

CALIFORNIA HOUSING FINANCE AGENCY POLICIES AND PROCEDURES

Policy Number: AD-HR-009

Subject: Harassment Prevention Policy

Policy Statement: California Housing Finance Agency (CalHFA) is committed to ensuring a work environment that is free from harassment based on age, ancestry, color, disability (mental and physical), exercising the right to family care and medical leave, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, political affiliation, race, religious creed, sex (includes pregnancy, childbirth, breastfeeding and related medical conditions), sexual orientation or any other classification protected by federal, state, or local laws or ordinances.

CalHFA has zero tolerance for harassment of any kind based on any protected characteristic. CalHFA expects its managers and supervisors to vigorously and visibly promote a harassment-free work environment, and expects its employees to read, understand, and comply with this policy.

The CalHFA Harassment Prevention Policy includes a commitment to prevent harassment of any job applicants, contractors, employees, or official CalHFA representatives by any employee, vendor, customer, official CalHFA representative, or any third party.

Definition of Harassment:

“Harassment” as used in this policy includes disrespectful or unprofessional conduct based on any of the protected characteristics listed above. Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing), graphic (such as offensive posters, symbols, cartoons, drawings, computer displays, or e-mails) or physical conduct (such as physically threatening another person, blocking someone’s way, etc.). Such conduct violates this policy, even if it is not unlawful. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a professional and respectful manner.

“Sexual harassment” as used in this policy may include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature.

Common Forms of Prohibited Conduct:

Harassment for the purposes of this policy includes, but is not limited to the following:

- offering employment benefits in exchange for sexual favors;
- leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, emails, or posters;

- making or using derogatory comments, epithets, slurs, or jokes based on any protected characteristic;
- discussing an employee's or someone else's sex life;
- teasing or other conduct directed toward a person because of that person's gender or sex, even if the conduct is not sexual;
- sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, e-mails, notes, or invitations;
- physical touching or assault, as well as impeding or blocking movements; or
- unwanted sexual advances, requests for sexual favors, flirtations, and other unwanted verbal, physical, or visual conduct of a sexual nature.

All such conduct is unacceptable in the workplace and in any work-related settings, such as business trips and business-related social functions, regardless of who is engaging in the conduct.

Rights and Responsibilities:

Employee Rights – Employees have the right to:

- a work environment free of harassment based on membership in any protected class;
- file a good faith complaint of a perceived violation of this policy with a supervisor or the CalHFA [Equal Employment Opportunity \(EEO\) Officer](#), using a reasonable amount of State time;
- a full, impartial, and prompt inquiry or investigation, commensurate with the circumstances;
- be treated with dignity and discretion by CalHFA during the entire internal reporting, complaint, and investigation process;
- be free from intimidation, threats, coercion, harassment, or retaliation for reporting, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing regarding a complaint under this policy;
- file a complaint with the appropriate state or federal agency; and
- be notified when a complaint is filed against the employee and when CalHFA makes a final decision.

Employee Responsibilities – All employees are responsible for ensuring that violations of this policy do not occur by:

- attending harassment prevention training when requested or required by CalHFA;
- conducting business and professional communications, at all times, appropriately and professionally and in accordance with this policy;
- reporting conduct that they reasonably believe violates this policy in accordance with the reporting process described below;
- cooperating fully with every CalHFA-initiated inquiry and/or investigation of any perceived violation of this policy.

Important! If the alleged offender is the employee's manager or supervisor, the employee may report the conduct to another manager or supervisor in or out of the employee's chain of command or to the [CalHFA EEO Officer](#).

CalHFA Responsibilities – CalHFA will promptly investigate the facts and circumstances of any perceived violation of this policy, and will take immediate and appropriate corrective and preventative action. In meeting its obligation, CalHFA will:

- inform the complainant of his or her rights and any obligations to secure those rights;
- conduct an immediate, thorough, objective, and complete investigation, which may include interviewing complainant, the alleged harasser, and other persons with information regarding the matter;
- make a determination as to whether the conduct that allegedly violates this policy occurred, communicating the result to the complainant, the alleged harasser, and any other appropriate parties; and
- take prompt and effective remedial and preventative action, when warranted. This may include, for example, ensuring that the conduct stops, taking appropriate disciplinary action, informing the complainant that remedial action has been taken, and providing a remedy for the complainant.

Manager and Supervisor Responsibilities - Managers and supervisors are charged with special responsibility to prevent and respond to conduct that violates this policy. They are responsible for taking steps to prevent such conduct and for stopping it when they become aware of it.

When managers and supervisors obtain information indicating that a violation of this policy may have occurred, even if not directly within their line of supervision or responsibility, they have the obligation to inform their manager or supervisor immediately and concurrently report the matter to the CalHFA EEO Officer.

Important! Failure to promptly report perceived violations of this policy may subject a manager or supervisor to disciplinary action.

CalHFA Complaint Process:

Reporting Violations of this Policy – An employee who feels someone has violated this policy may report such conduct to his or her manager, supervisor, or the CalHFA EEO Officer.

All employees who report such conduct are encouraged to complete a CalHFA [Discrimination Complaint Form](#) and submit it to the CalHFA EEO Officer.

Important! CalHFA encourages employees or others who have been subjected to conduct that may violate this policy to tell the accused that the behavior is unwanted. However, failure to do so does not prevent the individual from reporting the conduct to his or her manager or supervisor or from filing a complaint under the complaint avenues discussed in this document. Nor does failure to confront the accused mean the accused will be exonerated.

Confidentiality – CalHFA will maintain confidentiality concerning complaints, inquiries, and investigations to the extent possible to prevent embarrassment, further harassment, and/or retaliation. Information will be handled as sensitively as possible and will not be disclosed to others except on a need-to-know basis.

Retaliation – Retaliation is when an employee suffers an adverse action, such as demotion or discipline, because the employee exercised a legal right, i.e., transferring an employee to a less desirable position, disciplining the employee for insubordination, or suspending the employee for complaining about harassment.

No one will be subject to, and CalHFA prohibits, any form of discipline or retaliation for reporting perceived violations of this policy, pursuing any such complaint, or cooperating in any way in the investigation of such complaint. If an employee believes someone has violated this policy against retaliation, he or she should contact the [CalHFA EEO Officer](#) immediately.

Complaint to [State Personnel Board \(SPB\)](#) – Employees may be able to file a discrimination complaint with the State Personnel Board Appeals Division, 801 Capitol Mall, Sacramento, CA 95814 (866) 844-8671 when the complaint is based upon disability, medical or mental condition (including denial of reasonable accommodation).

Formal Complaint to the California Department of [Fair Employment and Housing \(DFEH\)](#) – Employees have the right to file a complaint with DFEH within one (1) year from the date that the alleged discriminatory act occurred.

Persons wishing to file such complaints should contact the DFEH Communication Center at **1-800-884-1684**.

The Sacramento area office is located at: 2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
(916) 478-7251

Formal Complaint to Federal [Equal Employment Opportunity Commission \(EEOC\)](#) – Employees have the right to file a complaint of discrimination (including harassment) with the EEOC within 300 days from the date of the allegedly harassing conduct.

Contact the EEOC at **1-800-669-4000**, TTY **1-800-669-6820**, a toll free number that automatically connects the caller to his or her local EEOC office.

EEOC District Offices:

San Francisco District Office
Philip Burton Federal Building
450 Golden Gate Avenue, 5 West
P.O. Box 36025
San Francisco, CA 94102-3661
(415) 522-3000

Los Angeles District Office
Roybal Federal Building
255 East Temple Street, 4th Floor
Los Angeles, CA 90012
(213) 894-1000

EEOC Local Offices:

Fresno EEOC Local Office
2300 Tulare Street, Suite 215
Fresno, CA 93721
(559) 487-5793

Oakland EEOC Local Office
1301 Clay Street, Suite 1170-N

Oakland, CA 94612-5217
(510) 637-3230

Civil Complaint in Court – After exhausting administrative remedies, including but not limited to filing a complaint with DFEH and/or EEOC, an employee may file a civil complaint in an appropriate court.

The CalHFA EEOC Officer can be reached at (916) 326-8074 should additional information be needed.