

# ANTI-HARASSMENT POLICY

OF

## LAGUNA FOOD PANTRY

### ARTICLE 1 INTRODUCTION AND PURPOSE

It is the intention of **Laguna Food Pantry** (“LFP”) to prohibit, eliminate and prevent unlawful harassment and its effects in the workplace. To do this, LFP, through this Anti-Harassment Policy (this “Policy”), will define unlawful harassment, and will set forth a procedure for filing, investigating and resolving internal complaints of unlawful harassment.

LFP is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work or serve in a professional atmosphere that promotes equal opportunities and prohibits harassment practices. LFP will not tolerate harassment, whether verbal, physical, or environmental.

### ARTICLE 2 POLICY

All employees and volunteers are expected to help ensure the work environment remains free of harassment. Upon learning of a situation that may violate this Policy, LFP will conduct a prompt and thorough investigation. If it is determined that a violation of this Policy has occurred, LFP will take appropriate remedial action to stop any prohibited harassment and to prevent future harassment. This may include disciplinary action up to and including termination of employment or services. As outlined in Article 5 below, LFP will not tolerate retaliation against anyone who has expressed a good faith concern about harassment or who has participated or cooperated in an investigation.

Disciplinary action up to, and including, termination of employment or relationship with LFP will be instituted for behavior described in the definition of harassment set forth below.

### ARTICLE 3 DEFINITIONS

**Section 1. Harassment.** The term “harassment” is used in this Policy to refer to both sexual and other forms of harassment. Below are definitions of sexual and other forms of harassment, as well as examples of conduct that may constitute harassment. (These lists are illustrative in nature and are not exhaustive.)

**Section 2. Sexual Harassment.** Sexual harassment is unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. submission to or rejection of such conduct is made either implicitly or explicitly a term or condition of employment, or is made the basis for employment decisions; or

2. such requests or conduct have the purpose or effect of unreasonably interfering with an individual's ability to perform their job duties or services by creating an intimidating, offensive, or hostile working environment.

The following are examples of conduct that may constitute sexual harassment:

- Unwanted physical touching;
- Telling sexually explicit jokes or stories;
- Making lewd or offensive comments or gestures;
- Displaying sexually suggestive objects, cartoons, or pictures;
- Sending sexually explicit messages by letters, notes, electronic mail, or telephone;
- Making offensive comments about an employee's body, physical appearance, or clothing;
- Using terms of endearment (e.g., "dear" or "sweetheart") when referring to employees of one sex; or
- Repeatedly asking a co-worker for a date or meetings outside of working hours after they have indicated an unwillingness to go.

**Section 3. Other Forms of Harassment.** Other forms of prohibited harassment include offensive comments or conduct pertaining to a person's race, ethnicity, color, religious creed, ancestry, national origin, age, physical or mental disability, medical condition, genetic information, sex, gender, gender identity, gender expression, sexual orientation, marital status, military and veteran status, or any other class protected by local, state or federal law.

Such conduct may include, but is not limited to:

- Making gestures, threats, derogatory comments, or slurs that may be offensive to individuals in a particular group;
- Bullying behavior that is threatening, intimidating, verbally abusive, or results in other disruptive actions in the workplace;
- Displaying derogatory objects, photographs, cartoons, calendars, or posters; or
- Sending messages by letters, notes, electronic mail, or telephone that may be offensive to individuals in a particular protected class.

**IT IS NO DEFENSE TO A CLAIM OF HARASSMENT THAT THE ALLEGED HARASSER DID NOT INTEND TO HARASS.**

#### **ARTICLE 4 APPLICATION**

This Policy applies to all directors, officers, employees and volunteers of LFP. All such directors, officers, employees and volunteers shall receive a copy of this Policy [annually] and shall sign a written acknowledgment [each year] that they have received and read a copy of this Policy.

Nothing in this Policy shall be read or construed to prevent LFP from otherwise dealing with an employee's work performance or work deficiencies in a good faith nondiscriminatory and non-retaliatory manner in accordance with existing LFP policies and personnel rules and regulations.

## **ARTICLE 5 COMPLAINT PROCEDURE**

All individuals are expected to help ensure the work environment remains free of harassment. Any employee or volunteer who believes he or she is being subjected to harassment by an employee or non-employee, or who has witnessed harassment of or by another employee or non-employee, has a responsibility to promptly report the matter through one of the means identified below.

An individual who reasonably believes that he or she has been harassed by an employee or non-employee, or who has witnessed harassment of or by another employee or non-employee, should make a complaint orally or in writing with any of the following as appropriate:

- Immediate supervisor
- Designated Human Resources Representative assigned to EEO functions, **Secretary of the Board of Directors**
- Department Head

Harassment claims will be promptly investigated and handled with sensitivity. While LFP will investigate such reports in as confidential a manner as possible, it cannot guarantee confidentiality at the expense of a thorough and effective investigation. If it is determined that harassment has occurred in violation of this Policy, appropriate corrective action will be taken, which may include disciplinary action ranging from a reprimand to termination of employment or services of the employee or non-employee who has committed harassment.

Additionally, the Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (California DFEH) accept and investigate complaints of unlawful harassment in the workplace.

You can file a complaint with the EEOC in person or by mail at the EEOC office closest to where you live. Please visit [www.eeoc.gov](http://www.eeoc.gov) to find the nearest location. The EEOC does not accept complaints online or by phone. 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. You can contact the DFEH office to file a complaint by phone at 800-884-1684 or via online submission at [www.dfeh.ca.gov](http://www.dfeh.ca.gov).

## **ARTICLE 6 NO RETALIATION**

No employee or volunteer who in good faith reports a violation, assists another in the reporting of a violation, or cooperates in the investigation of a violation shall suffer harassment, retaliation, or adverse employment consequences. Any employee or volunteer within LFP who retaliates against another individual who in good faith has reported a violation, has assisted another in the reporting of a violation

or has cooperated in the investigation of a violation is subject to discipline, including termination of employment status or relationship with LFP.

If an individual believes that someone who has made a report of a violation, has assisted another in the reporting of a violation or who has cooperated in the investigation of a violation is suffering from harassment or retaliation the individual should contact their immediate supervisor, Human Resources Representative or Department Head.

Any individual who reasonably believes he or she has been retaliated against in violation of this Policy shall follow the same procedures as for filing a complaint (outlined in Article 5 above).

\* \* \*

Adopted by the Board of Directors at its Meeting on May 8,2018.

\* \* \*

My signature below indicates my receipt and understanding of this Policy. I also verify that I have been provided with the opportunity to ask questions about the Policy.

\_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_