

Staff Handbook Excerpt Regarding Sexual Harassment

Discriminatory Harassment Prohibited.

Discriminatory harassment, including sexual harassment, will not be tolerated by OSA. This policy applies to all harassment occurring in the work environment, whether on OSA premises or in any OSA-related setting and applies regardless of the gender of the individuals involved. OSA prohibits unlawful harassment by any employee of OSA, including supervisors and coworkers, as well as by third parties such as vendors.

Sexual Harassment Defined.

For purposes of this policy, sexual harassment is defined to include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; or
- submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; or
- such conduct unreasonably alters working conditions so as to make it more difficult to do the individual's job; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Some examples of what may constitute sexual harassment may include:

threatening to take or taking employment actions, such as discharge, demotion or reassignment, if sexual favors are not granted; demands for sexual favors in exchange for favorable or preferential treatment; unwelcome or repeated flirtations; propositions or advances; unwelcome physical contact; whistling; leering; improper gestures; use of stereotypes; offensive, insulting, derogatory or degrading remarks; unwelcome comments about appearance; sexual jokes or use of sexually explicit or offensive language; gender- or sex-based pranks; and the display in the workplace of sexually suggestive objects or pictures. An act may be sexual harassment regardless of the sexual desire, gender, gender identity, gender expression, sexual orientation, or intent of the harasser.

The above list of examples is not intended to be all-inclusive. Care should also be taken in informal situations, including OSA parties and school trips.

If an employee believes that they are the subject of harassment or discrimination on any of the bases enumerated above, or if they have observed or believe they observed such harassment or discrimination, the employee should contact the Executive Director or the Director of Human Resources, by telephone or in person, or set forth the particulars in a memorandum to either of them.

Investigation.

When an employee reports harassment as specified above, OSA will investigate and take corrective action as warranted under the circumstances. The steps to be taken during the investigation are not fixed in advance, but instead will vary depending upon the nature of the allegations. OSA will utilize appropriate documentation and tracking to ensure reasonable progress, timely response to the complaint, and timely closure of the investigation. Such investigation will remain confidential to the extent possible. However, OSA may need to disclose certain information in connection with the investigation and corrective measures taken.

Resolving the Matter.

Should the investigation reveal that harassment has occurred, OSA will take appropriate remedial action to correct the situation. This action may include, but is not limited to, oral or written warning, referral to formal counseling, disciplinary suspension or probation, or discharge from OSA. It is a condition of employment that employees cooperate with all OSA investigations. In addition, OSA may choose to take action notwithstanding the conclusion that the alleged conduct neither violates this policy nor the law, but such conduct was unprofessional or impermissibly interfered with the work environment.

Non-Retaliation.

An individual who reports incidents that they, in good faith, believe to be violations of this policy, or who is involved in the investigation of harassment, will not be subject to reprisal or retaliation. Retaliation is a serious violation of this policy and should be reported immediately. The report and investigation of allegations of retaliation will follow the procedures set forth in this policy. Any person found to have retaliated against an individual for reporting discriminatory harassment or participating in an investigation of allegations of such conduct will be subject to appropriate disciplinary action.

Training.

To assure that employees understand this policy and their obligations under it, OSA periodically may conduct training relating to the policy and its implementation. Moreover, all California-based employees are required to attend mandatory sexual harassment training, including a component on abusive conduct, as well as harassment based on gender identity, gender expression, and sexual orientation, in accordance with applicable law. The DFEH regularly holds sexual harassment online training courses, which may be accessed at <https://www.dfeh.ca.gov/resources/>

Agency Complaint Procedure.

In addition to the Company's internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and, in California, the DFEH, investigate and, in appropriate cases, prosecute complaints of harassment discrimination, and retaliation in employment. The EEOC and DFEH may, after a hearing, award damages to individuals actually injured as a result of such conduct, as well as other remedies. Information about the EEOC complaint procedure can be found on its website (www.eeoc.gov), or by calling 1-800-669-4000 (English), or 1-800-669-6820 (TTY). Information about the DFEH can be found on its website (www.dfeh.ca.gov), or by calling 1-800-884-1684 (English), or 1-800-700-2320 (TTY).

Communication.

This policy is part of OSA's overall commitment to open communication. OSA encourages any employee with workplace concerns of any nature (including, but not limited to, any alleged discrimination) to bring those concerns to the attention of the Executive Director.