

# **Shadow Brook Swim Club Unlawful Harassment, Discrimination, and Retaliation Policy**

Shadow Brook Swim Club ('Company') is committed to providing a work environment free of sexual or any other form of unlawful harassment or discrimination. The Company has a no-tolerance policy, and is committed to maintaining a respectful, courteous work environment in all work-related settings that respects the dignity and worth of each employee. Inappropriate workplace behavior and unlawful harassment are wholly inconsistent with this commitment. No employee, contract worker, customer, vendor or other person who does business with The Company is exempt from the prohibitions within this policy.

Harassment or discrimination based on race, color, ethnicity, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender (including gender identity and gender expression), religion (including religious dress and grooming practices), religious creed, marital status, age, national origin (including language use restrictions and possession of a driver's license issued under California Vehicle Code section 12801.9), ancestry, citizenship, physical or mental disability, military and veteran status, genetic information, medical condition (including cancer and genetic characteristics), sexual orientation, or any other protected class, characteristic, or consideration made unlawful under applicable federal, state, or local laws, is illegal and prohibited by Company policy. Such conduct by or toward any employee, contract worker, customer, vendor or anyone else who does business with the Company will not be tolerated.

## **Prohibited Conduct**

Sexual or other unlawful harassment or discrimination includes any verbal, physical, or visual conduct based on sex, race, age, national origin, disability or any other legally protected basis if:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or engagement;
2. submission to or rejection of such conduct by an individual is used as a basis for decisions concerning that individual's employment or engagement; or
3. it creates a hostile or offensive work environment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and lewd, vulgar, or obscene remarks, jokes, posters, or cartoons, and any unwelcome touching, pinching, or other physical contact. Other forms of unlawful harassment or discrimination may include racial epithets, slurs, and derogatory remarks, stereotypes, jokes, posters, or cartoons based on race, national origin, age, disability, marital status, or other legally protected categories. Prohibited harassment also includes the transmission of materials such as cartoons, jokes, or links to offensive materials online using the Company's electronic communications system, or through other online conduct.

Treating any employee or individual differently or unfairly because of the characteristics listed above is also prohibited. Unlawful discrimination includes conduct that is based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All Company employees, other workers, and representatives are prohibited from engaging in unlawful discrimination. This policy applies to all terms and conditions of employment, including, but not limited to, recruiting, hiring, training, promotion, discipline, compensation, benefits, and termination of employment.

## **Complaint Procedure**

Employees, vendors or contract workers who feel that they have been harassed or discriminated against, or who witness any harassment or discrimination by an employee, contract worker, customer, vendor, or anyone else who does business with the Company, should immediately do the following:

1. If you feel comfortable enough to do so, tell the person engaging in the harassing and/or discriminating behavior that his or her actions are not welcome and they must stop.
2. Report the incident verbally or in writing to the Pool Manager.
3. If the incident is committed by your manager, report the incident verbally or in writing to the President of the Board of Directors.
4. Report any additional incidents or retaliation that occur to the President of the Board of Directors or the Board of Directors directly.

Any contractor, employee, manager or assistant manager who observes, or receives a report of, any form of unlawful harassment, discrimination, or retaliation for conduct protected by this policy, must promptly report the conduct to the Pool Manager and President of the Board of Directors so that an investigation can be conducted and, if appropriate, remedial action can be taken.

Any reported incident will be investigated in a fair, impartial, timely, and thorough manner that provides all relevant parties with the opportunity to be heard and to present any information he or she thinks is relevant or important for consideration, and that allows the Company to reach reasonable conclusions based on the information collected. In responding to and taking action to address a complaint, the Company will be as discrete as reasonably possible under the circumstances and will maintain confidentiality of the matter to the extent reasonably possible, subject to its obligation to conduct a full and fair investigation. Appropriate action will be taken by the Company to stop and remedy any and all such conduct, including interim measures during a period of investigation. The investigation will be completed in a timely manner, after which the Company will inform the complaining party of the conclusions reached concerning the complaint.

You may find more information and lodge complaints regarding harassment, discrimination, and retaliation by contacting the offices of the California Department of Fair Employment & Housing or the federal Equal Employment Opportunity Commission. The nearest offices of the DFEH and EEOC can be found at [www.dfeh.ca.gov](http://www.dfeh.ca.gov) and [www.eeoc.gov](http://www.eeoc.gov).

## **Retaliation Prohibited**

The Company will not allow retaliation against anyone who makes a complaint under this policy. Employees and contract workers are protected by law from retaliation for opposing or reporting unlawful harassment or discrimination, or for otherwise participating in processes connected with an investigation, proceeding, or hearing conducted by the Company or a government agency with respect to such complaints. The Company will take disciplinary action up to and including immediate termination of any employee who retaliates against another employee or contract worker for engaging in any of these protected activities. Employees will be subject to termination with the Company for engaging in retaliation.

## **Violations of Policy**

Any employee or contract worker who violates this policy will be subject to disciplinary action, up to and including termination of his or her employment or engagement. To the extent a customer, vendor, or other person with whom the Company does business engages in unlawful harassment or discrimination, the Company will take appropriate corrective action to address that situation.

Any employee who has questions about this policy or requires further information on the subject of sexual or other harassment or discrimination should contact the Pool Manager or President of the Board of Directors.