



# Policy Against Sexual and Other Forms of Harassment

The Foundation is committed to providing and maintaining a workplace that is free of sexual harassment and any form of harassment based upon a legally protected characteristic. Sexual harassment in the workplace is a violation of the Foundation's policy and is unlawful. This policy applies to all employees at all levels of the Foundation.

Prohibited sexual harassment includes harassment of a person of the same or opposite gender, including unwanted sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee's work performance by creating an intimidating, hostile, humiliating or sexually offensive working environment. In addition, no manager or supervisor, male or female, may sexually harass any employee by making submission to or rejection of sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature either explicitly or implicitly a term or condition of employment or a basis for employment decision.

The Foundation strives to provide a work environment with a professional atmosphere where all employees can work together comfortably and productively. We prohibit and do not tolerate harassment that is motivated by an individual's gender, pregnancy, age, color, race, national origin, ancestry, marital status, religion, physical or mental disability, sexual orientation, veteran status, or any other legally protected characteristic. Prohibited harassment takes many forms, including but not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats, assault, and offensive written or graphic materials. This policy protects not only employees but also volunteers, directors and contractors against unlawful harassment on the Foundation's premises and beyond, to any place in which a Foundation-related function is held. As part of its commitment to maintain a workplace in which all employees may thrive, the Foundation provides periodic training on how to avoid or eliminate harassment to employees and supervisors.

An employee who engages in sexual harassment is subject to disciplinary action, up to and including termination of employment. It is also a violation of Foundation policy and it is unlawful to retaliate against an employee for making or filing a complaint of harassment either internally or with a government agency, for opposing harassment, for cooperating in an internal or governmental investigation of a complaint of

harassment, or for participating in a hearing or other proceeding related to a claim of harassment. Any such retaliation will also result in disciplinary action, up to and including termination of employment.

The following are examples of sexual harassment:

- An employee refuses to have romantic relationship with his/her supervisor and, in retaliation, the supervisor terminates the employee's employment.
- An employee engages in a pattern of unwelcome sexual language or conduct that is sufficiently severe or pervasive that it interferes with the job performance of co-workers.

It is important to note that, while intended to further the Foundation's goal of providing a workplace that is free of sexual harassment, this policy does not limit the Foundation's authority to discipline or take remedial action for workplace conduct that we regard as unacceptable, regardless of whether that conduct meets the legal definition of sexual harassment.

To determine if particular language or conduct is subject to disciplinary action under this policy, the Foundation will evaluate all facts and circumstances on a case by case basis. The following are some additional examples of conduct that all employees of the Foundation are cautioned to avoid. Such conduct may violate the Foundation's policy against sexual harassment, whether or not it constitutes sexual harassment under the law. This is not an exhaustive list.

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Actual or threatened retaliation
- Leering; making sexual gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
- Making or using derogatory comments, epithets, slurs, or jokes
- Sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes, or invitations
- Physical touching or assault, as well as impeding or blocking movements

**Internal Complaint Procedure:** The Foundation takes allegations of sexual and other harassment seriously and will respond promptly to complaints of harassment. When the Foundation determines that harassment has occurred, it will act promptly to eliminate the harassment and impose such corrective action as it determines necessary.

Therefore, if an employee believes that s/he has been subjected to sexual or other harassment, whether by a supervisor, a co-worker or any other person with whom the employee comes in contact in connection with his/her work for the Foundation, the employee should report the incident immediately to his/her manager or to a member of the Human Resources staff. A complaint against a supervisor or someone in a higher position in the Foundation should be reported directly to Human Resources so that they may identify an appropriate process for investigating and resolving the situation.

The following is an outline of the procedure that is pursued once a complaint has been brought to the attention of the Foundation:

- Human Resources or another designated manager or outside investigator will conduct a prompt and impartial investigation of the complaint. That investigation may include (but will not necessarily be limited to) interviews with the employee who made the complaint, with the person or persons against whom the complaint was made, and with other individuals who may have knowledge about the reported incident or incidents.
- Upon completion of the investigation, Human Resources will meet individually with the employee who made the complaint and the employee or employees against whom the complaint was made to report the results of the investigation and to inform the parties of any steps that will be taken to correct the situation.

The Foundation makes every effort to restrict information arising out of a complaint or investigation of sexual harassment on a need-to-know basis. Employees should be aware, however, that information must be shared with appropriate parties in order for an effective investigation to be conducted. Any manager or supervisor who receives a complaint of sexual harassment from an employee or who otherwise knows or has reason to believe that an employee is or has been subjected to sexual or other harassment must report the incident promptly to his/her supervisor or Human Resources for investigation.

**External Complaint Procedure:** An employee who believes that s/he has been subjected to sexual harassment may also file a complaint with these government agencies:

United States Equal Employment Opportunity Commission  
350 The Embarcadero, Suite 500, San Francisco, CA 94105-1260  
Phone: 1-800-669-4000 Fax: 415-625-5609

Department of Fair Employment and Housing  
San Francisco District Office  
121 Spear Street, Suite 430, San Francisco, CA 94105  
Phone: (415) 904-2303; Toll-free: (800) 884-1684; Fax: (415) 904-2310

A complaint must be filed with the California Department of Fair Employment and Housing within one year from the act of harassment.