



EQUAL EMPLOYMENT OPPORTUNITY POLICIES

General

The foundation's Guiding Principles outline its commitment to approaching work in ways that are consistent with the ethos and values of the foundation's founders: The foundation is committed to acting honestly and with integrity, in accordance with applicable laws and with the highest ethical standards, treating each other, foundation partners and grantees, and the communities served, with honor. In terms of employment, that means the foundation is an equal opportunity employer committed to providing a work environment that's based on professionalism and respect, and is free from unlawful discrimination, retaliation and harassment.

These Equal Employment policies ("EEO") are detailed. If you have any questions at all, please don't hesitate to talk to your manager, another manager, or any member of the Human Resources team.

Anti-Discrimination

The foundation's policies and practices reinforce our commitment as an EEO employer. This means the foundation recruits, hires, assigns, trains, promotes, compensates, provides benefits, disciplines and discharges (and all other terms and conditions of employment) based on merit, qualifications, job requirements and other legitimate factors. The foundation does not unlawfully discriminate on the basis of actual or perceived race, color, religion (including religious dress and grooming practices), creed, sex/gender (including pregnancy, child birth, breast feeding and/or related medical conditions), marital status, age, national origin, ancestry, physical or mental disability, medical condition (as defined by California law), military or veteran status, sexual orientation, gender identity, gender expression, genetic information, taking or requesting statutorily protected leave, or on any other category protected by applicable law. The foundation also does not unlawfully discriminate based on perceptions that a person is associated with someone else who is in any of the protected categories.

The foundation absolutely will not tolerate unlawful discrimination against our employees or applicants (or unpaid interns or volunteers), by managers, supervisors, co-workers or other third parties (such as partners, funders, grantees, contractors, advisors, or vendors).

Reasonable Accommodations

There may be times when you may need an accommodation to help with a disability, a pregnancy or a pregnancy related disability. Please let your manager, the hiring manager, or any member of Human Resources know right away if your ability to do your job or to interview with us is impacted by a disability, pregnancy or pregnancy related disability. The foundation wants to work with you on these things in a way that is consistent with applicable laws regarding accommodations for employees and applicants. (If you are a supervisor or manager and are asked about an accommodation, please be sure to contact the Human Resources Director or any other member of Human Resources immediately.)

After you let the manager or HR know, HR will start an “interactive process” with you to talk about the barriers you’re navigating and possible solutions. The goal is to figure out if there’s a reasonable accommodation that would enable you to interview for or perform the essential functions of your job, and that doesn’t cause undue hardship to the foundation (or, create a direct threat to workplace safety, consistent with legal requirements). The foundation may even offer or provide a reasonable accommodation you haven’t considered. The sooner you let your manager or HR know you have a need, the sooner you and the foundation can collaborate in good faith to figure out how the foundation may be able to help.

Religious Practices and Observances Accommodations

The foundation also makes reasonable accommodations for those employees who have sincerely held religious beliefs. The foundation will reasonably accommodate an employee’s religious beliefs or practices, unless doing so would cause an undue hardship on the foundation’s operations. Among options available, an employee may request that the foundation make reasonable adjustments to the work environment that will allow an employee to practice his or her religion. The California Workplace Religious Freedom Act includes in its

scope of religious protections “religious creed,” “religion,” “religious observance,” “religious belief,” and “creed” including all aspects of religious belief, observance, and practice, such as religious dress and grooming practices.

Any employee who believes that they may need an accommodation for his or her religious belief should talk to their manager or to Human Resources.

Anti-Harassment Including Sexual Harassment

Also consistent with our values and those of our founders and the law, the foundation prohibits unlawful harassment in employment based on actual or perceived race, color, religion (including religious dress and grooming practices), creed, sex/gender (including pregnancy, child birth, breast feeding and/or related medical conditions), marital status, age, national origin, ancestry, physical or mental disability, medical condition (as defined by California law), military or veteran status, sexual orientation, gender identity, gender expression, genetic information, taking or requesting statutorily protected leave, or on any other category protected by applicable law. We also prohibit unlawful harassment based on perceptions that a person is associated with someone who’s in any of these protected categories.

The foundation absolutely will not tolerate unlawful harassment. This includes harassment against any of our employees, applicants or contractors (or unpaid interns or volunteers) by managers, supervisors, co-workers, or other third parties (like partners, funders, grantees, contractors, advisors, or vendors).

Definitions of Harassment and Sexual Harassment

Unlawful harassment is a complex topic, so we’d like to help clarify what this means. If you have questions after reading this, don’t hesitate to reach out to your manager, any other manager, or a member of the HR team.

Unlawful harassment includes all kinds of unwelcome visual, physical or verbal conduct based on any of the protected categories when:

- Your submission to the conduct is made a term or condition of your employment, either directly or by implication;
- Your submission to the conduct or your rejection of it is used as the basis of making employment decisions about you; or

- The conduct has the purpose or effect of unreasonably interfering with your work performance or creates an intimidating, hostile, or offensive working environment.

Some examples are:

- Verbal conduct such as making or using derogatory comments, epithets, slurs, jokes, or comments based on someone's protected characteristic (as outlined above);
- Visual conduct such as making racial gestures, or displaying offensive objects, pictures, cartoons or posters; or
- Physical conduct such as unwanted touching, impeding or blocking movement, or assault
- Refusal to address someone by their preferred pronoun after being asked to do so
- Undermining another person's work performance by deliberately and repeatedly withholding information or otherwise sabotaging their work based upon a protected characteristic or category.

As for sexual harassment specifically, here's some additional information to help explain what it is:

Unlawful harassment because of sex is a form of sex/gender discrimination and includes sexual harassment, gender-based harassment (including gender identity and gender expression) and harassment based on pregnancy, childbirth, breast feeding and related medical conditions. It is unwanted sexual advances, or visual, verbal or physical conduct based on sex or of a sexual nature (but it doesn't have to be motivated by sexual desire). There are many kinds of offensive behaviors that can be considered sexual harassment, including harassment of a person who is the same sex as the harasser. Importantly, the person offended by the unwelcome conduct does not have to be the person who was the target; unwelcome conduct can offend others too.

In the interest of clarity, here are some more specific examples of prohibited conduct, whether based on sexual harassment or any other protected category:

- Unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;

- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct: leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons or posters;
- Verbal conduct: making or using derogatory comments, epithets, slurs, sexually explicit jokes, comments about a person's body or dress;
- Verbal sexual advances or propositions;
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual; suggestive or obscene letters, notes or invitations;
- Physical conduct such as unwanted touching, impeding or blocking movement, or assault;
- Use of the foundation's property (including but not limited to computers) for the purpose of accessing, viewing, displaying, discussing, or disseminating material that is sexual in nature;
- Continued referral to an older employee as "grandpa, grandma or dinosaur;"
- Refusal to refer to an employee by the pronoun of the gender for which they identify rather than their birth gender;
- Mocking an employee's mental or physical disability;
- Using jokes, slurs, or threats because of an employee's race, sexual orientation or gender identity; and
- Using jokes, slurs, or threats to mock an employee's religion or religious garb.

This anti-harassment policy also prohibits abusive conduct (bullying). Abusive conduct is: conduct of an employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance.

The bottom line is that everyone should avoid engaging in conduct that reasonably could be interpreted as harassment or is otherwise inappropriate under this policy. And that's true even if you don't mean to offend anyone.

Reporting Discrimination, Harassment, Failure to Accommodate

If you experience inappropriate behavior at work, suspect it, or hear about it from others, it's important for you to raise it with the foundation so it can find out what's going on and respond appropriately. This section on reporting is designed to support you in doing just that.

If you think you're being discriminated against or harassed, or denied a reasonable accommodation, or if you're aware of any conduct you think may violate these EEO policies, you should report it immediately. If you even think or suspect it may be happening to someone else, you should report that too. You can tell your manager, any other manager or supervisor with whom you feel most comfortable talking, or anyone in HR. We know one size doesn't always fit all, so you'll see that you've got several different reporting options from which you can choose. The important thing is that you come forward.

If you're a supervisor or manager and someone comes to you with a complaint or report, if you suspect the behavior, or you hear about a concern from someone else, you must report it immediately to the foundation President, the Human Resources Director or any other member of Human Resources. You also need to report any possible retaliation to a member of the HR team (see Retaliation section below). And, if someone says or suggests that you personally engaged in inappropriate conduct, you must report that as well, and suggest that the employee report their concerns to Human Resources. This is the best way for the foundation to address conduct and try to resolve the issues quickly and internally.

While it's preferable for you to put your complaint or concerns in writing, it's not required. But, whether you provide something in writing or verbally, it is important for you to be as specific as possible about certain things, such as: the date(s) of the incident(s), all the details about what happened, the names of anyone you think may be involved, and the names of any others you think may be witnesses or have relevant information. The foundation needs all the information you have so it can look properly and fully into your complaint.

Again, the foundation takes all complaints and reports seriously and will assign a qualified internal representative or outside investigation consultant (as appropriate to the circumstances) to conduct a timely and thorough investigation that provides appropriate opportunities for all parties to be heard.

Your cooperation throughout the investigation is critical. The foundation will draw reasonable conclusions based on the information obtained through the investigation and will take appropriate responsive action, if warranted. Investigations will be documented and tracked for reasonable progress. They'll also be concluded in a timely manner and the foundation will report back to you as necessary.

It's important for you to understand that the foundation keeps the complaint/investigation confidential to the extent possible. That means you should be aware that information sometimes may be disclosed on a need-to-know basis. For example, certain information may be shared with the person accused or with other witnesses in order to do a complete investigation and/or to respond to the investigation and/or findings.

If the foundation finds that unlawful discrimination or harassment has taken place, or that someone has been improperly denied a reasonable accommodation, or if there has been other inappropriate conduct in violation of the EEO policies, it will take prompt and effective remedial action the foundation considers appropriate to the circumstances, such as disciplinary action, up to the possibility of immediate termination of employment or contract services. The foundation may also take other actions to prevent or deter similar conduct in the future.

Please keep in mind the foundation has the right to and may take action under these EEO policies to respond to what it considers unacceptable or inappropriate conduct, even if it's not illegal conduct. You should also be aware that under some laws, like California's, any person who engages in unlawful workplace harassment may be held personally liable.

An important note: If you are comfortable talking to the person who offended you, the foundation hopes you don't let this reporting procedure stop you. In fact, you are encouraged (but are not required) to talk to the offender directly so you can say that the behavior isn't welcome and you want it to stop. Sometimes this is the quickest way to change behavior, particularly if the person isn't aware it was offensive to you. Regardless of whether you approach the person or not, the foundation stills want you to report the incident under these EEO policies. That way, the foundation is in a better position to decide whether to take additional action and will be aware of it if it were to ever happen again.

Retaliation

Just as the foundation does not tolerate unlawful discrimination or harassment in the workplace, it also prohibits and won't tolerate unlawful retaliation against you for, in good faith, making a truthful complaint or report under this policy, or filing, testifying, assisting or participating in an investigation or proceeding regarding alleged unlawful discrimination or harassment. That means the foundation prohibits adverse employment actions against you because, for example, you complained about conduct you believe violates the EEO policies. If you think you're being retaliated against, please report it immediately to your manager (unless your manager engaged in the conduct you are complaining about), any other manager, or any member of Human Resources. The foundation is committed to looking into what's going on so it can take action it considers an appropriate response. Violators of this retaliation policy will be subject to disciplinary action, up to and including termination of employment or contract services.

External Agencies

The foundation sincerely hopes you'll use the internal processes to speak up if you got a concern. That way, the foundation can look into it internally and then respond to unlawful conduct more quickly and efficiently. But, if you're not comfortable doing that, here's the agency information too where you can report workplace discrimination, retaliation and harassment concerns:

Federal:

Equal Employment Opportunity Commission

<https://www.eeoc.gov/>

- 1-800-669-4000
- 1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)
- 1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only)

State:

California Department of Fair Employment and Housing

<https://www.dfeh.ca.gov/>

- 800-884-1684 (voice)

- 800-700-2320 (TTY)
- California's Relay Service at 711

Fraternization

Friendships can affect the workplace positively, adding to the sense of teamwork and camaraderie. The foundation understands that romantic relationships can sometimes result from workplace friendships. While these relationships may be consensual, managerial or supervisory employees' personal relationships with employees who report to them may be perceived as favoritism, a conflict of interest, misuse of authority, or potentially, sexual harassment. They can also impact morale, security and jeopardize supervision. For that reason, the foundation's fraternization policy is meant to address impacts to and conflicts in the workplace as a result of supervisor/subordinate romantic relationships at work.

Romantic relationships between a manager and a subordinate staff member are prohibited when that staff member reports directly or indirectly to that manager. The foundation expects managers to take the primary responsibility in trying to avoid such relationships and to immediately inform HR if such a relationship develops. If a romantic relationship does develop between a manager and subordinate employee, he or she must inform Human Resources immediately. The foundation will discuss with the employees and decide what actions it considers necessary to take in regard to re-assignments of the impacted employees involved in the relationship so that they are not in the same line of reporting authority. If the employees cannot agree on reassignments, the foundation will make a reassignment, if possible and/or appropriate. Depending upon the circumstances, which might include the lack of possible reassignments, one of the employees may need to separate from foundation employment.

If employees do not understand the implications of this fraternization policy and or have questions about how to comply, they should contact Human Resources.

Policy Violations

Employees who disregard any of these policies will receive disciplinary actions up to and including employment termination