

	<h2>CORPORATE POLICY</h2>	Number: HR 4.1 Owner: Corporate HR Type: Human Resources
Title Discrimination, Harassment, Sexual Harassment and Retaliation Prevention		Effective Date: 8-2019

SECTION 1 – PURPOSE

To provide equal employment opportunities to State Fund [workforce members](#) and job applicants in all employment practices and to provide a workplace free of [discrimination](#), [harassment](#), [sexual harassment](#) and [retaliation](#) in compliance with State and Federal law.

SECTION 2 – POLICY STATEMENTS

State Fund is committed to promoting a culture that values equality, diversity, inclusion and providing a workplace free of discrimination, harassment, sexual harassment and retaliation based on membership, or perceived membership, in a protected category.

2.1 Discrimination and Harassment Prohibited and Not Tolerated

State Fund prohibits: (1) discrimination and harassment based on a person’s membership, or perceived membership, in a protected category, and (2) sexual harassment, of our workforce members and others whom they may interact with in any workplace setting, including people who are:

- Employees
- Job Applicants
- Coworkers
- Supervisors
- Vendors
- General public

Conduct of this nature can decrease work productivity, undermine the integrity of employment relationships, and decrease morale. Such conduct may violate this policy even if it is not unlawful. Unlawful behavior of this nature is prohibited under laws including but not limited to the Fair Employment Housing Act (FEHA) and Title VII of the Civil Rights Act.

2.2 Retaliation Prohibited and Not Tolerated

State Fund also prohibits retaliation against persons who take part in protected activities, including:

- Reporting a discrimination, harassment or sexual harassment complaint,
- Assisting in filing a complaint,
- Taking part in complaint investigations, or
- Asking for Reasonable Accommodation for medical or religious reasons.

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2.3 Policy Dissemination and Training

State Fund shall provide this policy and the complaint procedure to its workforce members as part of the annual Code of Conduct training. State Fund provides training to all workforce members on recognizing and preventing workplace harassment, discrimination, and retaliation on an ongoing basis.

2.4 Reporting Complaints

State Fund employees may report complaints under State Fund’s internal complaint process or file an external complaint as provided by law.

Employees may report complaints to:

- Their supervisor,
- Another supervisor or manager of their choosing, or
- Directly to State Fund’s Internal Investigations Unit.

An employee may report a complaint of discrimination or harassment even if the discrimination or harassment was not directed toward them.

Supervisors are required to report all discrimination, harassment, sexual harassment, and retaliation complaints brought to their attention, and any inappropriate conduct which may constitute, or be reasonably perceived to constitute, discrimination, harassment, sexual harassment, or retaliation to the Internal Investigations Unit.

2.5 Investigation of Complaints

State Fund investigates discrimination, harassment, sexual harassment, and retaliation complaints fairly, completely and timely. State Fund will maintain the confidential nature of its investigations to the extent possible under the law.

2.6 Appeals and External Complaints

Complainants not satisfied with State Fund’s EEO determination may appeal under State Fund’s internal complaint process and/or file an external complaint as provided by law.

2.7 Disciplinary Action

State Fund employees found to have engaged in conduct which violates our Discrimination, Harassment, Sexual Harassment and Retaliation Prevention Policy, will be subject to discipline, up to and including termination.

SECTION 3 – APPLICABILITY, SCOPE, & BASIS

This policy applies to workforce members and job applicants.

3.1 Related Laws and Regulations

- [42 U.S.C. § 2000e et seq.](#) (Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991) and related statutes
- [42 U.S.C. §§ 12101-12213](#) (Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Amendment Act of 2008) and related statutes
- [Cal Government Code §12900 et seq.](#) (Fair Employment and Housing Act) and related statutes

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- [Cal Code of Regulations, Title 2, 11000 et seq.](#)

Related Laws and Regulations can be found at:

<https://www.eeoc.gov/laws/statutes/titlevii.cfm>

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

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

SECTION 4 – AUTHORITY

The Executive Vice President & Chief Administrative Officer has the duty of policy assurance and oversight. Vice President of Corporate HR, as policy owner, has the duty for policy compliance, updates, and monitoring.

SECTION 5 – RELATED CORPORATE POLICIES

HR 4.2 Reasonable Accommodation for Disability and Medical Condition

HR 4.4 Reasonable Accommodation for Religion

EC&F 2.1 Complaint Reporting and Anti-Retaliation

Related Corporate Policies can be found in Corporate Policy Library.

SECTION 6 – DEFINITIONS

Discrimination – Act with an adverse effect on job opportunities against one or more persons due to his/her membership in a protected category. The adverse act materially affects the terms or conditions of employment and may include such actions as termination, constructive discharge, demotion, transfer or unfavorable assignments, reduction in pay, failure to interview or hire, or denial of advancement or promotion.

Harassment – Unwelcome or unwanted comments, intimidation, ridicule, insult or physical conduct based on a perceived characteristic of a member of a protected category, where the action is severe or pervasive so as to materially alter the employee’s employment or creates an abusive or hostile work environment.

Equal Employment Opportunity – A workplace free of discrimination or harassment based on protected category status in recruiting, hiring, compensation, promotion, training, disciplinary action and/or other terms and conditions of employment.

Explicit – Precisely and clearly expressed or readily observable; leaving nothing to be implied.

Implicit – Implied or understood though not directly expressed; contained in the nature of something though not readily apparent.

Protected Category – A group or class of persons named in state or federal civil rights laws, including but not limited to, race, color, religion or religious creed (including religious dress and grooming practices) national origin (including language use restrictions), ancestry, physical disability (including HIV and AIDS), mental disability, medical condition (including cancer and genetic characteristics), denial of Family and Medical Care leave, genetic characteristics or information, marital status, sex, gender (including pregnancy, childbirth, breastfeeding and

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related medical conditions), gender identity and expression, age (over 40), political affiliation, sexual orientation, transgender status, and military or veteran status.

Retaliation – An adverse employment action taken against an employee or applicant because he/she engaged in a protected activity, including filing or taking part in an EEO investigation.

Sexual Harassment – Is generally defined as a form of harassment which includes unsolicited and/or unwanted romantic or sexual advances, requests for sexual favors, or visual, verbal, written, or physical conduct of a sexual or gender based nature directed to a person of the same or of the opposite sex when:

- submission to such conduct is made either [explicitly](#) or [implicitly](#) a term or condition of an individual’s employment,
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or
- such conduct is severe or pervasive enough that it has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment

The conduct need not be motivated by sexual desire to constitute sexual harassment.

Federal and State laws recognize two forms of Sexual harassment: Quid Pro Quo sexual harassment or Hostile Work Environment harassment.

Quid Pro Quo Sexual Harassment – making of a request or demand for sexual conduct in exchange for a benefit such as a raise, a promotion, hiring or contracting. Or, making a threat or requiring sexual favors as a condition of employment, such as to avoid termination, demotion, or reduction in pay.

Hostile Work Environment Harassment – unwelcome or unwanted sexual advances or other gender based conduct that is sufficiently severe or pervasive enough to interfere with the individual’s work performance or creates an intimidating, offensive or hostile work environment.

Examples of conduct that may violate this policy include:

- Unwelcome sexual advances, flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
- Requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
- Obscene or vulgar gestures or comments based on any protected characteristic;
- Written conduct such as sexually oriented emails, letters, or literature;
- Sexually oriented cartoons, posters, or drawings based on any protected characteristic;
- Uninvited touching of a sexual nature;
- Conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
- Teasing or other similar conduct directed toward a person because of any protected characteristic.

Workforce Members – A collective group of people who work for State Fund, including officers, employees, supervisors, and non-employees. State Fund intends and creates no employer-

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employee or agency relationship by this term. This term has no impact on State Fund's relationship with consultants or independent contractors.

SECTION 7 – HELP & ADVICE

For questions on Corporate Policy, contact the EEO Officer at eeo@scif.com.

SECTION 8 – REVIEW HISTORY

Review Date	Action Date	Action	Section(s) Revised	Effective Date
04/17/2017	04/17/2017	Biennial Review & Update to align with current law and best practices	Comprehensive	
04/18/2017	04/18/2017	PM Review and Approval	Comprehensive	
05/18/2017	05/18/2017	Board Approval		07/2017
08/04/2017	08/04/2017	Link Refresh	2, 3.1, 5	07/2017
04/18/2019	05/16/2019	PAG Review and Approval	Combined HR 4.1 and HR 4.3	08/2019
07/02/2019	07/02/2019	Executive Review and Approval	Combined HR 4.1 and HR 4.3	08/2019
07/02/2019	07/02/2019	PM Approval	Combined HR 4.1 and HR 4.3	08/2019
08/20/2019	8/20/2019	Board Approval	Combined HR 4.1 and HR 4.3	08/2019
11/12/2020	11/12/2020	Update headers	Headers	08/2019
12/02/2022	12/02/2022	Update Headers and Link Refresh	Headers, 5	08/2019