

**National Center for Access to Justice
Affirmative Action Policy
Equal Opportunity & Policy Against Harassment**

-- Adopted 2013 --

The National Center for Access to Justice (NCAJ) is an Equal Opportunity Employer and is committed to complying with all federal, state and local equal employment opportunity ("EEO") laws. NCAJ prohibits discrimination against staff members and applicants for employment because of the individual's race or color, religion or creed, alienage or citizenship status, sex (including pregnancy), national origin, age, sexual orientation, disability, gender identity or expression, marital status, domestic partnership status, genetic information or predisposing genetic characteristics, military status, domestic violence victim status, arrest or pre-employment conviction record or any other characteristic protected by law. This Policy applies to all NCAJ activities, including, but not limited to, recruitment, hiring, compensation, assignment, training, promotion, performance evaluation, discipline and discharge. As detailed below, this Policy also bans discriminatory harassment.

NCAJ will provide reasonable accommodation consistent with the law to otherwise qualified staff members and applicants with a disability and to staff members and applicants with needs related to their religious observance or practices. What constitutes a reasonable accommodation depends on the circumstances and thus will be addressed by NCAJ on a case-by-case basis.

Discriminatory Harassment

In general. As part of its EEO Policy, NCAJ prohibits conduct that constitutes or could lead or contribute to harassment based on race or color, religion or creed, alienage or citizenship status, sex (including pregnancy), national origin, age, sexual orientation, disability, gender identity or expression, marital status, domestic partnership status, genetic information or predisposing genetic characteristics, military status, domestic violence victim status, pre-employment arrest record or any other characteristic protected by law. Examples of such conduct include, but are not limited to:

- ethnic slurs;
- use of NCAJ computers (including via the Internet) or NCAJ's e-mail system to view or distribute racially offensive communications; and/or
- threatening, intimidating, or hostile acts directed at a particular sex or religious group or directed at an individual because of his or her sexual orientation, color or ethnicity.

Harassment does not require an intent to offend. Thus, inappropriate conduct or language meant as a joke, a prank, or even a compliment can lead or contribute to harassment.

Sexual harassment. Sexual harassment is a specific type of discriminatory harassment. According to the Equal Employment Opportunity Commission's ("EEOC's") guidelines, unwelcome sexual advances, requests for sexual favors and other verbal or

physical conduct of a sexual nature constitutes sexual harassment when: (1) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

NCAJ prohibits conduct that constitutes or could lead or contribute to sexual harassment. Examples of such conduct include, but are not limited to:

- unwelcome sexual flirtations, advances or propositions;
- inappropriate touching of an individual's body;
- graphic verbal comments about an individual's body or appearance;
- sexually degrading words used to describe an individual; and/or
- the use of NCAJ computers (including via the Internet) or NCAJ's e-mail system to display or distribute sexually explicit images, messages, or cartoons.

Supervisors. Additional rules apply to individuals with supervisory authority at NCAJ. No one with a supervisory role may at any time: (1) threaten or imply that an individual's submission to or rejection of a sexual advance, or harassment or discrimination based on any other protected category, will in any way influence any decision regarding that individual's employment, performance evaluation, advancement, compensation, assignments, discipline, discharge, or any other term or condition of employment; or (2) make any employment decision concerning an individual on any discriminatory basis.

Complaint Procedures

If you believe that you or another individual has been subjected to any conduct of the type prohibited by the Equal Employment Opportunity and Anti-Harassment Policy, you are urged and expected to report the relevant facts promptly.

Staff should ordinarily direct such reports to the Deputy Director of NCAJ or, alternatively, staff may direct reports to the Executive Director of NCAJ. Staff members should choose whichever individual they feel more comfortable contacting under the circumstances. Staff members should report the conduct regardless of the offender's position at NCAJ and should also report the conduct even if the offender is not employed at NCAJ (for example, a vendor or consultant). Prompt reporting is very important so that NCAJ can take action to stop the conduct before it is repeated. All reports will be followed up promptly, with further investigation conducted where needed to confirm facts or resolve disputed facts. In conducting its investigations, NCAJ will strive to keep the identity of individuals making reports as confidential as possible.

Individuals who violate this Policy may be subject to discipline as well as to personal legal and financial liability under applicable law. Appropriate disciplinary action will also be taken against any staff member who knowingly and willfully makes a false allegation concerning an alleged violation of this Policy.

No Retaliation

Threats or acts of retaliation against individuals who report inappropriate conduct pursuant to this Policy or provide information in connection with a report by another individual will not be tolerated. In the event you believe that you have been retaliated against for such action, you should use the above procedures to report the pertinent facts promptly. NCAJ will investigate and take appropriate action in the manner described above.