

## Discrimination and Harassment Prevention Policy

Reviewed and Adopted:  
04-23-2020

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### 100.00 Purpose of the Policy

The purpose of this policy is to confirm the Agency's commitment to provide a work environment free of unlawful discrimination and harassment.

### 200.0 Policy

The Agency strictly prohibits unlawful discrimination and harassment on the basis of an employee's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military or veteran status. Discrimination and harassment in the workplace or in the course and scope of employment by any person in any form that is in violation of this policy is prohibited.

Prohibited unlawful discrimination and harassment includes, but is not limited to, the following:

- Verbal harassment such as epithets, jokes, derogatory comments or slurs based on the person's race, religion, color, national origin, ancestry, gender (including gender identity and gender expression, sex, age, marital status, actual or perceived sexual orientation (including gay, lesbian, bisexual or transgender), physical or mental disability or condition, military or veteran status, or genetic information;
- Physical harassment such as assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual based on one of the categories above; and
- Visual harassment such as derogatory posters, cartoons or drawings based on one of the categories above. Also included are e-mails that may be inappropriate, offensive, harassing or that create a hostile work environment.
- Sexual harassment (see below).

This policy applies to all persons involved in functions of the Agency including directors, supervisors, managers, employees, contractors, consultants, vendors and other third parties. This policy applies to all areas of employment including recruitment, hiring, training, promotion, transfer, disciplinary action including termination, reduction in force, compensation and other benefits.

**Sexual harassment** by any person in or from the work environment is strictly prohibited. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature, regardless of whether the conduct is motivated by sexual desire, when:

- Submission to such conduct is made either expressly or by implication a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of interfering with an individual's work performance; creating an intimidating, hostile, threatening or offensive working environment; or adversely affecting the employee's performance, evaluation, assigned duties, or any other condition of employment or career development.

Sexual harassment also includes any act of retaliation against an employee for reports of violation of this policy or for participating in the investigation of a sexual harassment complaint. Other examples of sexual harassment include unwelcome sexual flirtations or propositions; verbal abuse of a sexual nature; graphic verbal comments about an individual's body; sexually degrading words used to describe an individual; e-mails that may be inappropriate, offensive, harassing, or create a hostile work environment; and the display in the work environment of sexually suggestive objects or pictures, posters, jokes, cartoons, or calendar illustrations. The Agency will comply with laws requiring sexual harassment prevention training for all supervisors and other key personnel.

The Agency encourages all employees to report immediately any incidents of discrimination or harassment forbidden by this policy so that complaints can be resolved quickly and fairly. The Agency will promptly and thoroughly investigate any complaint of discrimination or harassment of any type and will take whatever corrective and remedial action is deemed necessary, including disciplining or discharging any individual who is believed to have violated this policy. All complaints and investigations will be designated as confidential to the extent possible and permitted by law.

If the employee chooses, he or she may file a complaint with the State of California Department of Fair Employment and Housing or with the United States Equal Employment Opportunity Commission. These agencies are charged with the responsibility of accepting and reviewing all complaints.

The Agency will not retaliate against an employee for reporting an allegation of discrimination or harassment and it will not tolerate or permit retaliation by other employees against the reporting employee or any employees interviewed during the investigative phase. Any employee who believes he or she has been retaliated against because of a claim of discrimination or harassment, or being involved in the investigative phase of a discrimination or harassment complaint, may file a claim of retaliation with the Agency, the State of California Department of Fair

Employment and Housing, and/or the United States Equal Employment Opportunity Commission.

### **300.00 Authority and Responsibility**

The General Manager and each supervisor/manager will be responsible for maintaining a workplace free of discrimination and harassment. This responsibility includes discussing this policy with all employees and assuring them they are not required to endure insulting, degrading or exploitative treatment or any other form of discrimination or harassment. The Agency will distribute a copy of this policy to all new employees and will periodically remind all employees of their rights and duties regarding discrimination and harassment, at minimum on an annual basis. Management and supervisory employees must also comply with the legal requirement to receive supervisor sexual harassment training every two years. The Agency will post the federal/state anti-discrimination and harassment poster on the employee bulletin board.

The General Manager is responsible for insuring that all reports and complaints of discrimination or harassment are investigated promptly, thoroughly and fairly, regardless of the manner in which they are made or the individuals involved, and confidentiality shall be maintained to the extent possible. The person who receives the complaint, if other than the General Manager, shall refer the complaint to the General Manager. The General Manager will review every case, including all investigation findings and recommendations. The General Manager has established a timely and thorough process for investigating all reports or complaints of unlawful discrimination and/or harassment as set forth in the Discrimination and Harassment Prevention Procedure (PR – HR 008). If a complaint is substantiated, appropriate corrective and remedial action will be taken, up to and including termination of employment.

If the person alleged to have engaged in discrimination or harassment is the General Manager, then the person who received the complaint shall refer it to the President of the Agency's Board of Directors and the President, in consultation with Agency counsel, shall be responsible for investigating the complaint. As with all other complaints and investigations, it will be designated as confidential to the extent possible.

If the person alleged to have engaged in discrimination or harassment is a member of the Board of Directors, the General Manager shall consult with Agency counsel prior to and during the investigative process.

### **400.00 Policy Review**

This Policy shall be reviewed at least every two years.