

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

Category:	Personnel	Policy # 2018-02
Title:	Harassment of Any Nature (including Sexual Harassment)	

PURPOSE

The Rancho Murieta Community Services District is committed to providing a work environment that is free of unlawful harassment of any nature. District policy prohibits discriminatory insult, intimidation, or harassment due to, based on, or because of the following protected bases: race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sex, genetic information, gender, gender identify, gender expression, sexual orientation, or any other basis protected by federal or state or local law. Unlawful harassment includes sexual harassment as defined below. The definitions at California Government Code section 12926 shall apply to this policy.

BASIC POLICY AND GUIDELINES

1. General Rule and Applicability

Harassment in violation of this policy in the District workplace or in the course and scope of work by any person in any form is prohibited. If the harasser is an employee, violation of this policy will subject the harasser to discipline as provided below. This policy protects and may be asserted by any (a) District employee, director, or officer, (b) applicant for employment, or (c) consultant, contractor, vendor, or service provider who works at the District workplace and any employee of such a consultant, contractor, vendor, or service provider. Likewise, this policy applies to and prohibits unlawful harassment by every (a) District employee, director, or officer, (b) applicant for employment, or (c) consultant, contractor, vendor, or service provider who works at the District workplace and any employee of such a consultant, contractor, vendor, or service provider. This policy applies to all terms, conditions and privileges of work, employment, and services.

2. Sexual Harassment

Sexual harassment is one particular form of harassment prohibited by this policy. Prohibited sexual harassment includes, but is not limited to, the following behavior and conduct: (a) unwelcome sexual advances, flirtations, propositions, or invitations; (b) requests for sexual favors; (c) verbal or written abuse or insult of a sexual nature; (d) graphic comments about an individual's body; (e) sexually degrading words used to describe an individual; (f) the display of sexually suggestive or explicit words, objects or pictures; (g) explicit or implicit threats or demands to submit to sexual requests as a condition of continued employment, as a condition of receiving an employment-related gain, or to avoid an employment-related loss; (h) offers of employment benefits in return for sexual favors; and (i) other verbal or physical conduct of a sexual nature that creates an intimidating, hostile or offensive work environment.

Prohibited acts of sexual harassment can take a variety of forms ranging from unwanted verbal or physical actions to subtle pressure for sexual activity to physical assault. Examples of the kinds of conduct included in the definition of sexual harassment are, but not limited to, the following:

- a. Direct or indirect threats or suggestions of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.
- b. Continual or repeated verbal abuses of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person; sexually degrading words to describe the person or propositions of a sexual nature.

3. Harassment

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

- a. Verbal conduct such as epithets, derogatory jokes or comments, slurs, invitations or comments that disparages, abuses or insults another person based on or related to a protected basis;
- b. Visual conduct such as a derogatory or offensive poster, photography, cartoon, drawing, gesture, memo, e-mail message, calendar, or staring that disparages, abuses, insults, intimidates or harasses another person based on or related to a protected basis;
- c. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work because of or related to a protected basis; and
- d. Retaliation for having reported or threatened to report harassment.

3. Policy Publication and Notification. The District will implement this policy as follows:

- a. The policy shall be readily available to all employees and members of the general public utilizing the District's facilities and services.
- b. All new employees shall be given a copy of the harassment policy at the time of hiring and the policy's contents shall be discussed with the employee at the time of orientation by the person conducting the employee's orientation.
- c. An annual bulletin shall be prepared and distributed to all employees informing them of the District's harassment policy.
- d. The District will post the federal ("Equal Opportunity is the Law") and state ("Harassment or Discrimination in Employment is Prohibited by Law") anti-harassment posters on personnel bulletin boards.
- e. The District shall distribute a copy of this policy and the State Department of Fair Employment and Housing information sheet ("Sexual Harassment is Forbidden by Law") to all existing employees and, as hired, to all new employees.
- f. Any employee against whom a harassment complaint is filed shall be provided a copy of the harassment policy when such complaint is filed.
- g. Within three (3) working days after any complaint has been filed under this policy, a memorandum shall be prepared and distributed to all employees re-informing them of the District's harassment policy.

4. Complaint Process

Any employee or other person who believes he/she is the victim of harassment in violation of this policy may file an informal/verbal or written confidential complaint without fear of retaliation, reprisal, or embarrassment.

- a. An informal complaint is made verbally by the person to the immediate supervisor, manager or General Manager. If the complaint concerns the General Manager, the person may make an oral complaint to any Agency director. Although filing the complaint with the immediate supervisor is preferred, an employee is free to file a complaint with any supervisory or management employee.
- b. As an alternative, a written complaint may be submitted by the employee or other person to the immediate supervisor, manager or General Manager. If the complaint concerns the General Manager, the complaint may be given to any Agency director. Although submitting the written complaint with the immediate supervisor is preferred, the employee is free to submit a complaint with any supervisory or management employee. A complaint should include the following information: (1) name of complainant; (2) name or names of alleged harasser(s); (3) nature of harassment, with specific explanations and examples; (4) name or names of any witnesses; (5) supporting documents; and (6) relevant dates and times. All complaints will be treated seriously. The District will not retaliate against a complainant for filing a complaint and will not tolerate or permit retaliation by other employees.
- c. Additionally, the Federal Equal Employment Opportunity Commission and the State Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If an individual believes that he or she has been harassed or retaliated against for resisting or complaining about harassment, the individual may file a complaint with the appropriate agency.

5. Complaint Response Process

Any supervisory employee who receives an oral or written harassment complaint shall at all times maintain the confidentiality of the plaintiff and shall personally deliver said complaint immediately and directly to the department manager or to the General Manager if the department manager is unavailable or personally involved in the complaint. The District will immediately undertake an effective, thorough and objective investigation of the harassment allegation. The investigation will be conducted confidentially. All interviews of witnesses and parties will be conducted in private. The investigator will attempt to identify and interview all persons involved, including the complainant, all possible witnesses, and the alleged harasser. The interviewer will take notes of all interviews.

- a. Within 24 hours of the filing of a formal or informal complaint, even if it is withdrawn, an investigation shall be initiated by the department manager, in cooperation with the Director of Administration, of the department within which the alleged harassment occurred. The investigation shall be conducted by the General Manager if the department manager or the Director of Administration is unavailable or personally involved in the complaint.

- b. A written record of any investigation of an alleged harassment shall be maintained. Findings will be sent to the General Manager. The General Manager shall immediately inform, in total confidentiality, the Personnel Committee.
- c. All discussions resulting from the investigation shall be kept confidential by all informed of the investigation, to the extent permitted by law.
- d. The person initiating the complaint has the right to be accompanied by a representative when discussing the alleged incident(s). Said person shall be advised of this right prior to the commencement of such discussions.
- e. If the complaint is made to an Agency director and it involves or concerns the General Manager, the director (if not the President) shall promptly notify the President and the President shall promptly notify Agency General Counsel. The General Counsel and President then shall consult and collaborate on the appropriate investigation and next steps.

6. Disciplinary Procedures and Sanctions

If, upon conclusion of the investigation of an alleged harassment, the District determines that unlawful harassment has occurred, then appropriate discipline or other remedial action shall be taken by the General Manager against the harasser. Any employee determined by the District to be responsible for unlawful harassment will be subject to appropriate disciplinary action according to the nature and severity of the offense and record of prior discipline. The range of disciplinary or remedial action may include (1) additional training, including mandatory sexual harassment prevention training, (2) verbal or written warning, reprimand, or censure, (3) for any harasser who is District employee - suspension without pay, demotion, probation, or termination from employment, and (4) for any harasser who is a worker of a contractor, consultant, vendor, or service provider - termination, cancellation or suspension of the District contract, demand that the particular worker no longer work at the District workplace, or demand that the worker's employer otherwise discipline the worker. Whatever discipline is meted out to the harasser shall be made known to the victim of the harassment.

- a. Action taken to remedy a harassment situation shall be done in a manner so as to remedy any loss to the employee/victim and to protect future victims. An employee/victim involved in a confirmed incident may be removed from supervision of a person verified to have committed the harassment activity against the employee/victim.
- b. The District will not retaliate against any person for bringing a good-faith complaint under this policy, or for reporting such misconduct or cooperating in an investigation and will not knowingly permit or tolerate retaliation against such a person. If an individual believes that someone has violated this no-retaliation provision, he or she must immediately notify the his or her supervisor, General Manager, or an Agency director.

7. Sexual Harassment Prevention Training Mandates

To be in compliance with California law concerning Sexual Harassment Prevention Training mandates, all Directors, management staff, and supervisors are required to have two (2) hours of sexual harassment training every two (2) years.

Newly elected/appointed Directors, new hires and promoted management staff and supervisors are required to have sexual harassment training within six (6) months of their assumption of the position and thereafter, every two (2) years during their term in office.

The training must include the elements required by California Government Code section 12950.1 and other applicable law.

Employees are encouraged to immediately report any incident of harassment so that complaints can be quickly and fairly resolved.

Approved by Rancho Murieta Community Services District's Board of Directors	10-17-2018
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