



# Policy

<b>Number:</b>	P100-17-4	<b>Type of Policy:</b>	Administration
<b>Title:</b>	Harassment, Discrimination and Retaliation Prevention		
<b>Description:</b>	Provides a work environment free of harassment, discrimination and retaliation		
<b>Original Adoption:</b>	05/04/17	<b>Reviewed:</b>	04/13/23
<b>Review Cycle:</b>	4 years	<b>Resolution No:</b>	02-19

The Scotts Valley Water District maintains an environment that is free from any form of harassment, discrimination or retaliation.

The District condemns and prohibits harassment or discrimination on the basis of any of the following protected classifications: an individual's actual or perceived race, color, religion, sex, gender identity, marital status, age, ethnic or national origin, ancestry, citizenship status, uniformed service member status, family relationship, medical condition (including pregnancy, child birth, cancer or HIV/AIDS related medical conditions or genetic characteristics), genetic information (an individual's genetic tests, genetic tests of a family member, and family medical history), physical or mental disability (whether perceived or actual), sexual orientation (including heterosexuality, homosexuality and bisexuality, gender identity, or expression), or any other classification protected by law.

Harassment includes, but is not limited to, the following examples of behavior undertaken because of an individual's protected classification:

- Verbal harassment such as epithets, derogatory or suggestive comments, jokes or slurs, including graphic verbal commentaries.
- Physical harassment such as assault, touching, impeding or blocking movement, grabbing, patting, propositioning, leering, making express or implied job-related threats in return for submission to physical acts, mimicking, taunting or any physical interference with normal work movement directed at an individual or individuals.
- Visual harassment such as derogatory posters, objects, photographs, videos, cartoons, drawings or emails on the basis of a protected classification.
- Sexual harassment such as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, such as name calling, suggestive comments, or lewd talk and jokes:
  - if submission to such conduct is made a term or condition of working at the District;
  - if submission to or rejection of such conduct is the basis for employment decisions; and/or
  - If such conduct unreasonably interferes with the individual's work performance or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

The District strictly prohibits retaliation against a person who reports or provides information about harassment or discrimination. Examples of actions that might be considered retaliation against a complainant, witness or other participant in the complaint process include: singling a person out for harsher treatment; lowering a performance evaluation; failing to hire, failing to promote, withholding pay increases, assigning more onerous work, abolishing a position, demotion or discharge; shunning or avoiding an individual who reports harassment or discrimination; or, real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the harassment complaint.

**Reporting Harassment, Discrimination or Retaliation**

If any employee believes that he or she is the victim of harassment or observes conduct that he or she believes is harassment of another employee, that employee is encouraged to immediately report the incident to the General Manager, or any management employee. Management employees are required to report any such reports to the General Manager. In the event, that a report of alleged harassment involves the General Manager, the incident will be reported to the President of the Board of Directors.

The District will determine if an investigation is necessary, and if so, will investigate promptly, thoroughly, and in a confidential manner any such report of harassment. The District will take whatever corrective action is deemed necessary, including disciplining or discharging any individual who is believed to have violated this prohibition against harassment. Any individual who discusses the content of an investigatory interview will be subject to discipline.

While encouraged to attempt to resolve any complaints internally, employees may elect to bypass the District's internal complaint procedure and file a complaint with the California Department of Fair Employment and/or Housing (DFEH) or the federal Equal Employment Opportunity Commission (EEOC).

Any employee who has been found to be in violation with this policy will be subject to discipline, up to and including termination of employment.

**Responsibilities of Employees:**

1. Set an example of acceptable conduct by not participating in or provoking behavior that violates this Policy. Try not to be angry or insulted if an individual tells you that your behavior is offensive.
2. If comfortable doing so, let fellow employees know when their behavior is offensive. The District hires people from a wide variety of cultural and ethnic backgrounds, and an individual may not realize behavior he or she thinks is proper could be seen by others as offensive.
3. Report harassment, discrimination or retaliation as quickly as possible, whether the employee is the target of the conduct or a witness.
4. When witnessing harassment, tell the individual being harassed that the District has a policy prohibiting such behavior.
5. Maintain confidentiality, as required by this Policy.
6. Cooperate with the District's investigation of complaints made under this Policy.
7. Complete sexual harassment and abusive behavior prevention training as required by law.

**Responsibilities of Managers and Supervisors:**

Managers and supervisors must be aware that even well-intentioned attempts to insulate or protect a complainant by changing his/her work environment, schedule or duties may be considered retaliatory. Before a supervisor or manager takes any such action, the General Manager must be consulted.

In addition to the responsibilities listed above, managers and supervisors are responsible for the following:

1. Implement this Policy by taking all complaints seriously and modeling behavior that is consistent with this Policy. Immediately report all complaints to the General Manager or designee.
2. Take positive steps to eliminate any form of harassment, discrimination or retaliation observed or brought to their attention.
3. Monitor the work environment and take appropriate actions to stop violations.
4. Follow up with those who have complained to ensure the behavior has ceased.
5. Do not retaliate through any act of intimidation, restraint, coercion or discrimination.
6. Inform complainants of the options to contact the EEOC or DFEH regarding a potential Policy violation.
7. Complete managerial level sexual harassment and abusive behavior prevention training as required by law.

**Responsibilities of General Manager:**

In addition to the responsibilities listed above, the General Manager is responsible for the following:

1. At least annually, the General Manager will distribute by email a copy of this policy to all officers and employees.
2. Maintain strict confidentiality, ensuring the privacy of all parties concerned.
3. Ensure that each complaint is investigated promptly.
4. Take appropriate action based upon the information presented and/or gathered through an investigation.

**Responsibilities of Board President**

In the event, that a report of alleged harassment involves the General Manager, the incident will be reported to the President of the Board of Directors.

1. Maintain strict confidentiality, ensuring the privacy of all parties concerned.
2. Ensure that the complaint is investigated promptly.
3. Take appropriate action based upon the information presented and/or gathered through an investigation.