

Statement of Operating Procedures:

14. Policy Against Harassment

Introduction

The HBA is committed to providing an environment that is free of unlawful harassment. In furtherance of this commitment, the HBA strictly prohibits all forms of unlawful harassment, which includes harassment on the basis of race, religion, color, sex, gender identity, gender expression, sexual orientation, national origin, ancestry, citizenship status, uniform service member status, marital status, pregnancy, age, protected medical condition, disability or any other category protected by applicable state or federal law.

The HBA's policy against harassment applies to all employees, board members, or volunteers of the HBA, including supervisors, managers, and executive leadership. The HBA prohibits managers, supervisors, board members, volunteers, and employees from harassing co-workers as well as the HBA's customers, vendors, suppliers, independent contractors and others doing business with the HBA. In addition, the HBA prohibits its customers, vendors, suppliers, independent contractors and others doing business with the HBA from harassment.

Violation of this policy will bring the subject to disciplinary action, up to and including immediate termination, membership revocation, volunteer dismissal, or committee disbarment. Additionally, under California law, employees specifically may be held personally liable for harassing conduct that violates the California Fair Employment and Housing Act.

Harassment

Harassment on the basis of any protected characteristic is strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, uniform service members, or any other characteristic protected by law, or that of their relatives, friends or associates, and that: has the purpose or effect of creating an intimidating, hostile or offensive environment, or has the purpose or effect of interfering with an individual's work or volunteer participation.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; perpetuating false statements; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on HBA time or using HBA equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Sexual Harassment

Examples of Prohibited Sexual Harassment: Sexual harassment includes a broad spectrum of conduct including harassment based on gender (including gender identity and gender expression,) transgender and sexual orientation (meaning one's heterosexuality, homosexuality, or bisexuality). By way of illustration only, and not limited to, some examples of unlawful and unacceptable behavior include:

- Unwanted sexual advances;
- Offering an employment benefit (such as a raise or promotion or assistance with one's career) in exchange for sexual favors, or threatening an employment detriment (such as termination, demotion, or disciplinary action) for an employee's failure to engage in sexual activity;
- Visual conduct, such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons or posters;
- Verbal sexual advances, propositions, requests or comments;
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations;
- Physical conduct, such as touching, assault, impeding or blocking movement;
- Physical or verbal abuse concerning an individual's actual sex or the perception of the individual's sex; and
- Verbal abuse concerning a person's characteristics such as vocal pitch, 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.
- Examples of What Constitutes Prohibited Harassment: In addition to the above listed

conduct, the HBA strictly prohibits harassment concerning race, color, religion, national origin, age or other protected characteristic. By way of illustration only, and not limited to, prohibited harassment concerning race, color, religion, national origin, age or other protected characteristic includes:

- Slurs, epithets, and any other offensive remarks;
- Jokes, whether written, verbal, or electronic;
- Threats, intimidation, and other menacing behavior;
- Other verbal, graphic, or physical conduct; and
- Other conduct predicated upon one or more of the protected categories identified in this policy.

General harassment

Harassment of customers, clients, volunteers, or employees of customers, clients, vendors, suppliers, members of the community, volunteers for other organizations, or independent contractors by our employees, board members, and volunteers is also strictly prohibited.

Reporting harassment.

Volunteers, employees, board members, or third parties doing business with the HBA, who observe or experience harassment should immediately contact the Executive Director or take advantage of Statement of Operating Procedures #9. In addition, if you observe harassment by another employee, supervisor, volunteer, board member, manager or non-employee, please report the incident immediately to the Executive Director or take advantage of SOP #9.

Appropriate action will also be taken in response to violation of this policy by any non-employee.

The notification of the problem is essential. Issues cannot be resolved unless they are known.

The HBA takes all complaints of unlawful harassment seriously and will not penalize anyone or retaliate in any way for a reporting or a harassment problem in good faith (see SOP #9).

All complaints of unlawful harassment which are reported to management will be investigated as promptly as possible and corrective action will be taken where warranted. The HBA prohibits

employees, volunteers, and board members from hindering internal investigations. All complaints of harassment which are reported to management will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation.

History:

Developed in committee: 8-13-21

<https://www.councilofnonprofits.org/tools-resources/sexual-harassment-the-nonprofit-workplace>
<https://www.councilofnonprofits.org/sites/default/files/documents/harassment-prevention-policy.pdf>