

# **Kings Community Action Organization**

## **Administrative Policy**

### **AP 3115**

#### **ADMIN POLICY: Human Resources (HR)**

#### **HARASSMENT**

##### **POLICY**

KCAO is committed to providing a workplace free of unlawful harassment. This includes sexual harassment (which includes harassment based on gender, gender identity, gender expression, pregnancy, childbirth, breast-feeding, or related medical conditions), as well as harassment based on such factors as race, color, creed, religion, national origin, citizenship, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, domestic partner status, family care or medical leave status, veteran status, or any other basis protected by federal or state laws. It is the policy of KCAO to neither condone nor to tolerate harassment.

##### **HARASSMENT DEFINED**

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive or hostile working environment or that interferes with an employee's work performance. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Harassing conduct can take many forms and may include, but is not limited to, the following, when based upon a person's status as noted above: slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, violating "personal space," foul or obscene language, leering, stalking, offensive emails and/or offensive voicemails.

Sexually harassing conduct in particular may include all of the above conduct as well as other unwelcome conduct, such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. Sexually harassing conduct can be by a person of either the same or opposite sex.

## **PROCEDURES FOR REPORTING HARASSMENT**

(1) All incidents and suspected violations of this harassment policy should be reported immediately. Employees may report to their immediate supervisors, or to the Administrative Services Director if the alleged harassment involves the employee's immediate supervisor. If the alleged harassment involves both the immediate supervisor and the Administrative Services Director, then the report should be submitted to the Executive Director.

(2) All incidents and suspected violations will be investigated promptly and include the following:

- (a) interview of the employee filing the claim of harassment;
- (b) interview of the individual accused of the harassing behavior;
- (c) interview of any and all employees who witnessed the harassing incident.

(3) The investigation will be handled in as confidential a manner as possible consistent with a full, fair, and proper investigation.

(4) The supervisor responsible for investigating the claim will notify the employee who lodged the complaint of the results of the investigation as soon as is possible. A report of the results the investigation will also be submitted to the Executive Director, Administrative Services Director and the Program Director. If the harassment involves one of these individuals, then that person would be excluded from receiving the report. If the harassment claim involves the Executive Director, then the Chair of the Board of Directors will be contacted so as to refer the matter to the Personnel Committee of the Board.

(5) If warranted, appropriate disciplinary and/or corrective actions will be taken against the employee engaging in harassment, up to and including immediate termination.

(6) If the investigation does not justify further action, then all parties will be so informed.

(7) KCAO will not tolerate retaliation against any employee for making a good faith complaint of harassment, or cooperating with or otherwise participating in an investigation of harassment.

## **ADDITIONAL INFORMATION**

- (1) All supervisors are required to attend at least two (2) hours of prescribed training and education regarding sexual harassment, abusive conduct, and harassment as required by State of California law (AB 1825) every two years.

(2) All non-supervisors are required to attend at least one (1) hour of prescribed training and education regarding sexual harassment, abusive conduct, and harassment as required by State of California law (SB 1343) every two years.

**References:** State of CA Law AB 1825 and State of CA Law SB 1343

Adopted by Board of Directors: March 23, 2011

Revised and Approved by Board of Directors: November 20, 2019