

# Respectful Workplace Policy

Revised: 7/27/2017



# Respectful Workplace Policy

Revised: 7/27/2017



## 1.0 Introduction

WGBH Educational Foundation (“WGBH”) is an equal opportunity employer. Our workforce is diverse, and we wish to foster that diversity in our workplace. Fostering diversity is consistent with our business and Foundation goals.

## 2.0 Objective

WGBH’s objective is to provide its employees a workplace that is free of harassment, intimidation or discrimination because of a person’s race, religion, color, sex/gender (in accordance with, among other laws, Title IX and applicable regulations), gender identity and gender expression, age, marital status, national origin, sexual orientation, citizenship, handicap or disability (in accordance with, among other laws, Section 504 of the Rehabilitation Act and applicable regulations), veteran or military status, political belief, pregnancy, genetic information or any other characteristic protected by law. **Harassment, intimidation or discrimination because of such characteristics is illegal, and WGBH will not tolerate such conduct.**

## 3.0 Our Policy

To promote a safe and discrimination-free workplace for all employees, WGBH has adopted this policy to describe:

- what conduct is prohibited and will not be tolerated;
- what an employee should do if subjected to harassment, intimidation or discrimination;
- what an employee should do if he or she observes harassment, intimidation or discrimination; and
- what will occur if this policy is violated.

WGBH has taken every effort to identify what conduct will not be tolerated. However, it is impossible to identify all conduct that is harassing, intimidating or discriminating. Employees should interpret this policy broadly.

This policy applies both in the workplace and in other settings in which you may find yourself in connection with your employment at WGBH. For example, the policy applies in our offices at all locations, at WGBH-sponsored events, at places where you travel in the course of your work with WGBH, and at gatherings for WGBH employees that take place outside the workplace.

This policy applies to all individuals who come into contact with WGBH. Harassment, intimidation, and discrimination will not be tolerated by any employee, contractor, guest or visitor, supplier, vendor, member, donor, sponsor, or client.

Finally, WGBH prohibits retaliation against any person who complains or reports conduct that violates or may violate this policy. Retaliation is illegal and will not be tolerated by WGBH. WGBH will not tolerate and specifically prohibits any retaliation against an individual who has:

- complained about harassment, intimidation, or discrimination;
- cooperated with an internal investigation of harassment, intimidation, or discrimination; or
- filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by a state or federal agency.

WGBH takes allegations of harassment, intimidation, discrimination and retaliation seriously. WGBH will respond promptly to complaints of such conduct, and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action, up to and including termination, where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of harassment, intimidation, discrimination and retaliation, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment, intimidation, discrimination or retaliation.

## 4.0 Definition of Sexual Harassment

"Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.<sup>1</sup>

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome or unwanted sexual advances -- whether they involve physical touching or not;
- Offering employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Sexual innuendos or insinuations;
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene e-mails, letters, notes or invitations;
- Displaying sexually suggestive objects, pictures, cartoons, web sites, e-mails, screensavers;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive, derogatory or insulting comments;
- Physical conduct such as touching, assault, or impeding or blocking movements;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation is unlawful, and WGBH will not tolerate retaliation against an individual who has complained about sexual harassment or intimidation, who has cooperated with an investigation of a sexual harassment complaint, or who has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by a state or federal agency.

## 5.0 Harassment, Intimidation, or Discrimination on the Basis of Other Protected Characteristics

Conduct directed to an employee on the basis of another protected characteristic as identified in Section I that has the purpose or effect of unreasonably interfering with an the employee's work performance by creating an intimidating, hostile, humiliating or offensive work environment is considered harassment or intimidation and will not be tolerated by WGBH. Such conduct may include, but is not limited to:

- Pranks,
- Obscenities;
- Slurs;
- Threats;

---

<sup>1</sup> As defined under Massachusetts, California and federal law. California law also describes harassment because of sex as including sexual harassment, gender harassment, and harassment based on pregnancy, childbirth or related medical conditions.

- Racial, ethnic or other such jokes or remarks;
- Obscene gestures;
- Physical conduct, such as touching, assault, or impeding or blocking movements;
- Bullying;
- Negative innuendos and insinuations; and
- Comments or expressions of stereotyping

## **6.0 Complaints or Report of Harassment, Intimidation, and Discrimination on the Basis of a Protected Characteristic or Retaliation**

If you believe that you have been subjected to harassment, intimidation, or discrimination because of a protected characteristic, or to retaliation, you have the right file a complaint with WGBH and are encouraged to complain about and report such conduct to WGBH. This may be done in writing or orally. WGBH requests that you complain or notify it of such conduct so that WGBH may intervene and put a stop to any such conduct.

WGBH employees who would like to file a complaint, report a conduct in violation of this policy, or discuss any concerns they may have, should do so by following the steps outlined on WGBH's intranet or contacting the Human Resources department. WGBH also provides for confidential and/or anonymous reporting via an independent third-party organization that collects reports and forwards them to WGBH management for follow-up. The confidentiality of reporters is maintained and assured. WGBH's efforts to comply with nondiscrimination obligations are coordinated by Human Resources.

You can find information about this policy and the complaint process from Human Resources and/or EthicsPoint, our confidential whistleblower system. EthicsPoint can be found at [www.ethicspoint.com](http://www.ethicspoint.com) or by calling 1-888-359-6297. EthicsPoint is an independent third-party organization that collects reports and forwards them to WGBH management for follow-up. Confidentiality of reporters to EthicsPoint is maintained and assured. WGBH's efforts to comply with nondiscrimination obligations are coordinated by Donna Fernandes.

If you observe or witness conduct that you believe may be harassment, intimidation, discrimination or retaliation, you should report such conduct pursuant to the complaint procedure outlined above. Your report will enable WGBH to investigate and put a stop to any such behavior.

Please be advised that this complaint and reporting procedure should be used with respect to conduct by employees, contractors, guests or visitors, suppliers, vendors, members, donors, sponsors, or clients.

## **7.0 Investigations into Harassment, Intimidation, Discrimination, and Retaliation & Your Confidentiality**

When WGBH receives the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with any witnesses or others who may have pertinent information. We will also interview the person alleged to have committed the harassment or intimidation.

When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation. If it is determined by WGBH that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is deemed appropriate by the Foundation, we will also impose disciplinary action, up to and including termination of employment, as set forth below.

## **8.0 Disciplinary Actions**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may include counseling, verbal warning, written warning, suspension or discharge from or termination of employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

Should it be determined inappropriate conduct has been committed by anyone other than an employee, such as but limited to contractor, guest or visitor, supplier, vendor, member, donor, sponsor, or client, WGBH will take such actions as it deems appropriate to remedy the situation.

## 9.0 State and Federal Remedies

In addition to the above, if you believe you have been subjected to harassment, intimidation or discrimination on the basis of a protected characteristic, or to retaliation, you may file a formal complaint with the government agencies set forth below. Using our complaint and reporting process does not prohibit you from filing a complaint with these agencies.

Below you will find information on local government agencies. If you work in a state not listed below, may consult your local state government website for local state contact information, and/or with the United States Equal Employment Opportunity Commission (EEOC) at [www.eeoc.gov](http://www.eeoc.gov).

### In Massachusetts:

In Massachusetts, you may file a complaint with the Equal Employment Opportunity Commission and/or the Massachusetts Commission Against Discrimination. You must file a complaint within 300 days of the allegedly discriminatory act. Contact information is as follows:

1. United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800) 669-4000

2. Massachusetts Commission Against Discrimination (MCAD)

Boston Office: One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000

Springfield Office: 436 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145

### In California:

In California, you may file a complaint with the California Department of Fair Employment and Housing within one year of the allegedly discriminatory act, and with the Equal Employment Opportunity Commission within 300 days of the allegedly discriminatory act. Contact information is as follows:

1. United States Equal Employment Opportunity Commission (EEOC)

Los Angeles Office: Roybal Federal Building  
255 East Temple St., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(800) 669-4000

Fresno Office: Robert E. Coyle Federal Courthouse  
2500 Tulare Street, Suite 2601  
Fresno, CA 93721  
(800) 669-4000

San Diego Office: 555 West Beech Street, Suite 504  
San Diego, CA 92101  
(800) 669-4000

Oakland Office: 1301 Clay Street, Suite 1170-N  
Oakland, CA 94612-5217  
(800) 669-4000

San Francisco Office: 450 Golden Gate Avenue  
5 West, P.O. Box 36025  
San Francisco, CA 94102-3661  
(800) 669-4000

San Jose Office: 96 North Third Street, Suite 250  
San Jose, CA 95112  
(800) 669-4000

2. California Department of Fair Employment and Housing

Bakersfield Office: 4800 Stockdale Highway, Suite 215  
Bakersfield, CA 93309  
(661) 395-2729  
(800)884-1684

Fresno Office: 1320 East Shaw Avenue, Suite 150  
Fresno, CA 93710  
(559) 244-4760  
(800) 884-1684

Los Angeles Office: 1055 West Seven Street, Suite 1400  
Los Angeles, CA 90017  
(213) 439-6799  
(800) 884-1684

Oakland Office: 1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 622-2941  
(800) 884-1684

Sacramento Office: 2218 Kausen Drive, Suite 100  
Elk Grove, CA 95758  
(916) 478-7230  
(800) 884-1684

San Diego Office: 1350 Front Street, Suite 1063  
San Diego, CA 92101  
(619) 645-2681  
(800) 884-1684

San Francisco Office: 1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 622-2973  
(800) 884-1684

San Jose Office: 2570 North First Street, Suite 480  
San Jose, CA 95131  
(408) 325-0344  
(800) 884-1684

Santa Ana Office: 2101 East 4<sup>th</sup> Street, Suite 255-B  
Santa Ana, CA 92705  
(714) 558-4266  
(800) 884-1684