someone in the area who overhears the remark or observes the conduct and is offended.
- A consensual relationship may lead to claims by non-involved employees who believe that they were disadvantaged when favoritism is shown to a paramour but is not shown to an employee who did not have a romantic relationship with the person granting the favors. If such sexual favoritism is widespread, it sends a message that employees are sexual playthings or creates an atmosphere where employees believe they must consent to such relationships as a term or condition of employment.

Employee Responsibilities

Compliance with this policy depends on the efforts of both management and employees of the Company at all levels. The responsibility of management and supervisors will be described in a later section.

All employees are responsible for ensuring that harassment does not occur by complying with the conduct standards in this policy and by conducting themselves at all times in an appropriate and professional manner.

Every employee, whether witness, complainant, or alleged harasser, is expected to cooperate fully with every investigation.

Employees may also help to prevent harassment by taking the initiative to oppose and report conduct that they reasonably believe to be harassment.

Moreover, employees are expected to immediately report any inappropriate behavior to their immediate supervisor or to the Designated Non-Supervisory Representative (DNSR), regardless of

whether the behavior is directed towards himself or herself or towards another employee or contractor. If the alleged offender is the employee's supervisor or manager, the complaining employee may report the conduct to another supervisor or manager in or out of the employee's chain of command, or to the DNSR.

Consequences:

Any employee who initiates or persists in conduct that is viewed by another as being harassed assumes the risk of liability and the possible penalties for such conduct. An employee who violates this policy may face a range of disciplinary actions, including dismissal. Furthermore, offending employees, including supervisors and non-supervisors, can be held personally liable for monetary damages (and may be required to pay for their own attorney) if an offended employee files a lawsuit.

Employee Rights and Complaint Procedures

If you believe you are the target of harassment or if you have witnessed harassment, you are encouraged to inform the offending employee or supervisor that the behavior is unwelcome, offensive, and inappropriate. However, if you are not comfortable doing so, you may report the conduct without confronting the offender.

Every reasonable effort will be made to intervene early and resolve the complaint informally.

Why report:

If you perceive comments, gestures, or actions of an employee, at any level, to be offensive, mere documentation of that conduct or only confiding in family members or co-workers about it without doing more is insufficient to prevent that conduct from occurring again. Inappropriate behavior must be reported to your supervisor, another supervisor or manager, and/or the DNSR so the Company has an opportunity to put a stop to that conduct and take appropriate corrective action. It is the responsibility of all employees to prevent harassment, and the only way the Company could prevent it effectively is if those subjected to it or who become aware of it come forward immediately.

How to report:

Employees who are subject to harassment should immediately report such conduct to their supervisor or the DNSR, unless their supervisor is the harasser, in which case the behavior may be reported to any other manager or supervisor, or to the DNSR.

Individuals who believe they have been harassed are requested to follow the Company Non-Discrimination Policy and the Complaint Procedure to ensure that their complaint is responded to quickly and completely.

The informal and formal complaint process is outlined in the Company's Non-Discrimination Policy and Complaint Procedure. Individuals may also file a complaint, either separately or concurrently (within

each agency's regulatory timeframe), with the federal Equal Employment Opportunity Commission (EEOC) or California Department of Fair Employment and Housing (DFEH).

The EEOC and DFEG investigate, seek to resolve, and provide remedies for illegal harassment. Employees may contact the DFEH at 1-800-884-1684 or www.dfeh.ca.gov and may contact the EEOC at 1-800-669-4000 or www.eeoc.gov. The nearest office of the EEOC or DFEH may be found online or in the local telephone directory.

Confidentiality

Confidentiality concerning complaints or investigations is maintained to the greatest extent possible in order to protect the integrity of the investigation and to prevent embarrassment, further discrimination or harassment, or retaliation.

Confidential or sensitive information obtained by any employee during the course of an investigation shall not be disclosed to others unless required by law. Concerns of individuals regarding confidentiality of information provided by them will be handled as sensitively as possible, and information shall not unnecessarily be disclosed to others.

However, employees should be aware that the Company is required in certain circumstances to take preventive or corrective actions that may be inconsistent with an individual's desire that a report of certain behavior be kept completely confidential.

Prohibited Retaliation

The Company maintains a **zero-tolerance** policy for retaliation against anyone for reporting harassment, assisting in making a harassment complaint, or participating in an investigation.

Any employee who makes a good-faith complaint of harassment, assists, testifies, or participates in any harassment investigation or proceeding or who reasonably opposes such conduct in the workplace will not be adversely affected in the terms and conditions of his or her employment and will not be discriminated against or discharged for engaging in such activity.

Retaliation not only affects the recipient, but also can spread rapidly throughout the Company. It destroys faith in Company leadership and can damage employee morale.

Complaints of retaliation will be promptly investigated. If retaliation is substantiated, appropriate disciplinary action, including possible dismissal, will be taken.

Examples of retaliation:

Some examples of conduct that may violate the Company retaliation policy include *but are not limited to* the following:

- Termination, demotion, disadvantageous transfers or assignments, refusals to promote, threats, reprimands, or negative evaluations.
- Co-worker hostility or retaliatory harassment, which includes intimidation, gossip, rumors, insults, or otherwise offensive conduct that would subject a person to ridicule or humiliation.
- Any action or combination of actions that is reasonably likely to affect an employee's job performance or opportunity materially and adversely for advancement.

Supervisor's Responsibility and Policy Implementation

Managers and supervisors are in key positions to make an impact in terms of correcting inappropriate behavior in the workplace and ensuring that a harassment-free workplace is maintained. Therefore, the law has placed a greater responsibility on managers and supervisors to act when they observe or learn of potential harassment.

Management is responsible for setting the tone for a harassment-free work environment and for taking appropriate measures, whether or not a complaint has been received, whenever they witness or learn of behavior which could be perceived as harassment.

Legal responsibilities:

Managers and supervisors are responsible for acts of harassment between employees in the workplace where the managers and supervisors know or should have known of the conduct, unless they can show that they took timely and appropriate corrective action. Ignorance is not an acceptable defense for the inaction of a manager or supervisor if, through reasonable care, they should have been aware of the conduct.

Managers and supervisors may also be responsible for harassment by non-employees where the manager, supervisor, or lead person knew or should have known of the conduct and failed to take timely and appropriate corrective action. In reviewing these matters, the extent of the manager's or supervisor's control and any other legal responsibility which they may have with respect to the conduct of such non-employees will be taken into consideration.

Communication and training:

It is the responsibility of all Company supervisors and managers to provide a harassment-free work environment, ensure that their teams are in full compliance with the Company's anti-harassment policy, and to take all necessary steps to prevent harassment.

Managers and supervisors must:

- Take proactive steps to communicate the Company's zero tolerance policy towards harassment to employees.

- Set an example by their own behavior and let others know that they support the Company's policy and will take appropriate corrective action if sexual harassment occurs.
- Set the tone for a harassment-free work environment by informing new employees of the policy, periodically reiterating this policy to all subordinate staff, and ensuring that employees receive all mandated anti-harassment training.
- Ensure that all employees attend training to make them aware of (1) conduct that could be construed as harassment and (2) the consequences of such conduct.
- Inform employees about how to pursue their rights if harassed.
- Ensure that employees are not discouraged from reporting inappropriate behavior so that complaints may be properly investigated.
- Retain the acknowledgement signed by each of their subordinate employees.
- Monitor the workplace to identify subtle harassing conduct or behavior.

Reporting harassment and responding to complaints:

Managers and supervisors must:

- Take all complaints seriously. Do not shrug off, minimize the complaint, or otherwise discourage employees from reporting such complaints.
- Immediately inform the DNSR of any harassment complaints you have received or any harassment you have observed for guidance and assistance in the proper handling of the complaint, even if the complainant does not want you to proceed and even if the occurrence is not directly within your line of supervision or responsibility.
 - The DNSR will act as the lead for the Company on any allegations of harassment, and directions from the DNSR are to be strictly followed.
 - Do not investigate any such allegations unless specifically directed by the DNSR. In most cases, the DNSR will perform the investigation.
- Promptly initiate appropriate action, as directed by the DNSR and executive-level management, to remedy a harassing situation in a manner that will protect the complainant, accused, and other employees and that will prevent further harassment from occurring.
- Take appropriate corrective action when justified, including disciplining the offender.
- Protect the employees complaining of harassment from retaliation.

Consequences:

Managers and supervisors who engage in any form of harassment will be subject to discipline up to and including dismissal if the allegation is substantiated. They also put themselves at risk for monetary damages (and potentially having to pay the full cost of their own defense) if an offended employee pursues the matter in litigation.

Managers and supervisors who become aware of harassment or retaliation and do not take immediate and appropriate corrective action will be held accountable. Failure to adhere to the above responsibilities will result in appropriate corrective or disciplinary action, up to and including termination.

Date of Approval

Name and Title of Approval Authority

Anti-Harassment Policy
Employee Acknowledgement

I understand my rights and obligations to adhere to the Company's zero tolerance policy towards harassment.

Date of Acknowledgement

Employee Signature

Employee's Name (Print)