

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1, APPENDIX C

Policy Type: Employment
Policy Title: Harassment, Discrimination, and Retaliation Prevention
Policy Number: 400.1 Appendix C
Date Adopted: January 10, 2019
Date Amended:

I. PURPOSE

The Regional Water Authority (Authority) is committed to providing a work environment that is free of discrimination, harassment, and retaliation in employment. This Policy provides an organizational action plan and workplace conduct guidelines to maintain such an environment; and further defines what is meant by those terms; provides avenues for reporting discrimination, harassment, or retaliation, and provides a procedure for investigation and resolution of employee complaints. The Authority encourages all employees, applicants, volunteers, unpaid interns, and contractors to report any conduct that is believed to violate this Policy as soon as possible.

II. POLICY

Harassment or discrimination on the basis of:

- Race or color
- Religion or creed,
- Disability, mental and physical,
- Sex and gender (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding and related medical conditions),
- Ancestry or national origin
- Citizenship status,
- Medical condition (cancer history and diagnosis)
- Genetic characteristics or information,
- Marital status,
- Age (over 40),
- Sexual orientation (including homosexuality, bisexuality, or heterosexuality),
- Military and veteran status, or
- Membership in any other legally protected category

is unlawful and will not be tolerated.

This prohibition against harassment and discrimination applies to the treatment of employees, applicants, unpaid interns or volunteers by Authority employees, elected or appointed official, member of the public, vendor, contractor or any third party.

Disciplinary action up to and including termination will be instituted for prohibited behavior.

Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to disciplinary action up to and including termination.

III. DEFINING HARASSMENT, DISCRIMINATION, AND RETALIATION

A. Harassment

Harassment can take many forms and includes, but is not limited to, the following conduct:

- Speech, such as slurs, jokes, stories, statements, epithets, derogatory comments, unwanted sexual advances or invitations, or inappropriate comments on appearance (including dress or physical features).
- Visual conduct, such as derogatory posters, cartoons, drawings, or gestures.
- Physical acts, such as offensive touching, assault, or any physical interference with normal work or movement when directed at an individual.
- Threats or unwanted sexual advances, requests for sexual favors, and other acts of a sexual nature where rejection of the conduct is used as the basis for employment decisions, offers of job benefits in return for sexual favors, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

Guidelines for Identifying Unlawful Harassment

- Harassment includes any conduct taken because of the recipient's protected category, which would be unwelcome to an individual of a protected category. Protected categories include: race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, gender, gender identity, gender expression, genetic information, pregnancy, military or veteran status, breastfeeding, or any other characteristic protected by the state or federal employment discrimination laws.
- The appearance of "voluntary consent" by the recipient may not be genuine. Harassment may still be occurring. There are many reasons why a recipient might appear to consent.
- Harassment can evolve over time. Just because no one objects to the behavior at the moment, does not mean that the joke, gesture, picture, physical contact, or comment is welcome.
- Consensual visual, verbal, or physical conduct by two employees may be offensive to a third party and can constitute harassment of that third party.
- Conduct can be considered harassment even if the individual in violation of this Policy has no intent to be harassing.

Other Forms of Harassment

Unlawful harassment is unwelcome or offensive conduct with the purpose or effect of unreasonably interfering with an individual's work performance, or which creates an

intimidating, hostile, or offensive working environment that is motivated by or directed to an employee on the basis of a protected category.

B. Discrimination

This Policy prohibits treating individuals inequitably because of the individual's protected category as defined in this Policy.

C. Retaliation

Any adverse treatment of an applicant, employee, or contractor, which occurs because that person has reported harassment or discrimination, or has participated in the complaint and investigation process.

IV. REPORTING PROCESS – MAKING A COMPLAINT

Any employee, job applicant, unpaid intern, volunteer, or contractor who believes he or she has been unlawfully harassed should promptly report it orally or in writing to his or her supervisor, or the Executive Director, Board President, or any other Board member.

Supervisors Must Report

Any supervisor who receives a complaint of unlawful harassment or who observes or otherwise learns about unlawfully harassing conduct shall notify the Executive Director immediately.

Upon receiving notification of a harassment complaint, the Executive Director will:

1. Provide the complainant with a timely response indicating that the complaint has been received and that a fair, timely, and thorough investigation will be conducted.
2. Timely authorize and supervise a fair and thorough investigation of the complaint by impartial and qualified personnel. The investigation will afford all parties with appropriate due process, which may include interviews with: 1) the complainant; 2) the accused harasser; 3) other persons, as applicable, who have relevant knowledge concerning the allegations in the complaint.
3. Review the factual information gathered through the investigation to reach a reasonable conclusion as to whether the alleged conduct constitutes harassment, discrimination, or retaliation giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
4. Timely report a summary of the determination as to whether harassment occurred to appropriate persons, including the complainant and the alleged harasser. If discipline is imposed, the level of discipline will not be communicated to the complainant.

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5. Take prompt and effective remedial action if conduct in violation of this Policy occurred. The remedial action will be commensurate with the severity of the offense. Disciplinary action for a violation of this Policy can range from verbal or written warnings up to and including termination.
6. Take reasonable steps to protect the complainant from further harassment, discrimination, or retaliation.

Reporting and Performance Standards

An employee, job applicant, unpaid intern, volunteer, or contractor who makes a complaint of discrimination, harassment, or retaliation is in no manner excused or exempt from the same performance standards to which others performing the same or similar work are held accountable. All job performance standards will be maintained throughout and following any investigation undertaken as a result of this procedure. Failure to meet job-related performance standards may be grounds for disciplinary action.

Other Ways to Report

This Policy is not intended to prohibit employees, job applicants, unpaid interns, volunteers, or contractors from filing complaints with the California Department of Fair Employment and Housing or the federal Equal Employment Opportunity Commission or to prevent them from pursuing other available judicial remedies.

California Department of Fair Employment and Housing (DFEH)

(800) 884-1684 or www.dfeh.ca.gov

Federal Equal Employment Opportunity Commission (EEOC)

(800) 669-4000 or www.eeoc.gov

V. NO RETALIATION

The Authority is committed to ensuring that all employees, applicants, and contractors feel comfortable in raising issues regarding conduct that violates this Policy without fear of retaliation. The Authority's commitment also is intended to encourage Authority employees to cooperate in investigations of alleged violations of this Policy by providing honest, truthful, and complete information without fear of retaliation. Employees, applicants and contractors should feel free to report valid claims of unlawful harassment without fear of retaliation of any kind. The Authority strictly prohibits any form of retaliation against any applicant, employee or contractor who, in good faith, makes a complaint, raises a concern, provides information, or otherwise assists in an investigation, complaint or proceeding related to any alleged violation of this Policy.

VI. CONFIDENTIALITY

Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. The employer will not disclose a

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completed investigation report except, as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

VII. TRAINING

The Authority will provide training to all employees who act in a supervisory capacity in accordance with applicable Federal or State laws including California State AB1825, AB1661, and SB1300. Training, whether online or in person, will be presented by knowledgeable trainers or educators with expertise in the prevention of harassment, discrimination, and retaliation.