

**CONFIDENTIAL ATTORNEY WORK PRODUCT**

Deposition Summary  
of  
**Thomas James Frederick**  
Taken  
April 9, 2004  
Tillson v. KRFK Radio Inc., et al.  
Case No.: BD13579

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**Summary**

EXAMINATION BY MR. NIXON

**Background information**

6:17 7:6 Thomas James Frederick resides in Foster City, California. He is self employed, producing and distributing programming and marketing projects since April 1, 2003.

**Prior deposition testimony**

7:17 8:10 Frederick is a first time deponent.

**Employment history**

8:13 12:6 Prior to April 1, 2003 Frederick had been employed by KRFK Radio in the capacity of executive vice president and general manager for approximately 12 years. Prior to that, he was senior vice president and general manager for approximately two years. Prior to that he was employed in the production department for KBOK Radio for one year. Prior to that he worked for the City of San Francisco water treatment department, while still a university student.

**Educational background**

12:21 13:20 Frederick received a B.A. degree in Radio, Television and Film from CSU San Francisco in 1977. He is a 1972 graduate of Rolling Hills High School. He has additional education from Simpson College, where he received his A.A. degree in broadcasting. Frederick has never served in the military.

**Ability to testify**

13:21 15:4 Frederick has consumed no drugs or alcohol in the past 24 hours. He does admit to getting migraine headaches but does not have one today.

**Previous supervisory and training experience**

15:11 17:25 Frederick had previous supervisory experience as Program Director at KBOK radio, where he supervised 4-6 people. He started at KBOK radio in 1978. Frederick stated that the emphasis in his degree was media management and agreed that in his courses he was taught how to manage and supervise people. Back in 1978, he received training in recognizing and combating unlawful employment discrimination. Frederick said he had “probably not” received training in recognizing and combating sexual harassment. He had never taken any courses dealing with the subject of workplace discrimination. Apart from his college education he had received no formal training in employee supervision, either before joining KBOK or during his time there.

**Steve Simpson: mentor**

18:3 19:2 Frederick was mentored in employee supervision by Steve Simpson, the general manager at KBOK. Frederick was responsible for hiring and firing at KBOK and was involved in disciplinary action involving employees on two occasions.

**Frederick applies for position at KRFK Radio**

19:5 20:25 Frederick learned of the vacancy for an affiliate relations manager at KRFK Radio from Betty Jones, a former KBOK Radio employee who had moved to KRFK Radio. Jones was also an affiliate manager; KRFK employed more than one.

**KRFK had no sexual harassment policy in 1978**

21:2 22:15 Frederick did not recall KRFK having any policy re sexual harassment when he began work there in 1978 and does not believe one was in place.

**February 2000 sexual harassment course taught by Mr. Lea**

23:1 28:11 Frederick took a course in February 2000 that dealt with the topic of sexual harassment. The course lasted four hours and written materials were handed out. The course was mandatory for all KRFK managers but there was no sign-in sheet. The company sexual harassment policy was discussed. Frederick estimates that the company policy had been introduced at least two years before the date of this course.

**Updates to the KRFK sexual harassment policy**

28:21 30:20 Frederick recalled receiving an updated sexual harassment policy sometime after February 2000. Updates were issued periodically and Frederick kept his in a file.

**Topics covered in Lea's course on sexual harassment**

30:22 35:9 When Frederick attended the class taught by Mr. Lea, the discussion was about the KRFK sexual harassment policy and the law. An information sheet was passed out which he kept, but he does not recall the oral definition given for sexual harassment.

36:4 36:8 *"We were - - every employee was handed out a sheet of paper of what sexual harassment was. As a manager, I would have had the same paper and I, you know, had a better understanding probably than a new employee."*

**Sexual harassment policy**

36:9 36:24 Frederick understood that it was one of his duties as a manager to know what sexual harassment was in the workplace, as part of company policy.

37:14 37:17 *"I don't remember the [sexual harassment] policy off the top of my head."*

38:9 39:4 Frederick stated that if he had seen sexual harassment at KRFK he would have reported it to the human resources department. But he could offer no examples of such behavior.

39:12 Q. Well did Mr. Lea in his two hour lecture give you examples of conduct that constitute sexual harassment in the workplace?

39:15 A. If someone felt they were harassed, they were to immediately, on their own - - contact their supervisor. If they were uncomfortable with their supervisor, they should contact human services directly. Very clear policy.

**Frederick's understanding of sexual harassment**

40:1 40:19 His understanding is that if somebody came to him and reported he/she was being harassed, Frederick would report that to Ms. Jones.

**Responsibility to create best possible working environment**

41:1 42:10 As supervisor, Frederick tried to make sure that all of his employees had the best working environment possible so that they could accomplish their goals. He agreed that as part of that goal it was important that nobody be offended by conduct or material that might be sexual in nature.

*Continued...*