



**SIERRA  
CLUB**

## **Policy Preventing Discrimination, Harassment, Retaliation, and Bullying**

**UPDATED: May 2016**

**This policy applies to all represented and non-represented employees of the Sierra Club, including Chapter employees. This policy also applies to volunteers and interns.**

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## **POLICY PREVENTING DISCRIMINATION, HARASSMENT, RETALIATION & BULLYING**

The Sierra Club is committed to providing a positive work environment in which all individuals are treated with respect and dignity and where all employees can work together comfortably and productively. Each individual has the right to work in an atmosphere that promotes equal opportunities and prohibits discriminatory practices, including prohibited discrimination, harassment, and bullying.

This policy applies to all represented and non-represented employees of the Sierra Club, including Chapter employees. This policy also applies to volunteers and interns.

### **A. Harassment and Discrimination Prohibited**

The Sierra Club will take all reasonable steps to provide a work environment free from harassment and discrimination. The Sierra Club prohibits and will not tolerate discrimination and harassment based on what it considers to be a Protected Status.

The Sierra Club also prohibits and will not tolerate discrimination or harassment based on an employee's, volunteer's, applicant's, or business partner's relationship to or association with a person based on Protected Status or any other basis protected by federal or applicable state and local law. The Sierra Club also prohibits discrimination or harassment against an employee for taking or requesting protected leave.

Any Sierra Club employee, Supervisor, or volunteer who engages in prohibited discrimination, harassment, bullying or retaliation is subject to disciplinary action, up to and including discharge from employment or being denied the opportunity to continue providing volunteer services.

#### **1. Protected Status (Defined)**

Protected Status includes any bases protected by federal or applicable state and local law, including: race, color, religion, genetic information, sex, sexual orientation, gender identity or expression, gender-related appearance or behavior, whether or not the appearance or behavior is different from that traditionally associated with the individual's sex at birth, pregnancy, national origin, ancestry, political activity or affiliation, age (over 40), marital status, veteran and military status, physical or mental disability, medical condition, height and weight or perceptions that any employee or applicant has characteristics of any protected class, or any other basis protected by federal or applicable state and local law.

#### **2. Discrimination (Defined)**

Discrimination is generally defined as adverse or unequal treatment in recruitment, employment, training opportunities, promotional opportunities, pay and other conditions of employment based on protected status.

#### **3. Sexual Harassment (Defined)**

Sexual harassment is generally defined as unwanted or unwelcome sexual advances, request for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to the conduct is made

a term or condition of employment or (2) submission to or rejection of the conduct is used as basis for employment decisions affecting the individual; or (3) the conduct has the purpose or effect of unreasonably interfering with the employees work performance or creating an intimidating, hostile, or offensive working environment. This definition includes many forms of offensive behavior.

The following is a partial list of examples of sexually harassing conduct:

- i. Unwanted sexual advances;
- ii. Offering employment benefits in exchange for sexual favors;
- iii. Making or threatening reprisals after a negative response to sexual advances;
- iv. Physical harassment, including:
  - a. conduct such as touching, assault, or impeding, or blocking movements; or
  - b. conduct such as leering, or making sexual gestures;
- v. Visual harassment, including:
  - a. displaying sexually suggestive objects, pictures, cartoons, posters or cartoons of a sexual nature;
- vi. Verbal harassment, including:
  - a. sexual advances or propositions;
  - b. verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, or suggestive or obscene letters, notes or invitations; and
  - c. conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, or comments about any employee's body or dress.

Sexual harassment may include a range of behaviors and may involve individuals of the same or different sex, sexual orientation, or gender identity. Sexual harassment on the job violates this policy whether it involves coworker harassment, tenant or building guest harassment, harassment by a Supervisor, harassment by or of volunteers, or by persons doing business with or for the Sierra Club.

#### **4. Other Types of Harassment (Defined)**

Other harassment is generally defined as unwanted or unwelcome conduct based on a protected trait. The following is a partial list of the prohibited conduct based on a protected trait:

1. Verbal harassment – such as jokes, epithets, slurs, negative stereotyping, and unwelcome remarks about an individual's body, color, physical characteristics, or appearance, or unwelcome remark based on a person's Protected Status;
2. Physical harassment – such as physical interference with normal work, impeding or blocking movement, assault, unwelcome physical contact, leering at a person's body, and threatening, intimidating, or hostile acts that relate to a Protected Status;

3. Visual harassment – such as offensive or obscene photographs, calendars, posters, cards, cartoons, e-mails, drawings, and gestures, display of sexually suggestive or lewd objects, unwelcome notes or letters, and any other written or graphic material that denigrates or shows hostility or aversion toward an individual, because of a Protected Status, that is placed on walls, bulletin boards, or elsewhere on the employer’s premises or circulated in the workplace.

## **B. Bullying**

In addition to sexual and other forms of prohibited harassment, Sierra Club is committed to protecting its employees from bullying. Bullying is unacceptable behavior that will not be tolerated. Bullying may occur in the forms of:

- written or verbal behavior (including e-mail or text communications), such as ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as the target of jokes; abusive and offensive remarks; recurring instances of shouting or raising voice at an individual;
- physical behavior, such as pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property;
- gestures, such as: non-verbal, threatening gestures, insulting gestures, eye contact that conveys threatening messages; and/or
- exclusion, such as socially or physically excluding or disregarding a person in work-related activities.

The above are some, but not all, examples of what Sierra Club considers to be bullying behavior.

## **C. Retaliation**

Sierra Club prohibits employees and officers from taking any Adverse Action against an employee or volunteer, because he/she in good faith engaged in a Protected Activity. The Sierra Club encourages all employees and volunteers to report immediately any incidents of discrimination, harassment, bullying or any other type of unlawful conduct in the workplace so that complaints can be quickly and fairly resolved. The Sierra Club will not retaliate against any employee or volunteer for making or filing a complaint, or for offering evidence, statements, or testimony in support of any complaint. In addition, the Sierra Club will not knowingly tolerate or permit retaliation by management, employees, or co-workers.

### **1. Protected Activity (Defined)**

“Protected Activity” may include, but is not limited to, any of the following:

- Reporting any incidents of harassment or discrimination, or perceived discrimination, harassment or bullying;
- Participating in any investigation relating to a complaint of discrimination, harassment or bullying;
- Filing a complaint with a federal or state agency;

- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of Sierra Club regarding alleged unlawful activity, discrimination, harassment or bullying;
- Testifying as a party or witness regarding alleged unlawful activity, discrimination, harassment or bullying;
- Associating with another employee who is engaged in a Protected Activity;
- Making or filing a complaint regarding alleged unlawful activity, discrimination, harassment or bullying;
- Calling a governmental agency's "Whistleblower hotline."

## **2. Adverse Action (Defined)**

"Adverse Action" may include, but is not limited to, any of the following:

- Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing;
- Refusing to hire an individual because of Protected Activity;
- Denying promotion to an individual because of Protected Activity;
- Taking any form of disciplinary action because of Protected Activity;
- Altering work schedules or work assignments because of Protected Activity.

## **3. Whistleblower Protection**

Sierra Club is committed to ensuring that all aspects of its operations and activities are conducted within applicable laws and regulations. The Whistleblowing Policy set forth in the [Employee Handbook](#) is an important part of that commitment. That policy supports and protects any employee from discrimination and retaliation as a result of "whistleblowing". The Sierra Club will not tolerate retaliation, harassment or any type of discrimination or adverse action against a "whistleblowing" employee because the employee makes a good faith complaint about suspected Sierra Club violations of federal or state law, rule or regulation or participates in any investigation of any such alleged violations.

Please refer to the Employee Handbook for details on how to report information that an employee reasonably believes discloses a potential violation of or non-compliance with any state or federal statute, rule or regulation, including those related to financial accounting and reporting.

### **D. The Sierra Club's Complaint Procedure for Discrimination, Harassment, Bullying, and Retaliation**

Sierra Club's complaint procedure provides for an immediate, thorough, and objective investigation of any claim of unlawful or prohibited discrimination, harassment, bullying or retaliation, appropriate disciplinary action against anyone found to have engaged in prohibited discrimination, harassment, bullying or retaliation, and appropriate remedies for any victim of discrimination, harassment, bullying or retaliation.

## 1. Complaint Initiation

If you believe you have been discriminated against or harassed based on a protected status, bullied or retaliated against on the job, or if you are aware of the discrimination or harassment based on a protected status, bullying or retaliation of others, you should provide a written or verbal complaint to your Supervisor, to any other Supervisor with Sierra Club, or to the [Human Resources Department](#) as soon as possible. If you are a volunteer with the Sierra Club and have a complaint to report, you should provide a written or verbal complaint to any Supervisor with the Sierra Club or HRD as soon as possible. Additionally, if you are a volunteer with a specific program of the Sierra Club (for example, Sierra Student Coalition or Sierra Club Outdoors), you may have other reporting opportunities with the Directors of those programs as set forth in any applicable policies and/or Standing Rules.

Your complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, direct quotations when language is relevant, and the names of any employee who complains of prohibited discrimination, harassment, bullying, or retaliation. Employees are encouraged to bring their complaints directly to a manager or HRD, however, if an employee desires to make their complaint in an anonymous way, they may do so.

Supervisors who receive complaints from employees or volunteers **must** report such complaints to HRD in a timely fashion. If the complaint involves allegations against staff in HRD, the Supervisor should report such complaints to the Executive Director.

## 2. Investigations

Sierra Club will investigate all complaints of prohibited discrimination, harassment, bullying or retaliation that it receives. "Investigate" in this context shall be broadly defined to the varying levels of inquiry as appropriate under the circumstances, including limited fact-findings, inquiries, and more intensive investigations. Sierra Club's ability to investigate complaints may be limited by the information provided by the complainant, especially when complaints are made anonymously.

Investigation of such complaints will be undertaken promptly and will be conducted in an effective, thorough and objective manner. The Sierra Club's Human Resources Department (HRD) may partner with other departments and leaders to conduct investigations depending on the circumstances of the complaint. HRD (or, in limited circumstances, the entity, program or department directed to handle the investigation) will complete the investigation and make a determination regarding the reported discrimination, harassment, bullying or retaliation. The results of the investigation will be communicated to the employee who complained and to the subject of such a complaint as appropriate under the circumstances. As appropriate, HRD will also communicate the outcome of the investigation with the appropriate supervisors to make recommendations on any necessary corrective measures.

As a protection to you and all employees and volunteers, Sierra Club investigations that include witness interviews may be necessary. If asked, all employees and volunteers are required to cooperate in Sierra Club investigations and provide honest and comprehensive information either verbally or in written form.

Failure to cooperate in an investigation may result in disciplinary action, up to and including discharge from employment or being denied the opportunity to continue providing volunteer services.

### **3. Corrective Action**

If Sierra Club determines that prohibited discrimination, harassment, bullying or retaliation has occurred, the organization will take effective remedial action commensurate with the circumstances. Sierra Club will also take appropriate action designed to deter any future discrimination, harassment, bullying or retaliation. If a complaint of prohibited discrimination, harassment, bullying or retaliation is substantiated, Sierra Club will take appropriate disciplinary action, up to and including termination. If appropriate, Sierra Club will take action to remedy the victim's loss, if any, which resulted from the discrimination, harassment, bullying or retaliation.

Violations of this policy may result in disciplinary action up to and including termination of employment or the denial of the opportunity to provide volunteer services. Whether or not harassment has occurred depends on the conduct, not the intentions of the one accused of harassment.

### **4. Liability for Harassment**

Sierra Club prohibits any and all conduct that may reasonably be interpreted as harassment as defined above, even if such conduct does not meet the legal requirements of harassment (i.e. severe and pervasive). Sierra Club will take all reasonable steps to prevent and prohibit harassment in the work environment. The "work environment" may include the workplace itself, but also in other work-related settings, such as business trips, meetings, and Sierra Club-sponsored social events.

Any employee or volunteer who engages in prohibited discrimination, harassment, bullying or retaliation may also be personally liable for monetary damages as allowed by law. The Sierra Club considers conduct in violation of this policy to be outside the course and scope of employment and not a consequence of the discharge of an employee's duties. Accordingly, to the extent permitted by law, the Sierra Club reserves the right to not provide a defense and/or to not pay damages assessed against employees for conduct in violation of this policy when available by law.

### **5. Additional Enforcement Information**

In addition to Sierra Club's internal complaint procedure, several federal and state agencies investigate and prosecute complaints of unlawful discrimination, harassment or retaliation in employment. These include the federal Equal Employment Opportunity Commission ([EEOC](#)), the California Department of Fair Employment and Housing ([DFEH](#)), and similar administrative agencies in states other than California. Employees who believe that they have been unlawfully harassed may file a complaint with either of these agencies. Both the EEOC and the DFEH serve as neutral fact finders and attempt to help the parties voluntarily resolve dispute.

For more information, please contact the Sierra Club's [Human Resources Department](#). You may also contact the nearest office of the EEOC or DFEH, as listed online.