

Appendix A: Addendum Applicable to California Employees

Revised August 23, 2024

In accordance with California's Fair Employment and Housing Act ("FEHA"), and in addition to the policy provisions set forth in Middlebury's [Non-Discrimination Policy](#), this addendum applies to faculty, staff and other employees who are employed by the Middlebury Institute of International Studies at Monterey and any other Middlebury program that is located in California.

1. Definitions

Protected Characteristics

The following characteristics are considered protected: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, age (40 and over), sexual orientation, or military and veteran status of any person, and/or any other status or characteristic as defined and to the extent protected by law.

Employees

With respect to protections of individuals from unlawful harassment, the term "employee" shall include persons in the service of Middlebury under any appointment or contract of hire or apprenticeship, per the California Labor Code Section 3351; this includes unpaid interns, volunteers, and persons providing services pursuant to a contract, who are subject to the control of Middlebury.

Discrimination

Discrimination is unequal conduct directed at an individual based on their perceived or actual Protected Characteristic(s).

Harassment

Harassment is conduct that creates a hostile, offensive, oppressive, or intimidating work environment and deprives victims of their statutory right to work in a place free of discrimination when the harassing conduct sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, affect the victim's ability to perform the job as usual, or otherwise interfere with and undermine the victim's personal sense of well-being.

Harassment may include but is not limited to:

1. Verbal harassment, e.g., epithets, derogatory comments or slurs on a basis enumerated in the above;
2. Physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual on a basis enumerated above;

3. Visual forms of harassment, e.g., derogatory posters, cartoons, or drawings on a basis enumerated above; or
4. Sexual harassment, e.g., unwanted sexual advances, which condition an employment benefit upon an exchange of sexual favors.

Retaliation

Retaliation is taking adverse action against any individual for making an allegation of a violation of Middlebury's Non-Discrimination Policy (to Middlebury or any state or federal agency) or cooperating in an investigation of such a complaint (e.g., testifying, assisting, or participating in any other manner in a proceeding in which discrimination, harassment, or retaliation falling under Middlebury's Non-Discrimination Policy has been alleged).

Retaliation may include, but is not limited to:

- (1) Disciplining, changing work assignments of, refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment or retaliation; or
- (2) Threatening to contact or contacting immigration authorities or a law enforcement agency about the immigration status of the employee for the employee's participation in a state or federal investigation.

Prohibited Conduct (Coworkers, Third Parties, Supervisors and Managers)

The law prohibits supervisors, managers, coworkers, other employees, or third parties (such as guests, vendors, or other visitors) from engaging in unlawful harassment, discrimination, or retaliation.

2. Complaint Process

Employees may complain orally or in writing. The complaint reporting process is described in more detail in the [Non-Discrimination Investigations & Resolutions Procedure](#) and the [Title IX Investigations & Resolutions Procedure](#).

When Middlebury receives allegations of misconduct under the [Non-Discrimination Policy](#), it will conduct a fair, timely, and thorough investigation and reach reasonable conclusions based on the evidence presented. The confidentiality and privacy of employees will be respected during the investigation to the extent possible and allowed by law, and Middlebury cannot promise absolute confidentiality. The investigation will be documented, and a Middlebury Human Relations Officer (HRO) will track the investigation for reasonable progress.

The employee is not required to report through any particular chain of command, and certainly is not required to report or discuss the matter with any supervisor engaging in improper conduct. All employees who are not identified as "Confidential" in the Middlebury policy must report any complaints of misconduct under this policy to the CRTIX Coordinator (or designee), so that Middlebury can try to resolve the claim internally. Whether or not an individual reports a violation of this policy to Middlebury, individuals may file a complaint with the California Civil

Rights Department, <https://calcivilrights.ca.gov/>, 651 Bannon Street, Suite 200 Sacramento, CA 95811.

If at the end of the investigation misconduct under this policy is found in Middlebury's sole discretion, appropriate remedial measures shall be taken, up to and including an unpaid suspension or termination of employment.

3. Dissemination of the Policy

This addendum, along with the full text of Middlebury's [Non-Discrimination Investigations & Resolutions Procedure](#) and [TIX Investigations & Resolutions Procedure](#), will be disseminated to all California employees via email with an acknowledgement return form.