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## **POL009-1 Discrimination and Harassment Policy**

The Boys & Girls Clubs of Mid Central Coast (BGC MCC) is committed to providing a safe environment for members, staff and volunteers. To further ensure their safety, BGC MCC has adopted this policy on discrimination and harassment.

BGC MCC is committed to providing equal employment opportunities to all employees and to providing a work environment that is free of unlawful harassment without regard to age (40 or older), ancestry, color, religious creed (including religious dress and grooming practices), denial of family and medical care leave, disability (mental and physical), including HIV and AIDS, marital status, medical condition (cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (including pregnancy, child birth, breastfeeding and medical conditions related to pregnancy, child birth or breastfeeding), gender, gender identity and gender expression, sexual orientation, or any other protected status in accordance with all applicable federal, state and local laws.<sup>1</sup>

Similarly, BGC MCC is committed to complying with all laws protecting qualified individuals with disabilities, as well as employees' religious beliefs and observances. This policy extends to all aspects of BGC MCC's employment practices, including recruiting, hiring, discipline, termination, promotions, transfers, compensation, benefits, training, leave of absence, and other terms and conditions of employment.

BGC MCC will provide a reasonable accommodation for any known physical or mental disability of a qualified individual or for employees' religious beliefs and observances, provided the requested accommodation does not create an undue hardship for BGC MCC and does not pose a direct threat to the health or safety of others in the workplace or to the individual. BGC MCC will not retaliate or discriminate against a person for requesting an accommodation for his or her disability, regardless of whether the accommodation was granted.

### **Eligibility**

This policy prohibits unlawful discrimination and harassment in the workplace and applies to volunteers, applicants and employees of BGC MCC, including supervisors and managers. BGC MCC prohibits managers, supervisors, employees and volunteers from discriminating against or harassing co-workers as well as members, customers, vendors, suppliers, independent contractors, and others doing business with BGC MCC. In addition, BGC MCC prohibits customers, vendors, suppliers, independent contractors, and others doing business with BGC MCC from discriminating against or harassing BGC MCC's employees.

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<sup>1</sup> *The Fair Employment and Housing Act (FEHA), Government Code §12926, et seq., requires employers to avoid illegal discrimination and harassment. Government Code §12940, et seq. details the conduct that is prohibited as well as employers' obligations under the FEHA.*

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## ***Examples of prohibited harassment or discrimination***

In addition to the above listed conduct, BGCMCC strictly prohibits harassment or discrimination concerning any other protected characteristic. Such prohibited harassment includes but is not limited to:

1. Racial or ethnic slurs, epithets and any other offensive remarks.
2. Jokes, whether written, verbal or electronic.
3. Threats, intimidation and other menacing behavior.
4. Inappropriate verbal, graphic or physical conduct.
5. Sending or posting harassing messages or videos, written or electronic.
6. Other harassing or discriminatory conduct based on one or more of the protected categories identified in this policy.
7. Unwanted sexual advances.
8. Offering an employment benefit (such as a raise, promotion or career advancement) in exchange for sexual favors or threatening an employment detriment (such as termination or demotion) for an employee's failure to engage in sexual activity.
9. Visual conduct, such as leering, making sexual gestures and displaying or posting sexually suggestive objects or pictures, cartoons or posters.
10. Verbal sexual advances, propositions, requests or comments.
11. Sending or posting sexually related messages, videos or messages via any medium including but not limited to text, instant messaging or social media.
12. Verbal abuse of a sexual nature, graphic verbal comments about an individual's body, sexually degrading words used to describe some individual and suggestive/obscene letters, notes or invitations.
13. Physical conduct, such as touching, groping, assault or blocking movement.
14. Physical or verbal abuse concerning an individual's gender, gender identity or gender expression.
15. Verbal abuse concerning a person's characteristics such as pitch of voice, 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.

Harassment of BGCMCC's customers, clients, vendors, suppliers, independent contractors or employees of BGCMCC's customers, clients, vendors, suppliers, or independent contractors by BGCMCC's employees is also strictly prohibited. Any such harassment will subject an employee to disciplinary action, including but not limited to termination. Employees who have any questions about what constitutes harassing or discriminatory conduct should contact the Chief of Culture & Equity at 805-922-7163.

## ***Reporting harassment or discrimination***

If an employee feels that he or she is being harassed or discriminated against in violation of this policy by another employee, supervisor, manager, volunteer or third party doing business with BGCMCC, the employee should immediately contact the Chief Executive Officer, or Chief of Culture & Equity at 805-922-7163. All communications will be treated as confidential.

In addition, if an employee observes harassment or discrimination by another employee, supervisor, manager, volunteer or nonemployee, the employee should immediately report the incident to the individuals identified above. Chief Executive Office or Chief of Culture & Equity at 805-922-7163. All conversations about harassment or discrimination observations will be treated as confidential.

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All supervisors must immediately report complaints of misconduct under this policy to the Chief of Culture & Equity immediately.

All complaints of unlawful harassment or discrimination that are reported to management, or to the persons identified above, will be investigated as promptly as possible, and corrective action will be taken where warranted. All complaints of unlawful harassment or discrimination that are reported to management, or to the persons identified above, will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation. Complaints will be investigated by impartial and qualified internal personnel unless external involvement is warranted. The process will be documented and tracked for reasonable progress, and all investigations will be completed in a timely manner. Appropriate action will also be taken in response to violation of this policy by any non-employee.

The California Department of Fair Employment & Housing (DFEH) may also investigate and process complaints of harassment or discrimination. Violators are subject to penalties and remedial measures that may include sanctions, fines, injunctions, reinstatement, back pay and damages. The toll-free number from the DFEH is (800) 884-1684.

Employees' notification to BGC MCC is essential to enforcing this policy. Employees are assured that they will not be penalized in any way for reporting a harassment or discrimination problem. It is unlawful for an employer to retaliate against employees who oppose the practices prohibited by the California FEAH or who file complaints or otherwise participate in an investigation, proceeding or hearing conducted by the California DEFH, or the Fair Employment and Housing Commission (FEHC). Similarly, BGC MCC prohibits employees from hindering its internal investigations or its internal complaint procedure.

### ***Violations of this policy will result in discipline***

Violation of this policy will subject anyone to disciplinary action. Employee's violation may include immediate termination. In addition, under California law, employees may be held personally liable for harassing conduct that violates the FEHA.

### ***Retaliation prohibited***

BGC MCC prohibits retaliation against those who report, oppose, or participate in an investigation of alleged violations of this policy. Participating in an investigation of alleged wrongdoing in the workplace includes:

1. Filing a complaint with a federal or state enforcement or administrative agency.
2. Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of BGC MCC regarding alleged unlawful activity.
3. Testifying as a party, witness or accused regarding alleged unlawful activity.
4. Associating with another employee who is engaged in any of these activities.
5. Making or filing an internal complaint with BGC MCC regarding alleged unlawful activity.
6. Providing informal notice to BGC MCC regarding alleged unlawful activity.

BGC MCC strictly prohibits any adverse action or retaliation against an employee or volunteer for participating in an investigation of alleged violation of this policy. If an employee or volunteer feels that he or she is being retaliated against, they should immediately contact the Chief Executive Officer or Chief of Culture & Equity or Designee at (805) 922-7163. The reporting of such conduct will be treated as

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confidential, per the statements above. In addition, if an employee or volunteer observes retaliation by another employee, supervisor, manager, or nonemployee, he or she should immediately report the incident to the individuals identified above.

## **Equal Opportunity Statement**

BGCMCC is committed to the principles of equal employment. We are committed to complying with all federal, state and local laws providing equal employment opportunities, and all other employment laws and regulations. It is our intent to maintain a work environment that is free of harassment, discrimination, or retaliation based on an individual's race (including, but not limited to, hair texture and protective protective or protected? hairstyles such as braids, locks, and twists), color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender (including gender identity and gender expression), age (40 years and over), sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, or any other status protected by federal, state or local laws. BGCMCC is dedicated to the fulfillment of this policy in regard to all aspects of employment, including but not limited to recruiting, hiring, placement, transfer, training, promotion, rates of pay and other compensation, termination, and all other terms, conditions, and privileges of employment.

BGCMCC will conduct a confidential, prompt, and thorough investigation of all allegations of discrimination, harassment, or retaliation, or any violation of the Equal Employment Opportunity Policy. BGCMCC will take appropriate corrective and remedial action, if and where warranted. BGCMCC prohibits retaliation against any team members who provide information about, complain about, or assist in the investigation of any complaint of discrimination or violation of the Equal Employment Opportunity Policy.

We are all responsible for upholding this policy. Staff may discuss questions regarding equal employment opportunity with your Supervisor or any other designated member of management.

## **Policy Against Workplace Harassment**

BGCMCC has a strict policy against all types of workplace harassment, including sexual harassment and other forms of workplace harassment based upon an individual's race (including, but not limited to, hair texture and protected hairstyles such as braids, locks, and twists), color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender (including gender identity and gender expression), age (40 years and over), sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation or any other status protected by federal, state or local laws.

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This policy protects all applicants and team members (including managers and supervisors) from unlawful harassment and discrimination. This includes harassment by employees, managers, supervisors, contractors, interns, volunteers, vendors, suppliers, and customers. In addition, this policy extends to conduct connected with an individual's work, even when the conduct takes place away from the workplace, such as a business trip or business-related social function.

## Harassment

Harassment means disrespectful or unprofessional conduct, including disrespectful or unprofessional conduct based on an individual's race (including, but not limited to, hair texture and protected hairstyles such as braids, locks, and twists), color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender (including gender identity and gender expression), age (40 years and over), sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, or any other status protected by federal, state or local laws.

While it is not possible to list all the circumstances that may constitute other forms of workplace harassment, some examples of conduct that may constitute workplace harassment include:

- The use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to any protected category;
- Written or graphic material that insults, stereotypes or shows aversion or hostility toward an individual or group because of any protected category and that is placed on walls, bulletin boards, email, voicemail, or elsewhere on BGC MCC premises or circulated in the workplace;
- A display of symbols, slogans, or items that are associated with hate or intolerance toward any select group.

## Sexual Harassment

Sexual harassment means harassment based on sex or conduct of a sexual nature, and includes harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, or gender expression. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

Sexual harassment is generally categorized into the following two types:

- Quid pro quo sexual harassment ("this for that"), which includes:



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- Submission to sexual conduct when made explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of the conduct by an employee when used as the basis for employment decisions affecting the employee.
- Hostile work environment sexual harassment is conduct of a sexual nature or on the basis of sex by any person in the workplace that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile, or otherwise offensive working environment. Examples include:
  - Unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails or gifts.
  - Sex, gender, or sexual orientation-related comments, slurs, jokes, remarks or epithets.
  - Leering, obscene or vulgar gestures or sexual gestures.
  - Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, posters or any such items.
  - Impeding or blocking movement, unwelcome touching or assaulting others.
  - Any sexual advances that are unwelcome as well as reprisals or threats after a negative response to sexual advances.
  - Conduct or comments consistently targeted at one gender, even if the content is not sexual.

## **Retaliation**

Retaliation means any adverse employment action taken against an employee because the employee engaged in activity protected under this policy. Protected activities may include, but are not limited to, reporting or assisting in reporting suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of this policy.

Adverse employment action is conduct or an action that materially affects the terms and conditions of the employee's employment status or is reasonably likely to deter the employee from engaging in protected activity. Even actions that do not result in a direct loss of compensation may be regarded as an adverse employment action when considered in the totality of the circumstances.

Examples of retaliation under this policy include but are not limited to: demotion, suspension, reduction in pay, denial of a merit salary increase, failure to hire or consider for hire, refusing to promote or consider for promotion because of reporting a violation of this policy, harassing another employee for filing a complaint, denying employment opportunities because of making a complaint or for cooperating in an investigation, changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace, treating people differently such as denying an accommodation, not talking to an employee when otherwise required by job duties, or otherwise excluding the employee from job-related activities because of engagement in activities protected under this policy.

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## **Reporting Discrimination, Harassment, and/or Retaliation**

If you feel that you have witnessed or have been subjected to any form of discrimination, harassment, or retaliation, immediately notify the Chief Executive Officer, the Chief of Culture & Equity, your supervisor or any member of management (805) 922-7163.

BGCMCC prohibits retaliation against team members who, based on a reasonable belief, provide information about, complain or assist in the investigation of any complaint of harassment or discrimination.

BGCMCC shall promptly and thoroughly investigate any claim and take appropriate corrective and/or remedial action if we find a claim has merit. If BGCMCC begins an investigation, we will endeavor to conduct the investigation in a timely manner and will keep the investigation confidential to the extent possible. In the same way, anyone involved in an investigation of harassment has an obligation to keep all information about the investigation confidential. To protect confidentiality, BGCMCC will only share information about a complaint of harassment with those who need to be informed. Failure by any staff to keep information about an investigation confidential may result in disciplinary action. Investigations will be documented and tracked for timely resolution.

When the investigation has been completed, BGCMCC will normally communicate the results of the investigation to the complaining individual, to the alleged harasser and, if appropriate, to others who are directly involved. If the policy against harassment is found to have been violated, appropriate corrective action, including but not limited to termination, will be taken against the harasser so that further harassment will be prevented. Both the rights of the alleged harasser and the complainant will be considered in any investigation and subsequent action.

Discipline for violation of this policy may include, but is not limited to, reprimand, suspension, demotion, transfer, and discharge. If BGCMCC determines that harassment or discrimination occurred, corrective action will be taken to effectively end the harassment. As necessary, BGCMCC may monitor any incident of harassment or discrimination to assure the inappropriate behavior has stopped. In all cases, BGCMCC will follow up as necessary to ensure that no individual is retaliated against for making a complaint or cooperating with an investigation.

In addition to our internal complaint procedure, team members may also contact either the Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH) to report unlawful harassment. A complaint must be filed with the DFEH within three years of the alleged unlawful action. The EEOC and the DFEH serve as neutral fact-finders and will attempt to assist the parties to voluntarily resolve their disputes. For more information, contact the Office of Human Resources or the nearest EEOC or DFEH office.

## **Filing of Complaints Outside Company**

You may file formal complaints of discrimination, harassment, or retaliation with the agencies listed below. Contact these agencies directly for more information about filing processes.

California Department of Fair Employment and Housing 2218 Kausen Drive, Suite 100 Elk Grove, CA 95758 800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711

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contact.center@dfeh.ca.gov <https://www.dfeh.ca.gov> (main website) <https://www.dfeh.ca.gov/shpt/> (online sexual harassment training courses)

U.S. Equal Employment Opportunity Commission 450 Golden Gate Avenue 5 West P.O. Box 36025 San Francisco, CA 94102-3661 800-669-4000 or 510-735-8909 (deaf/hard-of-hearing callers only)  
<http://www.eeoc.gov/employees>

Any employee, volunteer, determined to be responsible for violating this policy will be subject to appropriate disciplinary action, up to and including termination. Moreover, any employee, supervisor, manager or volunteer who condones or ignores potential violations of this policy will be subject to appropriate disciplinary action, up to and including termination.

All employees and volunteers are required to review and sign FEHA Discrimination and Harassment Prevention and Complaint Policy.



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**FEHA Discrimination and Harassment Prevention and Complaint Policy  
Employee and Volunteer Acknowledgement**

I have received a copy and had an opportunity to read the Discrimination and Harassment Prevention and Complaint policy attached. I understand that I may ask my supervisor or any employee of the Culture & Equity department any questions I might have concerning this policy. I also understand that it is my responsibility to comply with this policy and any revisions made to it.

\_\_\_\_\_  
Signature of Employee / Volunteer Date

\_\_\_\_\_  
Employee / Volunteer's Name (Printed)

\_\_\_\_\_  
Chief of Culture & Equity Date

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**Reviewed and Approved:**

**Date:** 7/29/2022

**BY:**

DocuSigned by:  
*Michael Boye*  
BA27BB87BACE4B9...  
Chief Executive Officer

DocuSigned by:  
*Nadine Sullivan*  
EC9970348CCF486...  
Board Chair (Board Approval)

### Audit of Document Changes

Review / Revision	Date	Approval*	Title

\*Approval can be performed by the Safety Chair, Safety Officer, or CEO after Safety Committee review of revised document.