



NCIRE

Northern California Institute for Research and Education

Sexual Harassment and Other Workplace Harassment Policy

Policy Statement

NCIRE is committed to maintaining a high standard of conduct in the workplace and We are commitment to prohibiting sexual and other forms of discriminatory harassment in the workplace.

Purpose

NCIRE believes in respecting the dignity of every employee and expects every employee to show respect for all of our colleagues, customers, and vendors. Respectful, professional conduct furthers NCIRE's mission, promotes productivity, minimizes disputes, and enhances our reputation. Accordingly, this policy forbids any unwelcome conduct that is based on an individual's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over forty years of age, military and veteran status, and sexual orientation, or any other characteristic status protected by law of an individual or that individual's associates or relatives. NCIRE is thus committed to providing a work environment that is free of unlawful discrimination, including harassment that is based on any legally protected status. NCIRE will not tolerate any form of harassment that violates this policy.

Coverage

This policy forbids any employee, supervisor, manager, partner, officer, director, vendor, client, patient, independent contractor or agent of NCIRE to harass any NCIRE employee, applicant or independent contractor.

Prohibited Conduct

The conduct prohibited by this policy, whether **verbal, physical, or visual**, includes any discriminatory employment action and any unwelcome conduct that affects someone because of that individual's protected status. Among the types of unwelcome conduct prohibited by this policy are epithets, slurs, negative stereotyping, intimidating acts, and the circulation or posting of written or graphic materials that show hostility toward individuals because of their protected status. Even where the conduct is not sufficiently severe or pervasive to constitute a violation of the law, NCIRE prohibits any such conduct in the workplace. Employees engaged in such conduct with be subject to termination.

Sexual Harassment

Sexual harassment is a problem that deserves special mention. Harassing conduct based on gender often is sexual in nature but sometimes is not. This policy forbids harassment based on gender regardless of whether the offensive conduct is sexual in nature. Any unwelcome conduct based on gender is also forbidden by this policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or are of different genders.

According to the U.S. Equal Employment Opportunity Commission (“EEOC”), unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct based on sex constitute unlawful sexual harassment when:

- submission to such conduct becomes an implicit or explicit term or condition of employment
- submission to or rejection of the conduct is used as the basis for any employment decision, or
- the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment

This policy forbids harassment based on gender regardless of whether it rises to the level of a legal violation. Examples of sexual harassment forbidden by this policy include but not limited to:

- offensive sex-oriented verbal kidding, teasing or jokes
- repeated unwanted sexual flirtations, advances or propositions
- continued or repeated verbal abuse of a sexual nature
- graphic or degrading comments about an individual’s appearance or sexual activity
- offensive visual conduct, including leering, making sexual gestures, the display of offensive sexually suggestive objects or pictures, cartoons or posters
- unwelcome pressure for sexual activity
- offensively suggestive or obscene letters, notes or invitations
- offensive physical contact such as patting, grabbing, pinching, or brushing against

Employee Responsibility

All employees at NCIRE can help assure that our workplace is free from prohibited discrimination or harassment. All employees are expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited harassment; no employees, not even the highest-ranking people at NCIRE, are exempt from the requirements of this policy. Every employee is expected to report workplace conduct the employee finds unwelcome. Any manager or supervisor who is aware of conduct inconsistent with this policy or who receives a report of conduct inconsistent with this policy is to report it immediately to the Human Resources Department Director. Every employee should report harassment under this policy directly to their supervisor, the Human Resources Director or the Executive Director.

Reporting Procedures

If you feel you have experienced or witnessed any conduct that is inconsistent with this policy, you are to immediately notify:

- Your supervisor or manager, or
- The Human Resources Director or
- The Executive Director

These are the individuals who are authorized by this policy to receive and act upon complaints of harassment or discrimination on behalf of the Company. This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or discrimination.

Company Response

All reports describing conduct that is inconsistent with this policy will be investigated promptly. NCIRE will conduct a fair, timely, and thorough investigation while maintaining as much confidentiality as possible, however, due to the nature of an investigation, and the need to interview witnesses, we are unable to guarantee completely confidentiality.

NCIRE may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation proceeds. NCIRE will take further appropriate action once the report has been thoroughly investigated. That action may be a conclusion that a violation occurred, as explained immediately below. NCIRE might also conclude, depending on the circumstances, either that no violation of policy occurred or that the Company cannot conclude whether or not a violation occurred.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then NCIRE will take corrective action, including discipline up to and including dismissal, as is appropriate under the circumstances, regardless of the job positions of the parties involved. NCIRE may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of this policy. If the person who engaged in harassment is not employed by the Company, then NCIRE will take whatever corrective action is reasonable and appropriate under the circumstances.

Procedures

Consistent with this policy against workplace harassment, NCIRE maintains posters on its bulletin boards that refer to legal prohibitions of discrimination and harassment. These posters identify governmental agencies to contact for information on how and when to file administrative claims. Using NCIRE's complaint process does not keep an employee from filing a claim with a state governmental agency such as the California Department of Fair Employment and Housing or with a federal agency such as the EEOC. The time period for an EEOC filing is 180 or 300 days from the date of the harassment. Any deadline for filing a claim continues to run during a Company investigation. Our policy provides for immediate notice of problems to the Company officials listed above, so that we may address and resolve any problems without waiting for any legal proceedings to run their course.

Supervisors should report complaints to Human Resources or another designated company contact such as the Executive Director as soon as an incident is reported to him/her.

Policy Against Retaliation

NCIRE forbids that any employee treat any other employee or former employee or applicant adversely for reporting harassment, for assisting another employee or applicant in making a report, for cooperating in a harassment investigation, or for filing an administrative claim with the EEOC or a state governmental agency. All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the reporting procedures stated above.

Confidentiality

In investigating and in imposing any discipline, NCIRE will attempt to preserve confidentiality to the extent that the needs of the situation permit.