

## **RAP Foundation Harassment Policy Extended to Board Members**

The Regional Access Project (RAP) is an equal opportunity employer. RAP is committed to providing a work environment free of harassment, discrimination, retaliation, and disrespectful or other unprofessional conduct.

In addition, the Foundation prohibits retaliation against individuals who raise complaints of discrimination or harassment. RAP also prohibits retaliation against those who participate in workplace investigations.

**This policy extends these guiding rules to board members.**

The RAP Foundation has a Harassment Policy in place for employees. However, an additional policy specifically addressing board members will further ensure a work environment free of harassment, discrimination, retaliation, and disrespectful or unprofessional conduct.

### **Harassment Prevention**

The Foundation's policy prohibiting harassment applies to all persons involved in the operation of the Foundation.

Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, comments, posts or messages;
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected class;
- Threats and demands to submit to sexual requests or sexual advances as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors;
- Retaliation for reporting or threatening to report harassment; and
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by Foundation policy;
- Pictures, comments, or other derogatory depictions of a board member, which may have begun without his/her permission, but has become a viral extension of a board member's posting should be viewed as a form of harassment.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Prohibited harassment is not just sexual harassment but harassment based on any protected category.

No supervisor, co-worker, or other person shall cause an employee of the Foundation to be in jeopardy of losing a job or promotion, be subject to adverse action or retaliation, or otherwise be placed in an intimidating, hostile, or offensive working environment, as the result of being subjected to rejecting, or reporting sexual harassment.

No person shall promise or grant favored treatment in hiring, promotion, discipline, or other employment decision, to an individual on the condition that such individual participate in or tolerate otherwise unwelcome sexual behavior. The Foundation will take preventative, corrective

and disciplinary action for any behavior that violates this policy. Disciplinary action up to and including termination will be imposed for unlawful behavior.

### **Manager/Supervisor Responsibility**

Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Further, supervisors and managers are required to report any complaints of violations of the policy to Human Resources or another person in the company so that a prompt internal investigation may occur.

### **Non-Discrimination**

The Foundation is committed to compliance with all applicable laws providing equal employment opportunities. The Foundation prohibits unlawful discrimination against any job applicant, employee or unpaid intern, volunteer, board member or customer/vendor, by any board member of the Foundation.

### **Anti-Retaliation**

The Foundation will not retaliate against anyone for filing a complaint or participating in any workplace investigation or complaint process, and will not tolerate or permit retaliation by board members. If an employee feels he/she has been subjected to any form of retaliation, the employee should report that conduct to his/her immediate supervisor, another member of management, or Human Resources within three calendar days of the offense. Employees are not required to approach the person who is retaliating against them, and they may bypass any offending member of management. Any employee determined to have retaliated against such employees will be subject to discipline, up to and including immediate termination of employment.

### **Complaint Process**

Anyone who believes that he/she has been the subject of harassment, discrimination, retaliation or other prohibited conduct by a board member, should submit a complaint to the Chief Executive Officer or an Executive Committee member as soon as possible after the incident. For assistance with a complaint, or to make a complaint in person, contact the CEO. If possible, all known details of the incident or incidents, names of individuals involved and names of any witnesses should be included. A complaint in writing is preferred.

The Foundation encourages all individuals to report any incidents of harassment, discrimination, retaliation or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

When the Foundation receives allegations of board member misconduct, it will immediately undertake a fair, timely, thorough and objective investigation of the allegations in accordance with all legal requirements. The Foundation will reach reasonable conclusions based on the evidence collected.

The Foundation will maintain confidentiality to the extent possible. However, the Foundation cannot promise complete confidentiality. The investigation and possible corrective action may require the disclosure of information to individuals with a need to know.

Complaints will be:

- Responded to in a timely manner

- Kept confidential to the extent possible
- Investigated impartially by CEO and the Executive Committee in a timely manner
- Given appropriate options for remedial action and resolution
- Closed in a timely manner

If the Foundation determines that harassment, discrimination, retaliation or other prohibited conduct has occurred, appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. The Foundation also will take appropriate action to deter future misconduct.

Any board member determined by the Foundation to be responsible for harassment, discrimination, retaliation or other prohibited conduct will be subject to removal from the board with no opportunity to appeal the decision.

### **Making False and Malicious Complaints Prohibited**

Knowingly filing a groundless and malicious complaint is also prohibited, and will subject such an employee to appropriate disciplinary action up to and including possible termination of employment. If after investigating any complaint of unlawful discrimination, the Foundation determines that an employee intentionally provided false information regarding the complaint, appropriate disciplinary action may be taken against the one who gave false information.

### **Reasonable Accommodations**

Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship. To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the Foundation will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a representative of the Foundation with day-to-day personnel responsibilities and discuss the need for an accommodation. The Foundation will engage in an interactive process with the employee to identify possible accommodations, if any, that will help the applicant or employee perform the job. An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact a

A representative of the Foundation with day-to-day personnel responsibilities and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, the Foundation will make the accommodation.

### **Additional Resources**

You also should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency:

- Equal Employment Opportunity Commission (EEOC) - The EEOC may be contacted by consulting the government agency listings in your local phone book
- California Department of Fair Employment and Housing (DFEH) - The California DFEH staff is available to talk with you by telephone or in-person away from the work location. All

information will be handled in an appropriate manner. The nearest office is listed in the telephone book.