

FOUNDATION FOR ANIME AND NICHE SUBCULTURES

POLICY AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION

The Foundation for Anime and Niche Subcultures (“*FANS*”) requires employees, unpaid interns, staffers, volunteers, or persons providing services pursuant to a contract (“*Individual(s)*”) to agree to and comply with its Policy Against Harassment, Discrimination, and Retaliation Policy (“*Policy*”). Please acknowledge your agreement to the Policy by signing and dating on the designated lines below.

A. EQUAL OPPORTUNITY

FANS is an equal opportunity employer and it will not unlawfully discriminate against qualified applicants or Individuals with respect to any terms or conditions of employment or engagement based on race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, military and veteran service status, or other basis protected by law. Employment and engagement opportunities at FANS are open to all qualified applicants solely on the basis of their experience, aptitude, and ability.

When necessary, FANS will reasonably accommodate Individuals and applicants with disabilities if the person is otherwise qualified to perform the essential functions of the position safely.

B. NON-DISCRIMINATION/HARASSMENT

FANS is committed to providing a work environment that is free of discrimination and harassment. In keeping with this policy, FANS requires that all Individuals treat each other with respect. FANS will not tolerate discrimination or harassment of any kind by Individuals or supervisors based on the following characteristics: race, religious creed, color, national origin, ancestry, mental or physical disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, military and veteran status, invoking or assisting in the enforcement of California’s equal pay requirements or any other characteristic protected under federal or state law or local ordinance. The policies below regarding discrimination, harassment, and retaliation apply equally to FANS’ employees as well as any staffers, volunteers, unpaid interns, and persons providing services pursuant to a contract.

The purpose of this policy is not to regulate personal morality. Rather, it is to ensure that, in the workplace, no one harasses another on any of these bases.

Discrimination: Discrimination is defined as conduct that is directed at an individual because of their protected characteristic(s) and that subjects the individual to different treatment by agents or employees in regard to all phases of the employment relationship or engagement opportunity including help-wanted ads, interviews, pre-employment testing, hiring, job assignments, shift assignments, promotions, compensation, benefits, job training, layoffs, or termination.

Harassment: Harassment is defined as verbal or physical conduct that is directed at an individual because of their race, religious creed, color, national origin, ancestry, physical disability, mental

disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status and that is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work environment. Harassing acts can include slurs; epithets; threats; “jokes”; offensive remarks; teasing; derogatory drawings, comments, or pictures; intimidation; hostile demeanor; sexual advances; requests for sexual favors; or physical contact or violence.

Sexual Harassment: Sexual harassment is a particularly difficult area for many individuals to identify, but it can be defined as harassment that is motivated by the alleged harasser’s general hostility toward the particular gender of the victim. Sexual harassing conduct need not be motivated by sexual desire, and it is in no way limited to sexual assault. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. It may involve women being harassed by men, men being harassed by women, harassment between persons of the same sex, and harassment because of one’s sexual orientation.

The following three basic criteria are applied under state and federal law to determine if a particular conduct is unlawful sexual harassment:

- Submission to or rejection of the conduct is used as a basis for a decision affecting an individual’s employment status or participation in an engagement opportunity.
- Submission to the conduct is either an explicit or implicit term or condition of employment or a basis for participation or advancement at FANS.
- The conduct has the purpose or effect of interfering with an individual’s performance on the job by creating an intimidating, hostile, or offensive work environment.

No form of sexual harassment will be permitted within the work environment. FANS’ policy is to:

- Create and foster an atmosphere demonstrating zero tolerance for conduct constituting sexual harassment; and
- Work toward eliminating any and all forms of sexual harassment and intimidation of which we are aware.

FANS’ employees, unpaid interns, staffers, volunteers, and persons providing services pursuant to a contract are cautioned that they may be held personally responsible for harassment of others under controlling law.

Resolution of Instances of Discrimination or Harassment: Any Individual who feels that they are a victim of discrimination or harassment of any kind by any co-employee, supervisor, Individual, or person doing business with or for FANS should immediately report the matter in writing to the Staffing Investigation Request Form, or if the Individual so desires, to FANS’ outside counsel, Denis S. Kenny at Scherer Smith & Kenny LLP, (415) 433-1099, for investigation and resolution. Supervisors are to report any allegations of misconduct to the above identified individuals. If the initial report is verbal, it must be followed up with a written complaint. FANS will immediately conduct a thorough, objective, and complete investigation of the complaint that provides all parties appropriate due process and reaches conclusions based on the evidence collected. The investigation will be conducted as confidentially as possible. At the conclusion of its investigation, FANS will

attempt to determine whether unlawful harassment has occurred. FANS will look at the totality of the circumstances, including the nature of the conduct and the context in which it occurred.

No adverse action will be taken against any Individual who reports or participates in the investigation of a violation of the non-harassment policy. (This is FANS' non-retaliation policy which is described in detail below.)

If FANS determines that harassment has occurred, it will take remedial action commensurate with the severity of the offense. This may include disciplinary action against the harasser, up to and including termination. Steps will be taken, as necessary, to prevent any further harassment.

In some instances, harassment complaints cannot be resolved informally. For example, sexual assault and rape are serious violent crimes. If the Individual believes such conduct has occurred, it should be immediately reported to the local police department by calling 911.

An Individual may also file a complaint of sexual harassment concurrently with the appropriate outside agencies including:

CRD An Individual may file with the California Civil Rights Department ("**CRD**") within three (3) years of the alleged incident.
CRD Contact Information:
Phone: (800) 884-1684;
Website: www.calcivilrights.ca.gov

EEOC Individuals may file with the Federal Equal Employment Opportunity Commission ("**EEOC**") within 300 days of the alleged incident.
EEOC Contact Information:
Phone: (800) 669-4000;
Website: www.eeoc.gov

Related Information: For additional details on these or other workplace matters, Individuals are advised to contact their supervisor and/or refer to the bulletins published by the California CRD.

C. NON-RETALIATION

FANS prohibits all types of unlawful retaliation in the workplace.

Retaliation: Retaliation means any "adverse action" taken by an organization or someone who works for an organization against an Individual because they engaged in a "protected activity" related to discrimination or harassment.

Protected Activity: An Individual is protected from retaliation when they, in good faith:

- File a discrimination or harassment complaint or testify, assist, or participate in any manner in an investigation or other proceeding related to such a complaint; or

- Opposes conduct reasonably believed to constitute discrimination or harassment to themselves or to others, even if the individual has not filed a discrimination or harassment complaint and is not involved in the investigation of such a complaint; or
- Invoke or assist in the enforcement of California's equal pay requirements or discusses their wages.

Adverse Action: An adverse action is an action taken by an organization that is reasonably likely to deter a complaining party or others from engaging in a protected activity. Adverse action may include demotion, discipline, firing, salary reduction, negative evaluation, change in job assignment, change in shift assignment, hostile behavior or attitudes, and any other conduct that would dissuade a reasonable worker from making or supporting a charge of discrimination.

Good Faith Allegations: Because of the nature of discrimination and harassment, these claims often cannot be substantiated by direct evidence other than the complaining Individual's own statement. Lack of corroborating evidence should not discourage Individuals from seeking relief under this policy. No action will be taken against an Individual who makes a good faith allegation of discrimination or harassment – even if after investigation the allegation is not substantiated. However, allegations or statements made during an investigation or enforcement procedure found to be intentionally dishonest or made with willful disregard for the truth may subject the Individual to disciplinary action.

FANS is legally responsible for retaliation if the person who participated in the adverse action decision knew of the Individual's protected activity and took the adverse action because of that activity.

Individuals who believe they have been subjected to retaliation are encouraged to follow the same complaint procedures described above regarding discrimination and harassment.