

TIBETAN ASSOCIATION OF NORTHERN CALIFORNIA
SEXUAL HARASSMENT POLICY

POLICY

The California Fair Employment and Housing Act (FEHA), prohibits unlawful discrimination and harassment in the work place. The law prohibits employers from discriminating against or harassing employees on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Effective January 1, 2015, the law added “unpaid interns or volunteers” to the list of individuals protected from workplace harassment.

Tibetan Association of Northern California (TANC) is committed to a workplace and community-space free of all forms of harassment, including sexual harassment.

SCOPE

It is the policy of TANC to regard any unlawful harassment of all interns, volunteers, employees, independent contractors and 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. Community members that experience sexual harassment (as defined below) from a TANC employee, intern or volunteer including TANC board and committee members, are also protected under TANC’s sexual harassment policy.

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 suggesting 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 materials in the workplace.

IMPLEMENTATION

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

This policy shall be conspicuously posted at TANC's cultural center, Dheshe Phuntsokling and Namchod Kyetsel, for viewing by everyone who use the facility. Each employee, intern, volunteer shall read this policy, familiarize themselves with it, and sign the acknowledgment at the end of this policy of having received, reviewed and understood this policy. The acknowledgment shall become a part of TANC's records and personnel files.

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 Chair of the complainant's committee or to the President of the Board of Directors. The complainant need not contact anyone that he/she 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 committee members or employee who becomes aware of an alleged incident of unlawful harassment must report it to the committee chair or the President, or, if the matter involves the committee chair or the President, the incident must be reported to the Alternate as described in Section B.

B. If a sexual harassment complaint involves the President the complaint should be made directly to 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 Board of Directors (without the alleged perpetrator) shall investigate the complaint and make a report to the entire Board of Directors. 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 of Directors 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. The President shall give a copy of the complaint to the alleged offender. 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 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 President 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. Complainants who feel they have been harassed, discriminated or retaliated against on the basis of legally protected classification or activity may, within one year of the harassment, file a complaint with the California Department of Fair Employment and Housing through the following website: defh.ca.gov

H. TANC encourages and expects employees, interns and volunteers, including committee and board members, to immediately report any incidents of perceived unlawful harassment and to cooperate with any investigation of a complaint of unlawful harassment. TANC strictly prohibits any retaliation against any complainants for filing a complaint of perceived unlawful harassment or participating in the investigation of such complaint.

I have read the above policy and understand that I am protected against sexual or other harassment, discrimination and/or retaliation, and should it occur, I can report it to TANC board and my Committee Chair. I also understand that there will be no retaliation for my reporting any type of bona fide harassment, discrimination or retaliation.

Employee/Intern/Volunteer Signature

Date _____

Please print your name