# Nondiscrimination, Harassment, and Retaliation Prevention

| | |
|---|---|
| Policy Owner: | Sr. Human Resources Manager |
| Responsible Department: | Human Resources |
| Applies to: | All CHS employees, applicants for employment, contractors, volunteers, and Board members; clients and applicants for services (see Section II, Service Delivery Scope); and, as to the conduct prohibited under Section IV, all guests, vendors, and other persons doing business with CHS |
| Approval Date: | 9/29/26 |
| Effective Date: | 9/29/26 |
| Policy Contact: | Human Resources Department |

CONTENTS:


**I. Purpose** 1
**II. Applies To** 2
**III. Definitions** 3
**IV. Policy Details** 4
**V. Compliance/Responsibilities** 6
**VI. Procedures** 7
**VII. Authorities** 8
**VIII. Related Information** 9
**IX. Revision History** 9
**X. Appendix** 9


## I. Purpose

Center for Human Services (CHS) is committed to providing a professional work environment and service environment for employees, applicants, and the clients and communities CHS serves that is free from discrimination, harassment, and retaliation. This policy fulfills CHS' obligations as an employer under Title VII, the California Fair Employment and Housing Act (FEHA), the Americans with Disabilities Act (ADA), and related law; as a recipient of federal funding under Section 1557 of the Affordable Care Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975; as a recipient of state funding under California Government Code § 11135; and as a provider of services to the public under the ADA and California's Unruh Civil Rights Act. CHS will implement appropriate corrective action, up to and

including discipline or program-level remediation, in response to misconduct, including violations of this policy even if the conduct does not rise to the level of unlawful conduct.

## II. Applies To

### Employment Scope

This policy applies to applicants for employment at, and employees of, CHS, including co-workers, supervisors, and managers. As used in this policy, "employee" includes interns and volunteers working within CHS, and this policy also protects contractors working within CHS. It also applies to Board of Directors members in the conduct of CHS business. This scope applies to all conduct connected to a person's work at CHS, even when it occurs away from CHS' premises, including in a virtual workspace used by remote workers, on a business trip, or at a business-related social function. CHS also prohibits harassment of its employees by clients, vendors, and other third parties (see Section IV).

### Service Delivery Scope

This policy also applies to all clients, program participants, and applicants for services across CHS programs regardless of funding source. CHS does not discriminate against, harass, or retaliate against any client or service applicant based on a protected characteristic in the delivery of, or access to, its programs and services, consistent with Section 1557 of the Affordable Care Act, Title VI, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, California Government Code § 11135, and the Unruh Civil Rights Act.

### Employee/Applicant Rights

- An application process and work environment free of discrimination, harassment, and retaliation;
- File a complaint of discrimination, harassment, or retaliation, and a full, impartial, and prompt investigation;
- Be timely informed of appropriate information related to the outcome of an investigation;
- Be accompanied by a support person of their choosing during investigation interviews, provided the support person is not a witness and agrees to keep the matter confidential; and
- File a complaint directly with the CRD, the EEOC, or another appropriate agency, and file a civil action in the appropriate court.

### Client/Service Applicant Rights

- Receive CHS programs and services free from discrimination, harassment, and retaliation;
- Free language assistance services, including qualified interpreters and translated vital documents, if they have limited English proficiency;
- Free appropriate auxiliary aids and services (e.g., qualified sign language interpreters, information in alternate formats) if they have a disability;
- Reasonable modifications to CHS policies, practices, or procedures when necessary for equal access to services;

- File a grievance with CHS and receive a timely, impartial response; and
- File a complaint directly with HHS OCR, the CRD, the DHCS Office of Civil Rights, or another appropriate agency, without retaliation.

## III. Definitions

| Term | Definition |
|---|---|
| Client / Service Recipient | Any individual who receives, has applied to receive, or has sought to receive services, benefits, or programs offered by CHS (including CHS' behavioral health, ECM, Community Supports, and other social services programs), and that individual's parent, guardian, or other authorized representative where applicable. In this policy, “client” and “service applicant” are used together for clarity; both fall within this definition. |
| Discrimination | The unequal treatment of an applicant, employee, client, or service applicant in any aspect of employment or in the delivery of, or access to, CHS' programs and services, based solely or in part on any protected characteristic listed in Section IV. Discrimination violates this policy whether the individual actually has the protected characteristic or is merely perceived to have it, and whether it is based on a combination of characteristics or on the protected characteristic of someone the individual is associated with. |
| Harassment | Disrespectful or unprofessional conduct that is unwelcome and based solely or in part on any protected characteristic listed in Section IV, directed at an employee, applicant, client, or service applicant. Section IV lists examples of verbal, visual, and physical harassment. |
| Sexual Harassment | Harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, or sexual orientation. Includes unwelcome sexual advances, requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature. See Section IV for the two recognized categories: Quid Pro Quo and Hostile Work Environment (employment context). |
| Protected Activity | Reporting or assisting someone in reporting a suspected violation of this policy; cooperating in an investigation or proceeding arising out of a violation of this policy; opposing conduct reasonably believed to violate this policy; requesting a disability or religious accommodation, auxiliary aid, language assistance service, or reasonable modification; taking or requesting leave protected by law; or filing a complaint or grievance with CHS, the California Civil Rights Department (CRD), the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Health and Human Services Office for Civil Rights (HHS OCR), or another agency that accepts discrimination complaints. Reporting suspected fraud, waste, abuse, or other violations of law is protected under the Whistleblower Policy and the Compliance Program Plan, Section V.B. |

| | |
|---|---|
| Good Faith Report | A report made in Good Faith, as defined in the Compliance Program Plan, Section XI (Glossary): an honest belief that the information reported is true, even if it turns out to be mistaken or cannot be confirmed. A report is not made in good faith if the individual knew it was false. |
| Adverse Action | For employees and applicants: conduct or an action that materially affects the terms and conditions of employment, or is reasonably likely to discourage a person from engaging in Protected Activity. For clients and service applicants: the denial, delay, reduction, suspension, or termination of services or benefits, or any other conduct reasonably likely to discourage a person from engaging in Protected Activity. An action need not involve a direct loss of compensation, employment, or services to qualify; it is evaluated based on the totality of the circumstances. |
| Retaliation | Any Adverse Action taken against an applicant, employee, client, or service applicant because that person engaged in, or was reasonably believed to have engaged in, Protected Activity. A causal connection must exist between the Protected Activity and the adverse action; CHS' exercise of legitimate business or clinical judgment, such as discipline based on documented performance issues, or a service decision based on documented eligibility criteria unrelated to the Protected Activity, is not retaliation. Denying or defending oneself against an allegation is not, by itself, retaliation. This definition covers retaliation for Protected Activity. The Compliance Program Plan defines retaliation for good-faith reports of suspected non-compliance, fraud, waste, or abuse in Section XI (Glossary) and addresses it in the Whistleblower Policy. |

## IV. Policy Details

CHS prohibits discrimination and harassment in employment and in service delivery based on one or a combination of the following characteristics: race (including hair texture and styles), color, religion, religious creed (including religious dress and grooming practices), national origin (including limited English proficiency and primary language), ancestry, citizenship or immigration status, physical or mental disability, medical condition (including cancer and genetic conditions), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, reproductive health decision-making, age, sexual orientation, veteran or military status, domestic violence victim status, political affiliation, and any other characteristic protected by state or federal anti-discrimination law covering employment or the delivery of federally or state-funded programs and services.

Section 1557 of the Affordable Care Act protects against discrimination based on race, color, national origin, sex, age, and disability in health programs receiving federal financial assistance. CHS' prohibition on discrimination based on sexual orientation, gender identity, and gender expression also rests on California law, including FEHA, the Unruh Civil Rights Act (Cal. Civ. Code § 51), and Government Code § 11135, which prohibit discrimination on a broader set of characteristics than Section 1557, in employment and in CHS' service operations.

CHS recognizes and supports its obligation to reasonably accommodate employees with disabilities and to reasonably accommodate an employee's religious beliefs or observances. Employees who believe they need an accommodation should discuss the matter with their supervisor, the EEO Contact, or Human Resources.

CHS prohibits discrimination and harassment based on an employee requesting or taking any type of leave protected by law, such as family and medical leave, pregnancy disability leave, reproductive loss leave, bereavement leave, jury duty, time to appear in court as a witness, time off to obtain relief such as a restraining order, or any other leave taken or requested under state or federal law.

### Language Assistance and Disability Access in Service Delivery

Consistent with Section 1557, Title VI, Section 504, and CHS' Language Access Policy, CHS provides the following to clients and service applicants promptly and free of charge:

- Language assistance services including qualified interpreters and translated vital documents for individuals with limited English proficiency (including their companions);
- Appropriate auxiliary aids and services including qualified sign language interpreters, video remote interpreting, and alternate formats for individuals with disabilities (including their companions); and
- Reasonable modifications to CHS policies, practices, or procedures for qualified individuals with disabilities.

To request language assistance, auxiliary aids, or a reasonable modification, contact the Program Director or the EEO Contact.

### Prohibited Harassment

Harassment can include, but is not limited to:

- Verbal conduct: slurs, jokes, insults, epithets, gestures, or teasing;
- Visual conduct: posting or distributing offensive posters, symbols, cartoons, drawings, computer displays, or e-mails; staring or leering; and
- Physical conduct: physically threatening another person, blocking someone's way, or making unwelcome physical contact.

### Harassment of Employees by Clients and Other Third Parties

CHS also prohibits harassment of employees, applicants, contractors, and volunteers by clients, family members, vendors, and other third parties. Employees who experience or witness this conduct should report it as described in Section VI.A. CHS will take prompt, appropriate action, which may include safety planning, changes to service arrangements, or other measures consistent with clinical needs and CHS' obligations to its clients. Reporting this conduct is Protected Activity.

## Sexual Harassment Categories (Employment Context)

Sexual harassment does not have to be of a sexual nature and does not need to be motivated by sexual desire. It is generally categorized as follows:

### Quid Pro Quo Sexual Harassment ("this for that")

- Submitting to sexual harassment to keep one's job, get a new job, or receive an employment benefit or opportunity; and
- Making decisions about an employee based on their acceptance or rejection of sexual harassment.

### Hostile Work Environment Sexual Harassment

Unwelcome, sex-based conduct that unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment, including sexual advances, sexually suggestive comments or materials, leering or vulgar gestures, unwelcome touching, and reprisals after a negative response to sexual advances. A single incident can be enough if it has that effect.

## Nondiscrimination in Service Delivery

CHS does not deny, limit, delay, or terminate a client's or applicant's access to CHS programs or services, or otherwise treat them less favorably, based on a protected characteristic listed above. This includes, but is not limited to, decisions about program enrollment, eligibility determinations, service planning, scheduling, and case closure. CHS staff are expected to provide every client with respectful, professional, and equitable treatment regardless of protected characteristics. Sexual advances or sexual conduct by staff toward a client are prohibited. Where the client is a minor or dependent adult, they are also subject to CHS' mandatory reporting policies.

## Non-Retaliation and Non-Intimidation

CHS strictly prohibits retaliation and intimidation, in any form, against any applicant, employee, client, or service applicant who, in good faith, engages in Protected Activity, including reporting or assisting in reporting a suspected violation of this policy, cooperating in an investigation, requesting an accommodation or language assistance, or filing a complaint with CHS, the CRD, the EEOC, or HHS OCR.

For employees, examples of retaliation include demotion, denial of promotion, reduction in pay or hours, or termination. For clients and service applicants, examples of retaliation include denial, reduction, delay, or termination of services; refusal to schedule or reschedule appointments; removal from a program waitlist; or retaliatory reports to other agencies. The protections of this section do not extend to individuals who knowingly make false allegations, or whose allegations are made to harass or embarrass another person.

This section addresses retaliation for Protected Activity as defined in this policy. The Compliance Program Plan and the CHS Whistleblower Policy address retaliation for good-faith reports of suspected misconduct, fraud, waste, abuse, or other violations of law, including reports made to government agencies. Where the same

conduct falls under both, the individual is protected under both, and the EEO Contact and Compliance Contact coordinate as described below.

**Reports That Also Raise Whistleblower or Compliance Concerns**

Some reports raise both a discrimination, harassment, or retaliation concern and a concern about suspected fraud, waste, abuse, billing or claims irregularities, or another violation of law. When a report received under this policy also raises one of those concerns, the EEO Contact must notify the Compliance Contact within one (1) business day, so CHS' regulatory reporting timelines begin on the day CHS first learns of the issue. The EEO Contact leads the discrimination, harassment, and retaliation portion of this policy. The Compliance Contact leads the remainder. The contacts coordinate, where possible, to avoid interviewing or investigating the individual twice.

### Training

Consistent with Government Code § 12950.1, CHS ensures supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of sexual harassment and abusive conduct prevention training within six months of hire or of assuming a supervisory position, and every two years thereafter.

Seasonal, temporary, and other employees hired to work for less than six months receive training within 30 calendar days of hire or 100 hours worked, whichever occurs first. CHS may use the Civil Rights Department's free online trainings at calcivilrights.ca.gov/shpt.

Consistent with 45 CFR § 92.9, CHS' Language Access Policy, and applicable cultural and linguistic competency standards, CHS also trains program staff on nondiscrimination in service delivery, disability access, and language assistance, and retains documentation of training completion for at least three years.

## V. Compliance/Responsibilities

| Role | Responsibilities |
|---|---|
| Employees, Volunteers, Contractors, and Board Members | Comply with this policy; treat co-workers, clients, and others with respect; promptly report conduct believed to violate this policy; cooperate honestly with any investigation. Never retaliate or intimidate anyone for engaging in Protected Activity. |
| Clients and Service Applicants | May raise a concern with CHS or directly with an agency at any time; are never required to do so, and are not required to take part in an investigation. Client conduct that harasses staff or other clients is addressed as described in Section IV. |
| Supervisors, Managers, and Program Staff | Required to immediately report to the EEO Contact any conduct they believe violates this policy, whether involving a co-worker or a client; do not independently investigate or resolve complaints; model non-discriminatory, non-retaliatory conduct in every client interaction; immediately escalate any concern that a report or investigation participant, employee, or client is being retaliated against. |

| | |
|---|---|
| Program Directors | Serve as the first point of contact for client and service-applicant concerns within your program; ensure program staff understands and applies this policy; promptly escalate all discrimination, harassment, or retaliation reports to the EEO Contact. |
| Employment Opportunity (EEO) Contact | Serves as the designated point of contact for reports from employees and clients alike; no chain of command is required; receives and logs complaints and grievances; may initiate an investigation absent a formal complaint where necessary to keep CHS' workplace and service environment free of discrimination, harassment, and retaliation; oversees fair, impartial, timely investigations by qualified personnel; coordinates language assistance, auxiliary aid, and reasonable modification requests; determines and coordinates corrective action; serves as CHS' Section 1557 Coordinator, whose name or title and contact information appear in the Notice of Nondiscrimination; notifies the Compliance Contact within one (1) business day when a report also raises a compliance concern; and hands off any report that names the EEO Contact or Human Resources as the subject, as described in Section VI.A, Step 2. |
| Compliance Contact | Receives referrals under Section IV (Reports That Also Raise Whistleblower or Compliance Concerns); leads the compliance portion of the matter; coordinates with the EEO Contact so the individual is interviewed once where possible. |

## VI. Procedures

### A. Employee and Applicant Complaint Procedure

1. Report the alleged violation immediately to your supervisor, manager, the EEO Contact, or Human Resources. You may also use any reporting channel in the Compliance Program Plan, including the anonymous reporting option, for concerns involving compliance, fraud, waste, or abuse.
2. If the accused is your supervisor or manager, report the conduct to another supervisor or manager, the EEO Contact, or Human Resources. If the accused is the EEO Contact or a member of Human Resources, report to the Compliance Contact or the Executive Officer. If the accused is the Chief Executive Officer, report to the Board Chair or the Governance and Membership Committee. CHS will assign an investigator who has no conflict of interest in the matter.
3. A complaint may be verbal or in writing; the CHS EEO Complaint Form is available but not required.
4. Supervisors and managers who learn of a potential violation must immediately report it to the EEO Contact and follow the EEO Contact's instructions.
5. CHS will promptly investigate fairly and impartially, using qualified personnel, even without a formal complaint or after a withdrawal request, when necessary to keep the workplace free of discrimination, harassment, and retaliation. CHS will also investigate anonymous complaints to the extent the information provided allows. Employees may make anonymous reports through the anonymous reporting option in the Compliance Program Plan.

6. CHS will maintain confidentiality to the extent possible, consistent with its ability to investigate and its legal obligations. All employees must cooperate fully with an investigation.
7. While an investigation is pending, CHS may implement reasonable interim measures (e.g., a schedule adjustment or paid administrative leave), which will not penalize the person who made the complaint.
8. If misconduct is substantiated, CHS will take appropriate corrective action, up to and including termination (applied under the CHS Discipline Policy and the Compliance Program Plan.
9. CHS will acknowledge each complaint within three (3) business days, aim to complete the investigation within thirty (30) calendar days, and tell the complainant when the investigation is finished, consistent with confidentiality. If an investigation requires additional time, CHS will notify the complainant of the delay, the reason, and the expected completion date.
10. CHS keeps complaint and investigation records confidential and retains them under the CHS Records Management Policy and Records Retention Schedule.

### B. Client and Service Applicant Grievance Procedure

1. A client, service applicant, or their authorized representative (e.g., parent, guardian, or other person acting on the client's behalf) who believes they have experienced discrimination, harassment, or retaliation, or been denied a language assistance service, auxiliary aid, or reasonable modification, may report it to: their Program Director; the EEO Contact; the Compliance Contact; or by using the CHS Client Grievance Form.
2. A grievance may be made verbally or in writing, in the client's preferred language, and CHS will provide language assistance or auxiliary aids to help the client file it if needed.
3. Program staff who learn of a potential violation involving a client must immediately report it to their Program Director and the EEO Contact.
4. CHS will promptly acknowledge receipt of a client grievance, conduct a fair, impartial, and timely review, and inform the client of the outcome consistent with applicable confidentiality obligations. If the client is a member of a Medi-Cal managed care plan, CHS will also forward the grievance to the plan, as the delegation agreement requires.
5. CHS will not deny, reduce, delay, or terminate a client's services because the client (or someone on their behalf) filed a grievance, participated in an investigation, or otherwise engaged in Protected Activity.
6. This grievance procedure is in addition to, and does not replace, any Medi-Cal managed care Member Grievance and Appeal rights a client may have under 42 CFR § 438.400 et seq. through their health plan. A client may also file a complaint directly with HHS OCR, the DHCS Office of Civil Rights, or the CRD at any time.

### C. Distribution

This policy and the Notice of Nondiscrimination are distributed to all CHS employees, volunteers, and Board members through the CHS Policy Library (SharePoint) and provided at onboarding. The Notice of Nondiscrimination is posted in a prominent, accessible location at each CHS service site and on CHS' public-facing website. CHS also posts the notice of availability of language assistance services and auxiliary aids required by Section 1557 (45 CFR § 92.11), and displays the CRD workplace poster and provides the harassment information sheet required by Gov. Code § 12950. If any CHS worksite's workforce or client population includes

10% or more individuals who speak a language other than English as their primary language, CHS will translate this policy and the Notice of Nondiscrimination into that language.

## VII. Authorities

- Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., including § 2000e-3(a) (retaliation)
- Pregnant Workers Fairness Act, 42 U.S.C. § 2000gg et seq.
- California Fair Employment and Housing Act (FEHA), Cal. Gov. Code § 12900 et seq., including §§ 12920 (public policy), 12926 (definitions), 12940 (unlawful employment practices), 12940(h) (retaliation), 12940(j) (harassment), 12940(k) (duty to prevent), and 12945.8 (time off for victims of violence or crime); implementing regulations at Cal. Code Regs., tit. 2, § 11023
- Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 et seq., including § 623(d) (retaliation)
- Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (Title I, employment; Title III, public accommodations), including § 12203 (retaliation)
- Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff et seq.
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.; implementing regulations at 45 C.F.R. Part 80 (nondiscrimination in federally assisted programs)
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; implementing regulations at 45 C.F.R. Part 84 (nondiscrimination on the basis of disability in federally assisted programs)
- Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq.; implementing regulations at 45 C.F.R. Part 91
- Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116; implementing regulations at 45 C.F.R. Part 92 (nondiscrimination in health programs and activities receiving federal financial assistance), including §§ 92.7 (Section 1557 Coordinator), 92.8 (policies and procedures, including grievance procedure at § 92.8(c)), 92.9 (training), 92.10 (notice of nondiscrimination), and 92.11 (notice of availability of language assistance services and auxiliary aids and services)
- Unruh Civil Rights Act, Cal. Civ. Code § 51 et seq.
- Cal. Gov. Code § 11135 (nondiscrimination in state-funded programs)
- Cal. Lab. Code §§ 1101 and 1102 (employee political activity). Whistleblower protections under Cal. Lab. Code § 1102.5 are addressed in the Whistleblower Policy.
- Cal. Gov. Code § 12950.1 (sexual harassment prevention training)
- Dymally-Alatorre Bilingual Services Act, Cal. Gov. Code § 7290 et seq.
- Department of Health Care Services (DHCS), All Plan Letter (APL) 25-005, *Standards for Determining Threshold Languages, Nondiscrimination Requirements, Language Assistance Services, and Alternative Formats* (Feb. 12, 2025)
- Medicaid Managed Care Grievance and Appeal System, 42 C.F.R. § 438.400 et seq., as applicable to CHS through its Medi-Cal managed care plan contracts

## VIII. Related Information

- Language Access Policy
- Reasonable Accommodation Policy
- Notice of Nondiscrimination
- EEO Complaint Form
- Client Grievance Policy
- Client Grievance Form
- Whistleblower Policy

- Discipline Policy

## IX. Revision History

| Date | Type | Description |
|---|---|---|
| 9/29/26 | Amendment | Updated by Desiree Cervantes, Organizational Development Manager |

## X. Appendix

### Appendix A. Filing Complaints with State and Federal Agencies

Employees, applicants, clients, and service applicants may file complaints directly with the agencies below. Contact each agency for its specific complaint process and time limits.

| Agency | Contact Information |
|---|---|
| California Civil Rights Department (CRD) | Website: calcivilrights.ca.gov \| Complaint process: calcivilrights.ca.gov/complaintprocess \| (800) 884-1684 (voice) \| (800) 700-2320 (TTY) \| California Relay Service: 711 \| Email: contact.center@calcivilrights.ca.gov |
| U.S. Equal Employment Opportunity Commission (EEOC) employment complaints | Website: eeoc.gov/employees \| (800) 669-4000 \| (800) 669-6820 (TTY) \| (844) 234-5122 (ASL Video Phone) \| Email: info@eeoc.gov |
| U.S. Department of Health and Human Services, Office for Civil Rights (HHS OCR) service/program complaints (Section 1557) | Complaint Portal: ocrportal.hhs.gov/ocr/portal/lobby.jsf \| Mail: U.S. Department of Health and Human Services, 200 Independence Avenue, SW, Room 509F, HHH Building, Washington, D.C. 20201 \| (800) 368-1019 (voice) \| (800) 537-7697 (TDD) \| Email: OCRComplaint@hhs.gov |
| DHCS Medi-Cal Managed Care Plan Members | Website: https://www.dhcs.ca.gov/file-a-complaint/ \| (888) 452-8609 \| Email: MemberHelp@dhcs.ca.gov |