

# CARMICHAEL WATER DISTRICT POLICY MANUAL

## **POLICY 6060: Harassment, Discrimination, and Retaliation**

### **6060.10 Purpose**

It is Carmichael Water District's (District) intent and the purpose of this policy to provide all employees, applicants, and contractors with an environment that is free from any form of harassment, discrimination, or retaliation as defined in this policy. This policy prohibits harassment or discrimination on the basis of any of the protected classifications as defined by this policy, whether perceived or actual. It is also the policy of the District to provide a procedure for investigating alleged harassment, discrimination, and retaliation in violation of this policy. The protection from discrimination includes the protection from retaliation on any of the protected classifications, as defined by this policy, against an employee for their having taken action as a complainant, or for assisting a complainant in taking action, or for acting as a witness or advocate on behalf of an employee in a legal or other proceeding to obtain a remedy from a breach of this policy.

### **6060.20 Policy**

The District has zero tolerance for any conduct that violates this policy. A single act can violate this policy and provide grounds for discipline or other appropriate sanctions. If you are in doubt as to whether or not any particular conduct may violate this policy, do not engage in the conduct, and seek guidance from a supervisor or Human Resources.

### **6060.30 Definitions**

**6060.30.1** Protected Classifications: This policy prohibits harassment or discrimination because of an individual's protected classification(s), perceived or actual.

**6060.30.1.1** "Protected Classification" includes race, color, gender (including gender identity and gender expression), religious creed (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), marital status, registered domestic partner status, age (40 years or older), national origin, ancestry, physical or mental disability, medical condition (including cancer or a record or history of cancer, and genetic characteristics), sex (including pregnancy, childbirth, breastfeeding, or related medical condition), genetic information, sexual orientation, military and veteran status, or any other consideration made unlawful by federal, state, or local laws., whether perceived or actual.

**6060.30.2** Policy Coverage: This policy prohibits District officials, officers, employees, and contractors from harassing or discriminating against applicants, officers, officials, employees, and contractors because:

- a. Of an individual's protected classification;
- b. Of the perception that an individual has a protected classification; or
- c. The individual associates with a person who has or is perceived to have a protected classification.

**6060.30.3** Discrimination: This policy prohibits treating individuals differently because of the individual's protected classification as defined by this policy.

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**6060.30.4**     Harassment: Harassment means unsolicited words or conduct which tends to annoy, alarm, or abuse another person. Harassment includes, but is not limited to the following examples of behavior undertaken because of an individual's protected classification:

**6060.30.4.1**     Verbal harassment: such as epithets (nicknames and slang terms), derogatory or suggestive comments, jokes or slurs, including graphic verbal commentaries about an individual's body, or that identify a person on the basis of their protected classification. Verbal harassment includes comments on appearance and stories that tend to disparage those with a protected classification.

**6060.30.4.2**     Visual forms of harassment: such as derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive objects, or emails on the basis of a protected classification.

**6060.30.4.3**     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 or movement.

**6060.30.4.4**     Sexual harassment: such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or any of the above-described conduct when:

- a. Submission to such conduct is either an expressed or implied term or condition of an individual's employment;
- b. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or,
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating, or offensive work environment.

**6060.30.5**     Retaliation: Retaliation against a person (and their associates) who reports or provides information about harassment or discrimination is strictly prohibited. Any act of reprisal violates this policy and will result in appropriate disciplinary action. Examples of actions that might be retaliation against a complainant, witness, or other participant in the complaint process include:

- a. Singling a person out for harsher treatment;
- b. Lowering a performance evaluation;
- c. Failing to hire, failing to promote, withholding pay increases, assigning more onerous work, abolishing a position, demotion, or discharge;
- d. Spreading rumors about a complaint or a complainant;
- e. Shunning and avoiding an individual who reports harassment or discrimination; or,

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- f. Real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

**6060.30.5.1** Even well-intentioned attempts to insulate or protect a complainant by changing their work environment or schedule or duties or by transferring the complainant to another office may be retaliatory. Before a supervisor takes such action, the supervisor should contact Human Resources.

**6060.30.5.2** Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the harassment complaint.

### **6060.40 Reporting Harassment, Discrimination, or Retaliation**

An applicant, employee, officer, official, or contractor who feels they have been harassed, discriminated against, or retaliated against in violation of this policy should report the conduct immediately as outlined below so that the complaint can be resolved quickly and fairly. All employees involved in the complaint process may be represented by a person of their choosing and at their own expense.

**6060.40.1** Object to the Conduct: Sometimes an individual is unaware that their conduct is offensive. In these situations, the offensive behavior may be eliminated by simply informing the offender that the conduct or language in question is unwelcome and offensive and request that it be discontinued immediately.

A person who believes they are being harassed is encouraged, but is not required to use this process. When the conduct in question continues after the offending person has been informed it is offensive, or if a person does not feel comfortable talking to the offending person directly, the employee should make a report in accordance with paragraph 6060.40.2 below or go directly to the formal reporting process.

**6060.40.2** Oral Report: If a person who believes that this policy has been violated does not want to confront the offending person, they should report the conduct to a supervisor or any management employee. The individual may also seek the advice, assistance, or consultation of a supervisor or any management employee. Any supervisory or management employee who receives such a report must in turn direct it to Human Resources or the General Manager. Human Resources and the General Manager will determine what level of investigation and response is necessary. If the General Manager is involved in the complaint, the complaint at the oral or written level may be submitted to the President of the Board of Directors.

**6060.40.3** Written Process: An individual who believes this policy has been violated and does not feel comfortable using the process outlined above may provide a written complaint to a supervisor or any management employee who in turn must direct the complaint to Human Resources.

**6060.40.4** Option to Report to Outside Administrative Agencies: Applicants, employees, officers, officials, and contractors have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These governmental agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the phone book as well as on posters located on District bulletin boards.

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### **6060.50      District Response to Complaint of Harassment, Discrimination, or Retaliation**

**6060.50.1      Investigation:** Upon receipt of a complaint of alleged harassment, discrimination, or retaliation, Human Resources will be responsible for coordinating a thorough investigation (unless they are named in the complaint). The type of investigation undertaken, and the party chosen to conduct the investigation, will depend on the nature of the complaint made and shall be determined by Human Resources. Human Resources will report the status of investigations to the General Manager as appropriate.

**6060.50.1.1** Human Resources, in concurrence with the General Manager, may take interim action to diffuse volatile circumstances, such as placing the alleged perpetrator on paid administrative leave or temporarily transferring the alleged perpetrator. No interim action should be taken to change the complaining individual's working conditions unless the complaining individual voluntarily consents to the temporary change.

**6060.50.1.2** The investigator will review the complaint allegations in an objective manner and to the extent that the District deems necessary. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of the interview and that retaliation against those who report alleged harassment or who participate in the investigation is prohibited.

**6060.50.1.3** At the conclusion of the investigation, if it is determined that the alleged conduct did not occur or that it did not violate this policy, Human Resources will notify the complainant and the alleged perpetrator, if appropriate, of the general conclusion(s) of the investigation and whether any further action is warranted.

**6060.50.2      Remedial and Disciplinary Action:** If the investigation determines that the alleged conduct occurred and that the conduct violated this policy, the District will notify the complainant and perpetrator of the general conclusion(s) of the investigation and take effective remedial action that is designed to end the violation(s). Any employee or officer determined to have violated this policy will be subject to disciplinary action, up to and including termination. Disciplinary action may also be taken against any official, supervisor, or manager who condones or ignores potential violations of this policy, or who otherwise fails to take appropriate action to enforce this policy. Any official or contractor found to have violated this policy will be subject to appropriate sanctions.

**6060.50.3      Closure:** At the conclusion of the investigation, Human Resources shall notify the complainant in general terms of the outcome of the investigation.

**6060.50.4      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 potential policy violations and take effective remedial action. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or Human Resources. Any individual who

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discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The District will not disclose a 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 a court order.