

Sexual Harassment Policy

a. Introduction

It is the goal of Emmaus of Santa Barbara to promote an environment that is free of sexual harassment. Sexual harassment in the Emmaus environment is discriminatory, unlawful, denies respect for the rights and dignity of others, and is clearly inconsistent with the nature of a conscious, educational community.

Emmaus of Santa Barbara regards such behavior as a violation of the standard of conduct required of all persons associated with the Emmaus Family and such behavior is strictly prohibited. It is the intention of Emmaus of Santa Barbara to take whatever action may be needed to prevent and correct behavior that violates this policy.

b. Definition of Sexual Harassment

Federal and state laws define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to such conduct is made either explicitly or implicitly a term or condition of employment; submission to or rejection of such conduct is used as the basis for employment decisions; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Workplace sexual harassment includes behavior or conduct toward any member of the Emmaus Family. Workplace sexual harassment may include conduct that takes place on or off of Emmaus' properties, and during working or non-working hours. Workplace sexual harassment may include statements made by telephone or by e-mail or other electronic form, and whether directly or through the use of Emmaus facilities, property, or other resources.

It is difficult to define with precision what kinds of verbal or physical behavior constitute sexual harassment because it depends on circumstances such as the severity of the conduct and whether it is part of a pattern or an isolated incident. Although it is not possible to list all types of conduct that, if unwelcomed, might under certain circumstances constitute sexual harassment, the following are some examples:

- sexual advances, whether or not they involve physical touching;
- requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;
- lewd or sexually suggestive comments, jokes, innuendoes, or gestures;
- displaying sexually suggestive objects, pictures, magazines, or cartoons;
- commenting about or inappropriately touching an individual's body;
- inquiries or discussion about an individual's sexual experiences or activities and other written or oral references to sexual conduct;
- dissemination of sexually explicit voice mail, email, graphics, downloaded material or websites.

c. Reporting Sexual Harassment

Any employee who believes that they have been sexually harassed should report the incident promptly. Employees are urged to bring any concerns or complaints of sexual harassment to the Office of the Executive Director or through the route most comfortable to them. The employee may choose from the following:

The employee may select an informal process and discuss the problem with the Program Director or Office of the Executive Director.

Complaints of sexual harassment will be treated confidentially, to the extent appropriate and consistent with conducting a fair investigation. Any employee who, after investigation is found to have violated this policy, will be subject to appropriate disciplinary action by Emmaus of Santa Barbara, up to and including dismissal.

It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of such a complaint. Retaliation against an employee who in good faith reports alleged harassment or who participates in an investigation is a violation of this policy and is subject to appropriate discipline.

d. Formal Complaint Process

An employee may request a formal review of a sexual harassment complaint by submitting a written request for such action to his or her Program Director, the Office of the Executive Director or other designated contact.

The administration personnel or designee will consult with the employee bringing the complaint, the alleged harasser, and others, if appropriate, to determine the facts and views of both parties. Emmaus' Office of the General Counsel may also be consulted. The administration personnel or designee will then prepare a set of findings within 60 days of the original complaint. These findings will be sent to the appropriate Program Director, Office of the Executive Director, or his/her designee, the complainant, and the alleged harasser. The Executive Director or designee will determine the resolution of the matter.

If this review is not satisfactory to the complainant, he or she may submit a written request for a formal review of the decision at the Board of Trustees level. This request must detail the reason(s) the employee disputes the decision and must be delivered to the President of the Board of Trustees within 14 calendar days of receiving the decision of the Executive Director or designee. The President will send copies of this request to the trustees and to the respondent. The President, or his/her designee, will review the request for timeliness and compliance with the procedures set forth in this policy.

The President will review the matter, or may designate another individual to review the matter to date, including the decision at the administrative level. The President, or his/her designee, may conduct any inquires he or she deems

necessary, such as interviewing witnesses and reviewing documents. The President or designee may work with the parties to mediate a mutually agreeable resolution.

At the conclusion of this review, the President or designee will prepare a written report that contains the findings of fact and proposed final disposition of the matter, and will provide a draft of the report to the parties and give each of them an opportunity to add written comments or response within 14 calendar days. The Executive Director or designee may modify the findings or proposed final disposition in consideration of the comments and responses of the parties. The Executive Director or designee will render a final decision and issue a final report. The final report will be sent to the parties and will include their written responses and comments.