

SAN FRANCISCO MUSEUM OF MODERN ART

SUBJECT:

Anti-Harassment, Discrimination and Retaliation Policy

REVISED:

October 23, 2026

PURPOSE:

The purpose of this policy is to set forth SFMOMA's policy and procedure prohibiting harassment, discrimination, and retaliation in the workplace.

APPLICABILITY:

This policy applies to all persons involved in the operation of SFMOMA, including supervisors, employees, co-workers, vendors, officers, directors, clients, volunteers, interns, and job applicants, (collectively, "employees"), as well as contractors, and customers (collectively, "third parties"). Everyone at SFMOMA is responsible for assuring that the workplace is free from prohibited harassment and discrimination and is expected to avoid behavior or conduct that could reasonably be interpreted as prohibited harassment or discrimination.

POLICY:

ANTI-HARASSMENT & NON-DISCRIMINATION

SFMOMA is committed to providing a workplace free of discrimination and/or harassment. We maintain a strict policy prohibiting all forms of discrimination or harassment based on any actual or perceived Protected Category, including but not limited race (including traits associated with race, such as hair texture and protective hairstyles), color, ethnicity, creed, citizenship or gender (including pregnancy, childbirth, breastfeeding, and pregnancy-related or related medical conditions), gender identity or gender expression (including transgender status), religion or religious creed (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), marital or domestic partner status, age, national origin or ancestry (including immigration status and possession or presentation of a California driver's license), physical or mental disability, medical condition (including cancer or a record or history of cancer, and genetic characteristics), genetic information, sexual orientation, military or veteran status, requests for statutory leave, the intersection or combination of two or more of these

specific characteristics, or any other characteristic or consideration protected by applicable federal, state, or local law or ordinance (each a “Protected Category”).

Harassment or discrimination based upon a Protected Category will not be tolerated. Nor will SFMOMA tolerate retaliation against any individuals who have complained in good faith about discrimination or harassment, or those who have participated in good faith in any investigations involving claims of harassment or discrimination.

This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, social and recreational programs, and person including customers, doing business with or for SFMOMA. It is the responsibility of all employees and third parties to conscientiously follow this policy.

RETALIATION DEFINED

Retaliation occurs when an employee engages in an activity protected by law and then suffers an adverse employment action as a result of that protected activity. These protected acts can range from reporting a safety code violation, reporting fraudulent activity, taking family leave for a pregnancy, or even reporting or threatening to report harassment or discrimination, or assisting or cooperating in an investigation of harassment, discrimination, or retaliation complaint. Retaliatory behavior can take many forms including firing, salary reduction, reduced hours, job reassignment, or demotion.

SEXUAL HARASSMENT DEFINED

Applicable state and federal law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature when: (1) submission to the conduct is made a term or condition of employment; (2) submission to or rejection of the conduct is used as a basis or factor for employment decisions affecting the individual; or (3) the conduct has the purpose or effect of unreasonably or substantially interfering with the employee’s work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment need not be motivated by sexual desire and includes many forms of offensive behavior. The following is a partial list:

- a. Unwanted sexual advances;
- b. Offering employment benefits in exchange for sexual favors;
- c. Making or threatening reprisals after a negative response to sexual advances;
- d. Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive object, picture, cartoons or posters;
- e. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes or comments, written or oral

- references to sexual conduct, gossip regarding one's sexual life, or any comments about any employee's body dress, sexual activity, deficiencies, or prowess;
- f. Verbal sexual advances or propositions;
- g. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, or suggestive or obscene letters, notes or invitations; and
- h. Physical conduct such as touching, brushing up against the body, assault or impeding or blocking movements.

It is prohibited for anyone, regardless of their gender identity, to sexually harass another person, regardless of that other person's gender identity. Prohibited harassment involves co-worker harassment, harassment by a manager or supervisor, or harassment by or to persons doing business with or for the Museum, including museum guests, vendors, partners, and suppliers. SFMOMA will also protect employees from harassment by non-employees in the workplace, at work-related events, and during work-related communications. Prohibited harassment can occur during or after work hours, on or off SFMOMA premises, and whether verbal, written, in-person, online, or otherwise.

OTHER TYPES OF HARASSMENT

"Unlawful harassment" is unwanted and unwelcome conduct that denigrates or shows hostility toward an individual, or creates a hostile, offensive, or intimidating work environment, because of a person's actual or perceived Protected Category. Prohibited harassment on the basis of any Protected Category includes behavior similar to sexual harassment, such as:

- a. Verbal conduct such as threats, epithets, derogatory comments, slurs, jokes, pranks, innuendo, or stereotyping;
- b. Visual or written conduct such as derogatory posters, photographs, cartoons, drawings, gestures, or other written, graphic, or online material; and
- c. Physical conduct such as assault, unwanted touching, blocking normal movement, or other threatening, hostile, or intimidating acts.

COMPLAINT PROCESS AND RESOLUTION

All employees of SFMOMA and third parties are responsible to help ensure we maintain a respectful workplace free from prohibited harassment or discrimination. If you believe you have been subjected to or have witnessed unlawful discrimination, harassment (including sexual harassment), retaliation, or other inappropriate conduct, you are expected to report it immediately to your supervisor, you

department manager, the People Team, or any other member of management with whom you feel comfortable bringing such a complaint. You also are encouraged to inform any person in the workplace if you find that person's conduct unwelcome or offensive. Any manager or supervisor who receives a report of prohibited conduct, or who is otherwise aware of harassment, discrimination, or retaliation in violation of this policy, must report it to the People Team immediately.

Complaints may be verbal or in writing, and should be as detailed as possible to enable an effective investigation, including the names of individuals involved, the names of any witnesses, direct quotations when language is relevant and any documentary evidence (notes, pictures, cartoons, etc.). If suspected violations of this policy are not reported, they cannot be investigated.

If you believe a violation of this policy has occurred, you also may avail yourself of any other posted complaint procedures including Report It, an independent, third party hotline. Report It is available 24/7 and individuals can file a report online at www.reportit.net (user name and password: sfmoma) or for assistance submitting a report, call the toll free hotline number 1-877-778-5463.

The People Team department will conduct a thorough, objective and timely investigation of all reports describing conduct that violates this policy. Employees are expected to cooperate with SFMOMA in enforcing this policy and investigating and remedying complaints, and may not interfere with the complaint procedure.

During an investigation and in imposing any discipline, SFMOMA will maintain confidentiality to the extent possible under the circumstances and will limit the disclosure of information to those who have a legitimate need to know. Employees who participate in an investigation also are expected to keep the details of the situation confidential while an investigation is pending to maintain the integrity of the process and protect against retaliation.

REMEDIAL ACTION

If we determine this policy has been violated, we will take appropriate and effective remedial action to address the situation and deter any future inappropriate conduct. Responsive action may include for example, training, referral to counseling, or disciplinary action such as a warning, reprimand, withholding or a promotion or pay increase, reassignment, temporary suspension without pay, and up to and including termination and/or removal from the premises. In the event conduct that violates this policy is by an individual who is not employed by SFMOMA, reasonable and appropriate corrective action will be taken to the extent possible.

False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may also be the subject of appropriate disciplinary action.

NON-RETALIATION POLICY

SFMOMA forbids retaliation against anyone involved in filing a complaint or assisting with, participating in or cooperating in an investigation. Anyone experiencing or witnessing conduct they believe to be retaliatory should notify their supervisor, their department manager, or the People Team immediately, and any such reports will be promptly investigated and addressed. Any employee determined to be responsible for retaliation also will be subject to appropriate disciplinary action, up to and including termination. The non-retaliation policy also applies to any employee filing a complaint or cooperating with an investigation conducted by a governmental enforcement agency.

INDIVIDUAL LIABILITY FOR HARASSMENT

Any manager or supervisor who knew about prohibited conduct and took no action to stop it or failed to report the conduct to his/her manager or to the People Team may also be subject to discipline up to and including unpaid suspension and/or discharge. SFMOMA does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, SFMOMA reserves the right not to provide a defense or pay damages assessed against employees for conduct that violates this policy.

STATE AND FEDERAL RESOURCES

In addition to these internal policies and procedures, the California Civil Rights Department (CRD, formerly the Department of Fair Employment and Housing) and the U.S. Equal Employment Opportunity Commission (EEOC) are government agencies whose purpose is to address unlawful discrimination, harassment, and retaliation in the workplace, and they provide additional information regarding the legal remedies and complaint processes available. If you believe you have been unlawfully harassed, discriminated or retaliated against, you may file a complaint or obtain additional information from the CRD or EEOC. Information about the CRD is available at calcivilrights.ca.gov or by calling 800-884-1684 (TTY 800-700-2320). Information about filing a complaint with the EEOC office can be found at www.eeoc.gov or by calling 800-669-4000 or 1-800-669-6820 (deaf/hard-of-hearing callers only).