

Cheng Health Foundation

Discrimination and Harassment Policy

Approved: July 2007

Section 1. Discrimination

The Cheng Health Foundation is committed to nondiscrimination in employment and opportunity because of race, color, religion, creed, national origin, ancestry, disability, sex or age. The Board of Directors has issued the following policy stating the Foundation's views in this matter:

It is the policy of the Cheng Health Foundation to:

- * strictly follow personnel procedures that will ensure equal opportunity for all people without regard to race, color, religion, creed, national origin, sex, age, ancestry, marital status, disability, veteran or draft status;
- * comply with all the relevant and applicable provisions of the Americans with Disabilities Act ("ADA"). The Foundation will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability.
- * make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense.
- * achieve understanding and acceptance of the Foundation's policy on Equal Employment Opportunity by all employees and by the communities in which the company operates;
- * thoroughly investigate instances of alleged discrimination and take corrective action if warranted;
- * be continually alert to identify and correct any practices by individuals that are at variance with the intent of the Equal Employment Opportunity Policy.

Section 2. Harassment

The Foundation strongly disapproves of and will not tolerate the sexual harassment of any of its employees by anyone, including, but not limited to, any supervisor, coworker, visitor, vendor, or grantee of the Foundation. The Foundation also strongly disapproves of and will not tolerate the harassment of any of its employees on the basis of their

gender, race, color, religion, national origin, age, sexual orientation or disability. The Foundation is committed to maintaining a work environment that is free of harassment. The Foundation believes it is the responsibility of all employees to assist the Foundation in providing a workplace that is free from sexual and other unlawful harassment at all times by not engaging in offensive or inappropriate harassing behavior and by reporting incidents of such behavior.

Prohibited Conduct

Foundation policy prohibits any conduct which has the effect of adversely affecting an employee's job performance or which creates a hostile, intimidating, or offensive working environment. Prohibited conduct can be verbal, physical or visual. Examples of prohibited conduct are cited below. Such conduct may constitute sexual or other unlawful harassment even if it is not directed at any one individual employee. Sexual or other unlawful harassment is unacceptable in the workplace and in other work-related settings, such as business meetings, grantee sites or business-related social events.

Specific Examples of Prohibited Conduct

Some examples of conduct which may constitute prohibited harassment include but are not limited to the following:

1. Lewd or sexually suggestive comments;
2. Unwelcome sexual advances;
3. Explicit sexual propositions;
4. Sexual innuendo;
5. Requests for sexual acts or favors (with or without accompanying promises or threats of reciprocal favors or actions);
6. Foul or obscene language or gestures;
7. Sexually oriented "kidding," "teasing," or "practical jokes;"
8. Jokes or slurs about gender-specific traits;
9. Display of foul, obscene, or sexually explicit printed or visual material, including pictures, greeting cards, articles, books, magazines, photos, or cartoons;
10. Physical contact such as patting, pinching, or intentionally brushing against another's body; or
11. Slurs, jokes or degrading comments concerning gender, age, race, color, national origin, religion, sexual orientation or disability.

Reporting Sexual and Other Unlawful Harassment

Employees who believe that they have encountered or witnessed inappropriate behavior are strongly encouraged to promptly notify the offender that his or her behavior is unwelcome. If such notifications are unsuccessful or the employee prefers not to deal directly with the offender, the employee should report the behavior to the Executive Director; or any member of senior management. In addition, supervisors are required to report any incidents of inappropriate behavior of which they are aware to one of the above-mentioned individuals. Every effort will be made to treat all complaints as confidential consistent with the need to investigate and take corrective action.

Investigation of Sexual and Other Unlawful Harassment Complaints

The Foundation will promptly investigate all reported complaints of sexual or other unlawful harassment. Because sexual harassment covers a wide spectrum of conduct, no one kind of investigation will be utilized. However, we seek to conduct an investigation that is as thorough, fair and complete as possible. The investigation will generally be conducted by the Executive Director and the General Counsel if appropriate.

Resolution of Sexual and Any Other Unlawful Harassment Complaints

If an investigation confirms that sexual harassment or other inappropriate behavior has occurred, appropriate corrective action, up to and including termination of the offender, will be taken. Disciplinary action will correlate with the nature and gravity of the offense.

Policy Against Retaliation

The Foundation also prohibits retaliation against an employee who complains about alleged inappropriate behavior, even if sufficient evidence is not found to substantiate the complaint. Similarly, the Foundation prohibits retaliation against employees who participate in an investigation of a harassment complaint. Any incidents of retaliation also should be reported to the individuals identified in Reporting Sexual and Other Unlawful Harassment above.