



### **Nondiscrimination/Anti-Harassment Policy and Complaint Policy**

The Carnegie Institution for Science is committed to providing a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the Carnegie Institution for Science expects that all relationships among individuals in the organization will be business-like and free of bias, prejudice and harassment. To the extent there is any inconsistency between written departmental policies and this Policy, this Policy shall control.

#### **Reason for Policy**

The purpose of this policy is to ensure that Carnegie's work environment is free from unlawful harassment, discrimination and retaliation. Carnegie will make every reasonable effort to ensure that all departments and administrative units including headquarters are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about this policy should speak with the Associate Director of Human Resources.

#### **Equal Employment Opportunity**

It is the policy of the Carnegie Institution for Science to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law. The Carnegie Institution for Science prohibits any such discrimination or harassment.

#### **Harassment**

Harassment on the basis of any protected characteristic is strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, veteran status, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that:

- A. Has the purpose or effect of creating an intimidating, hostile or offensive work environment
- B. Has the purpose or effect of unreasonably interfering with an individual's work performance
- C. Or otherwise adversely affects an individual's employment opportunities

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion

toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

### **Sexual Harassment**

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, "sexual harassment" is defined, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- A. 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.
- B. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
- C. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include:

- Unwanted sexual advances or requests for sexual favors
- Sexual jokes and innuendo
- Verbal abuse of a sexual nature
- Commentary about an individual's body
- Sexual prowess or sexual deficiencies
- Leering, whistling or touching
- Insulting or obscene comments or gestures
- Display in the workplace of sexually suggestive objects or pictures
- And other physical, verbal or visual conduct of a sexual nature

### **Individuals and Conduct Covered**

This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or by someone not directly connected to the Carnegie Institution for Science (e.g., an outside vendor, consultant, applicants, or customer).

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

## Reporting an Incident of Harassment, Discrimination or Retaliation

The Carnegie Institution for Science requires reporting of all complaints of discrimination, harassment or retaliation, regardless of the alleged offender's identity or position. Carnegie requires any employee who witnesses any discrimination, harassment or retaliation, irrespective of reporting relationship, to immediately report this conduct to Human Resources or the Office of the General Counsel.

Individuals who believe they have experienced conduct that violates this policy, or have concerns should report their complaints verbally or in writing to the Associate Director of Human Resources. Individuals should not feel obligated to report their complaints to their immediate supervisor before bringing it to the attention of Human Resources or the Office of General Counsel.

The California DFEH may also investigate and process complaints of harassment or discrimination. Violators are subject to penalties and remedial measures that may include sanctions, fines, injunctions, reinstatement, back pay and damages. The toll free number from the DFEH is (800) 884-1684.

Employees' notification to the company is essential to enforcing this policy. Employees may be assured that they will not be penalized in any way for reporting a harassment or discrimination problem. It is unlawful for an employer to retaliate against employees who oppose the practices prohibited by the California Fair Employment and Housing Act (FEHA), or who file complaints or otherwise participate in an investigation, proceeding or hearing conducted by the California Department of Fair Employment and Housing (DFEH) or the Fair Employment and Housing Commission (FEHC). Similarly, the company prohibits employees from hindering its internal investigations or its internal complaint procedure.

<b>Human Resources</b> ▪ <b>Loronda Lee</b>	202-939-1113 lmlee@carnegiescience.edu
<b>Human Resources</b> ▪ <b>Angie James</b>	202-939-1102 ajames@carnegiescience.edu
<b>Office of the General Counsel</b> ▪ <b>Ben Aderson</b>	202-939-1118 baderson@carnegiescience.edu
<b>Equal Employment Opportunity Commission (EEOC) and/or if in California the Department of Fair Employment and Housing (DFEH)</b>	(800) 884-1684

## Investigations

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. All individuals who may have observed alleged conduct or may have other relevant knowledge will be expected to maintain confidentiality throughout the investigatory process consistent with the investigation and appropriate corrective action.

Pending the outcome of an investigation, Carnegie may implement interim accommodations to address any safety or security concern, if requested by the individuals involved or if otherwise deemed appropriate or to protect the integrity of the investigation, subject to the reasonable availability of such accommodations and based on available facts and circumstances.

### **Retaliation**

The Carnegie Institution for Science prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

### **Resolution**

The Carnegie Institution for Science will make every effort to achieve a prompt, equitable, and impartial investigation and resolution of complaints brought under this Policy. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, temporary suspension without pay, modification or change in job duties, or termination, as The Carnegie Institution for Science believes appropriate under the circumstances.

If a party to a complaint does not agree with its resolution, that party may appeal to Carnegie’s General Counsel.

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

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