

APPENDIX 4

District Attorneys' Retirement System Sexual and Other Unlawful Harassment Policy Approved by the DARS Board of Trustees June 26, 2022

DARS follows the Board approved DARS Personnel Manual Policy relative to sexual and other unlawful harassment. This includes one hour of Preventing Sexual Harassment training per calendar year. Certificates are maintained in the DARS office. Each Trustee and staff member are annually provided a copy of the official summary of the Sexual Harassment and Other Lawful Conduct policy. All employees and Trustees must sign an annual certification stating they are aware of the policy and acknowledging receipt thereof.

Purpose

DARS is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual and other unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, orientation, or any other legally protected characteristic will not be tolerated.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements. Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Harassing statements can be made in person, in writing, or electronically. Harassing behavior does not require the intent to offend. Inappropriate conduct meant as a joke, prank, or a compliment can lead or contribute to harassment.

Reporting of Harassment Complaints

If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately to the Director. If the Director is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the Chairman. You can raise concerns and make reports without fear of reprisal or retaliation. No retaliation in any form will be tolerated toward an employee for: reporting in good faith such an incident or testifying or participating in any way in an investigation or other proceeding involving such an incident.

Investigation

All allegations of sexual harassment will be quickly and discreetly investigated by the Director or Board of Trustees. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Director or Chairman so it can be investigated in a timely and confidential manner.

Corrective Measures

Upon completion of the investigation, the Director shall prepare a full report to the Board of Trustees. Corrective action will be taken following the report to the Board. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action. Corrective action may include but not be limited to reprimand, suspension, and termination of employment. Appropriate action will also be taken in the event the accusation is intentionally false or malicious in intent