

# RANCHO MURIETA COMMUNITY SERVICES DISTRICT

<b>Category:</b>	Personnel	<b>Policy #</b> 2011-04
<b>Title:</b>	Harassment of Any Nature (including Sexual Harassment)	

## PURPOSE

The Rancho Murieta Community Services District is committed to providing a work environment for its employees that is free of harassment of any nature. Acts of sexual harassment as well as harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state or local law, ordinance or regulation by employees, supervisors, managers, or directors, are prohibited employment practices and are subject to sanctions and disciplinary measures, up to and including termination of employment or Board of Directors sanction.

## BASIC POLICY AND GUIDELINES

### 1. Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- c. Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating 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.

### 2. Harassment

Harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other protected basis is prohibited, including, but not limited to the following behavior:

- a. Verbal conduct such as epithets, derogatory jokes or comments, slurs, invitations or comments;
  - b. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawing or gestures;
  - c. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race, or any other protected basis; and
  - d. Retaliation for having reported or threatened to report harassment.
3. Policy Publication and Notification  
All employees shall be informed of the District's harassment policy. Also, said policy shall be readily available to all employees and members of the general public utilizing the District's facilities and services.
- a. 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.
  - b. An annual bulletin shall be prepared and distributed to all employees informing them of the District's harassment policy.
  - c. Any employee against whom a harassment complaint is filed shall be provided a copy of the harassment policy when such complaint is filed.
  - d. Within three (3) working days after any complaint has been filed, in accordance with 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 who believes he/she is the victim of harassment may file a formal or informal confidential complaint without fear of reprisal or embarrassment.
- a. An informal complaint is made verbally by the employee to the immediate supervisor, manager or general manager. Although filing the complaint with the immediate supervisor is preferred, the employee is free to file a complaint with any supervisory or management employee.
  - b. As an alternative, a formal written complaint may be submitted by the employee to their immediate supervisor, manager or general manager. Although submitting the formal complaint with the immediate supervisor is preferred, the employee is free to submit a formal complaint with any supervisory or management employee or with the President of the Board of Directors if the employee's immediate supervisor is the General Manager.
5. Complaint Response Process  
Any supervisory employee who receives a formal or informal 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.
- 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. Said investigation shall be conducted by the General Manager if the department manager or the Director of Administration is unavailable or personally involved in said 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.

6. Disciplinary Procedures and Sanctions

Upon conclusion of the investigation of an alleged harassment, appropriate discipline shall be taken by the General Manager against the harasser where harassment is substantiated. Such discipline may include additional training, including mandatory sexual harassment training, up to and including termination. 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. Employees complaining of harassment, sexual or other, shall be protected thereafter from any form of reprisal and/or retaliation.

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

<b>Approved by Rancho Murieta Community Services District's Board of Directors</b>
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June 15, 2011
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