

# THE COSANTI FOUNDATION

## HARASSMENT-FREE WORKPLACE POLICY

as revised 3.10.18

This Corporation is committed to a workplace free of all forms of harassment, including sexual harassment. It is the policy of this Corporation to regard any unlawful harassment of employees or applicants for employment as a very serious matter. Unlawful harassment of any kind, including sexual harassment, in the workplace by any person is strictly prohibited.

### DEFINITIONS

A. "Unlawful sexual harassment" includes: unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
3. such conduct is severe or pervasive and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or abusive environment.

B. Conduct which falls within the definition of unlawful sexual harassment may include, but is not limited to:

1. Unwelcomed physical contact of a sexual nature such as patting, pinching or unnecessary touching.
2. Overt or implied threats against an individual to induce him or her to perform sexual favors or engage in unwelcomed sexual relationships.
3. Verbal harassment or abuse of a sexual nature, including intimating by way of suggestion a desire for sexual relations or the making of jokes or remarks of a sexual nature to or in the presence of an individual who finds them offensive.
4. Use of sexually suggestive terms or gestures to describe an individual's body, clothing or sexual activities.
5. Displaying, printing, or transmitting offensive sexually suggestive pictures or

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materials in the workplace.

C. This policy is not intended to create needless intrusions on the freedom of speech or expression of employees nor to regulate employees' personal morality. It is intended to prevent any unlawful harassment in the workplace.

D. This policy shall be conspicuously posted for viewing by applicants and employees. Each employee shall read this policy and familiarize themselves with it. Upon hire, each employee shall sign an acknowledgment of having received, reviewed and understood this policy. The acknowledgment shall become a part of the employee's personnel file.

## **COMPLAINT PROCEDURE**

A. Any employee or applicant for employment who believes that he/she has been subjected to any form of unlawful harassment in the workplace is expected and has a responsibility to report the matter. Any complaints of unlawful harassment should be made to the President of the Corporation, or, if there are multiple presidents, the President designated by the Board for this purpose (to whom references to "the President" shall refer hereafter in this Policy). An employee or applicant need not contact anyone that the employee or applicant believes to be an involved party. All complaints of unlawful harassment should be made within 60 days of the alleged harassment. Thereafter, a formal complaint form must be completed and signed by the complainant. Any managerial employee who becomes aware of an alleged incident of unlawful harassment must report it to the President of the Corporation, or, if the matter involves any co-President, to the Chair, or other person designated by the Board ("Alternate.")

B. If an employee's complaint involves the President the complaint should be made directly to the Chairperson of the Board of Directors. For such complaints the requirements specified for the President in the remaining paragraphs of this Policy shall not apply. Instead, the Chairperson shall investigate the complaint and make a report to the Board. If the complaint is unsubstantiated, the complainant and the President shall be so advised. If it appears that there may be a basis for the complaint, the complaint shall be presented to the Board for further investigation and remedial action where appropriate.

C. The President as the case may be, shall immediately record any complaint he/she receives on a complaint form regardless of the manner in which the complaint is received, indicating the date, persons involved, and a brief statement of the complaint. The complainant shall sign the complaint form. All complaints shall be confidential to the extent possible.

D. The President shall conduct an investigation within 10 working days of receiving the complaint. The investigation shall include an interview with the complainant, the alleged offender, and any other persons who have knowledge of the subject of the complaint. The President or Alternate, as the case may be, within a reasonable time make written findings and a

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written determination.

E. If the President or Alternate finds that the complaint is unsubstantiated, the complainant and the alleged offender shall be advised of the right to appeal the decision to the Board of Directors. The appeal must be made within 30 days of receipt of notice to the complainant. The notice to the complainant shall contain the name and address of the Chairperson of the Board of Directors.

F. If the President finds that there is a basis for the complaint, the President shall take the appropriate remedial action, including but not limited to suspension or termination. The President shall advise the complainant and the alleged offender of the decision. The President shall also advise the complainant of the remedial action taken against the alleged offender, as well as the right of the complainant to appeal to the Board if he/she is not satisfied with the decision and/or the remedial action taken. Any appeal shall be filed with the Board Secretary with a copy to the President, within 30 days of notice to the complainant of the President's decision. The notice of appeal shall contain a statement of the grounds relied upon by the complainant.

G. The Corporation encourages and expects applicants and employees to immediately report any incidents of perceived unlawful harassment and to cooperate with any investigation of a complaint of unlawful harassment. The Corporation strictly prohibits any retaliation against any applicant or employee for filing a complaint of perceived unlawful harassment or participating in the investigation of such complaint.