

## **Harassment, Discrimination, and Retaliation Prevention Policy**

SRCD is committed to providing equal employment opportunities to all employees and applicants according to the *Fair Employment and Housing Act* (FEHA) which prohibits harassment and discrimination in employment because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave (Government Code sections 12940, 12945, 12945.2) and/or retaliation for protesting illegal discrimination related to one of these categories, and in accordance with all applicable federal, state and local laws.

Additionally, the SRCD is committed to providing a work environment that is free of unlawful harassment. In furtherance of this commitment, the SRCD strictly prohibits all forms of unlawful harassment, including harassment on the basis of race, religion, color, sex (including breast feeding and related medical conditions), gender identity and expression, sexual orientation, pregnancy, national origin, ancestry, citizenship status, uniform service member and veteran status, marital status, age, protected medical condition, genetic information, disability or any other category protected by applicable federal, state and local laws.

Similarly, the SRCD is committed to complying with all laws protecting qualified individuals with disabilities, as well as employees' religious beliefs and observances. This policy extends to all aspects of the SRCD's employment practices, including recruiting, hiring, discipline, termination, promotions, transfers, compensation, benefits, training, leaves of absence, and other terms and conditions of employment.

The SRCD will provide a reasonable accommodation for any known physical or mental disability of a qualified individual or for employees' religious beliefs and observances, provided the requested accommodation does not create an undue hardship for the SRCD and does not pose a direct threat to the health or safety of others in the workplace or to the individual.

### **Eligibility**

This policy prohibits unlawful discrimination and harassment in the workplace and applies to applicants and employees of the SRCD, including supervisors and managers. The SRCD prohibits managers, supervisors and employees from discriminating against or harassing co-workers as well as customers, vendors, suppliers, independent contractors and others doing business with the SRCD. In addition, the SRCD prohibits customers, vendors, suppliers, independent contractors and others doing business with the SRCD from discriminating against or harassing the SRCD's employees.

This policy also prohibits unlawful discrimination and harassment in the workplace and on work sites to unpaid volunteers and interns. The definition of an unpaid volunteer or intern is "any individual (often a student or trainee) who works without pay for an employer or other covered entity, in any unpaid internship or another limited duration program to provide unpaid work experience, or as a volunteer. Unpaid interns and volunteers may or may not be employees." It is unlawful for the SRCD to discriminate against unpaid interns in the selection, termination, training, or other terms or treatment of those individuals on any basis protected by the FEHA. It is also unlawful for unpaid interns, volunteers, and persons providing services pursuant to a

contract to be subjected to unlawful harassment in the workplace on any basis protected by the FEHA.

## **Procedures**

### ***Examples of prohibited sexual harassment or discrimination***

Sexual harassment includes a broad spectrum of conduct, including harassment based on sex, gender, gender identity or expression, and sexual orientation. Examples of unlawful and unacceptable behavior include:

1. Unwanted sexual advances.
2. Offering an employment benefit (such as a raise, promotion or career advancement) in exchange for sexual favors, or threatening an employment detriment (such as termination or demotion) for an employee's failure to engage in sexual activity.
3. Visual conduct, such as leering, making sexual gestures and displaying or posting sexually suggestive objects or pictures, cartoons or posters.
4. Verbal sexual advances, propositions, requests or comments.
5. Sending or posting sexually related messages, videos or messages via text, instant messaging, or social media.
6. Verbal abuse of a sexual nature, graphic verbal comments about an individual's body, sexually degrading words used to describe an individual, and suggestive or obscene letters, notes or invitations.
7. Physical conduct, such as touching, groping, assault or blocking movement.
8. Physical or verbal abuse concerning an individual's gender, gender identity or gender expression.
9. Verbal abuse concerning a person's characteristics such as pitch of voice, facial hair or the size or shape of a person's body, including remarks that a male is too feminine or a woman is too masculine.

### ***Other examples of prohibited harassment or discrimination***

In addition to the above listed conduct, the SRCD strictly prohibits harassment or discrimination concerning any other protected characteristic. Such prohibited harassment includes:

1. Racial or ethnic slurs, epithets and any other offensive remarks.
2. Jokes, whether written, verbal or electronic.
3. Threats, intimidation and other menacing behavior.
4. Inappropriate verbal, graphic or physical conduct.
5. Sending or posting harassing messages, videos or messages via text, instant messaging or social media.
6. Other harassing or discriminatory conduct based on one or more of the protected categories identified in this policy.

Harassment of the SRCD's customers, clients, vendors, suppliers, independent contractors or employees of the SRCD's customers, clients, vendors, suppliers or independent contractors by the SRCD's employees is also strictly prohibited. Any such harassment will subject an employee to disciplinary action, up to and including termination. Employees who have any questions about what constitutes harassing or discriminatory conduct should contact their manager.

### ***Reporting harassment or discrimination***

If an employee feels that he or she is being harassed or discriminated against in violation of this policy by another employee, supervisor, manager or third party doing business with the SRCD, the employee should immediately inform their manager and/or the Executive Director in writing. If the complaint is against the Executive Director, a complaint may be filed with the Executive Committee (submitted to the Board Chair).

In addition, if an employee observes harassment or discrimination by another employee, supervisor, manager or nonemployee, the employee should immediately report the incident to the individuals above. Appropriate action will also be taken in response to violation of this policy by any nonemployee.

Employees' notification to the SRCD is essential to enforcing this policy. Employees may be assured that they will not be penalized in any way for reporting a harassment or discrimination problem. It is unlawful for an employer to retaliate against employees who oppose the practices prohibited by the California Fair Employment and Housing Act (FEHA), or who file complaints or otherwise participate in an investigation, proceeding or hearing conducted by the California Department of Fair Employment and Housing (DFEH) or the Fair Employment and Housing Commission (FEHC). Similarly, the SRCD prohibits employees from hindering its internal investigations or its internal complaint procedure.

All complaints of unlawful harassment or discrimination that are reported to management or to the persons identified above will be investigated as promptly as possible, and corrective action will be taken where warranted. All complaints of unlawful harassment or discrimination that are reported to management or to the persons identified above will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation.

The California DFEH may also investigate and process complaints of harassment or discrimination. Violators are subject to penalties and remedial measures that may include sanctions, fines, injunctions, reinstatement, back pay and damages. The toll free number from the DFEH is (800) 884-1684.

### ***Violations of this policy will result in discipline***

Violation of this policy will subject an employee to disciplinary action, up to and including immediate termination. Additionally, under California law, employees may be held personally liable for harassing conduct that violates the FEHA.

### ***Retaliation prohibited***

The SRCD prohibits retaliation against those who report, oppose or participate in an investigation of alleged violations of this policy. Participating in an investigation of alleged wrongdoing in the workplace includes:

1. Filing a complaint with a federal or state enforcement or administrative agency.
2. Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the SRCD regarding alleged unlawful activity.
3. Testifying as a party, witness or accused regarding alleged unlawful activity.
4. Associating with another employee who is engaged in any of these activities.
5. Making or filing an internal complaint with the SRCD regarding alleged unlawful activity.

6. Providing informal notice to the SRCD regarding alleged unlawful activity.

The SRCD strictly prohibits any adverse action or retaliation against an employee for participating in an investigation of alleged violation of this policy. If an employee feels that he or she is being retaliated against, the employee should immediately contact his/her manager or the Executive Director, and if necessary, the Executive Committee via the Board Chair. In addition, if an employee observes retaliation by another employee, supervisor, manager or nonemployee, he or she should immediately report the incident to the individuals above.

Any employee determined to be responsible for violating this policy will be subject to appropriate disciplinary action, up to and including termination. Moreover, any employee, supervisor or manager who condones or ignores potential violations of this policy will be subject to appropriate disciplinary action, up to and including termination.

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