

POLICY TITLE: ANTI-HARASSMENT
POLICY NUMBER: 3830

COMMITTEE APPROVAL DATE: 12/09/2022 **WRITTEN/REVISED BY:** HUMAN RESOURCES
BOARD APPROVAL DATE: 01/25/2023 **SUPERSEDES:** 11/28/2018

POLICY:

3830 It is the policy of Beach Cities Health District (“District”) to provide a work environment free of discriminatory harassment. This policy defines discriminatory harassment and sets forth a procedure for the investigation and resolution of complaints of such harassment by or against any employee, volunteer, applicant, or from a person providing services pursuant to a contract.

SCOPE:

3830.1 This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

3830.2 Employees who violate this policy may be subject to disciplinary action up to and including termination of employment with the District. Volunteers or contractors who violate this policy may be subject to an immediate termination of their service or contract.

RESPONSIBILITY:

3830.3 It is the responsibility of management to understand, communicate, and enforce this policy among District employees. It is the responsibility of employees to understand the policies, guidelines, and procedures and to follow them accordingly.

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3830.4 Discriminatory harassment violates this policy and will not be tolerated. Discriminatory harassment of an applicant, volunteer, or employee or person providing services pursuant to a contract includes harassment based upon actual or perceived race, religious creed (including religious dress and grooming), color, sex (including pregnancy), national origin, ancestry, physical or mental disability, medical condition, marital status, age (40 and over), gender (including gender identity, gender expression, gender non-conformity, a transgender, or non-binary), sexual orientation, citizenship, genetic information, past, current or prospective service in the uniformed services, or other category protected by Federal, State or local law. It also violates policy to retaliate against any individual for making a complaint of discriminatory harassment or for participating in a harassment investigation.

DEFINITION:

3830.5 Harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit, or even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different gender.

3830.6 Harassment includes, but is not limited to the following misconduct:

3830.6.1 Verbal: Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on actual or perceived race, religious creed (including religious dress and grooming), sex (including pregnancy), color, national origin, ancestry, physical or mental disability, medical condition, marital status, age (40 and over), gender (including gender identify, gender expression, gender non-conformity, transgender, or non-binary), sexual orientation, citizenship, genetic information, past, current or prospective service in the uniformed services, or other category protected by Federal, State, or local law. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; unwelcome flirting or proposition; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature, or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

3830.6.2 Physical: Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of actual or perceived race, religious creed (including religious dress and grooming), sex (including pregnancy), color, national origin, ancestry, physical or mental disability, medical condition, marital status, age (40 and over), gender (including gender identity, gender expression, gender non-conformity, a transgender, or non-binary), sexual orientation, citizenship, genetic information, past, current or prospective service in the uniformed services, or other category protected by Federal, State or local law. This may include but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

3830.6.3 Visual or Written: The display or circulation of offensive or derogatory visual or written material related to race, religious creed (including religious dress and grooming), sex (including pregnancy), color, national origin, ancestry, physical or mental disability, medical condition, marital status, age (40 and over), gender (including gender identify, gender expression, gender non-conformity, a transgender, or non-binary), sexual orientation, citizenship, genetic information, past, current or prospective service in the uniformed services, or other category protected by Federal, State or local law. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

3830.6.4 Environmental: Such harassment occurs when a work environment is permeated with sexually oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in their immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

3830.7 Romantic or sexual relationships between supervisors and employees are discouraged.

There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcomed sexual relationship may change, with the result that sexual conduct that was once welcomed becomes unwelcomed and harassing. Management may address this on an as-needed basis if it affects the work environment.

3830.8 By definition, sexual harassment is not within the course and scope of an individual's employment with the District.

3830.9 This list is illustrative only, and not exhaustive. No form of harassment pursuant to this policy will be tolerated.

3830.10 Harassment is prohibited both at the workplace and at District-sponsored events.

PROHIBITED SUPERVISORY AND MANAGEMENT BEHAVIOR:

3830.11 No supervisor, manager or other authority figure may condition any employment, employee benefit or continued employment with the District on an applicant's or employee's acquiescence to any of the behavior defined in this policy.

3830.12 No supervisor, manager or other authority figure may retaliate against any applicant, employee, volunteer, or contractor because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized investigator.

3830.13 No person shall destroy evidence relevant to an investigation of harassment discrimination.

BEHAVIOR PROHIBITED BY ALL PERSONS:

3830.14 No supervisor, manager, or any other person in the District shall create a hostile or offensive work environment for any other person by engaging in any discriminatory harassment or tolerating it on the part of any employee.

3830.15 No supervisor, manager, or any other person in the District shall assist or permit any individual in doing any act or permit any act that constitutes discriminatory harassment against any employee of the agency.

OBLIGATION OF SUPERVISORS AND MANAGERS:

3830.16 Preventative Action: A copy of this policy shall be provided to all employees and volunteers of the District and will be available on the District's intranet. Additional information is also displayed in prominent locations throughout the offices.

3830.17 A copy of the information sheet regarding harassment prepared by the Department of Fair Employment and Housing is available to all District employees and volunteers upon request by Human Resources.

3830.18 Human Resources, managers, and supervisors shall make available to any new employee and volunteer a copy of this policy.

3830.19 The District shall periodically notify employees and volunteers of the procedures for registering a complaint as well as available redress. Such notification shall occur through the normal channels of communication.

3830.20 Human Resources shall make available information from the Department of Civil Rights and the Equal Employment Opportunity Commission about filing claims of sexual harassment with these entities.

3830.21 A copy of this policy shall appear in any publication of the District, which sets forth the comprehensive rules, regulations, procedures and standards of the conduct for the District.

3830.22 Employees shall receive periodic training regarding this policy.

OBLIGATIONS OF ALL EMPLOYEES:

3830.23 All employees shall report any conduct that fits the definition of discriminatory harassment to their immediate supervisor, Human Resources, the Chief Executive Officer or President of the Board of Directors pursuant to the complaint procedures below. This includes conduct of non-employees, such as vendors, clients, contractors, members or harassing conduct toward such individuals.

3830.24 All employees shall report to their supervisor, Human Resources, the Chief Executive Officer or the President of the Board of Directors any instances of discriminatory harassment that they have directly observed, whether or not reported by the employee who is the object of the harassment pursuant to the complaint procedures below.

3830.25 All employees shall cooperate with any investigation of any alleged act of discriminatory harassment conducted by the District. All employees shall maintain confidentiality relating to a complaint or investigation of discriminatory harassment. Breaching confidentiality may result in disciplinary action.

COMPLAINT PROCEDURE:

3830.26 If you are subjected to any conduct that you believe violates this policy, you must promptly speak to, write or otherwise contact your direct supervisor or, if the conduct involves your direct supervisor, contact Human Resources or the Chief Executive Officer. If the conduct involves Human Resources, contact the Chief Executive Officer. If the conduct involves the Chief Executive Officer, contact the President of the Board of Directors. The District will ensure that a prompt investigation is conducted.

3830.27 Additionally, any manager or supervisor who observes harassing conduct must report the conduct to either Human Resources or the Chief Executive Officer so that an investigation can be made and corrective action taken, if appropriate. Any person who receives a complaint regarding discriminatory harassment shall immediately report it to Human Resources or, the Chief Executive Officer. If the conduct involves Human Resources, contact the Chief Executive Officer. If the conduct involves the Chief Executive Officer, contact the President of the Board of Directors.

INVESTIGATIVE/CORRECTIVE ACTION:

3830.28 An investigation will be conducted by Human Resources or by an outside third party when the District determines this is appropriate. If it is determined that a third party should be utilized, Human Resources may consult with legal counsel in order to obtain a recommendation for a qualified “third party” based upon the specific facts and circumstances of the situation. Once a recommendation is obtained, Human Resources will obtain prior approval from the Chief Executive Officer (or President of the Board of Directors if the Chief Executive Officer is the subject of the investigation) prior to authorizing the third party to conduct the investigation. The investigation shall be conducted in a way that ensures, to the extent feasible and permitted by law, the privacy of the parties involved.

3830.29 The person designated to investigate, following the investigation, may be requested to complete a report in writing explaining the results of the investigation. This report will be made available to the Chief Executive Officer or to the President of the Board of Directors if the Chief Executive Officer is the subject of the investigation. If deemed appropriate by the District, a separate written report may also be provided to the alleged harasser and victim.

3830.30 All parties involved in the investigation are required to maintain confidentiality to the extent permitted by law regarding the complaint and investigation. A breach of confidentiality regarding a complaint of discriminatory harassment may result in disciplinary action, up to and including termination of employment.

3830.31 Disciplinary action shall be decided in accordance with District policy and in consultation with Human Resources and the Chief Executive Officer, unless the complaint is against either of those two parties. In the event the complaint is against a Human Resources representative, then another Human Resources representative, Chief Executive Officer and/or President of the Board of Directors will consult to determine the appropriate disciplinary action. If the complaint is against the Chief Executive Officer, then the President of the Board of Directors and Human Resources will consult to determine the appropriate disciplinary action.

NO RETALIATION:

3830.32 The District prohibits any form of discipline, reprisal, intimidation or retaliation for good faith reporting of incidents of harassment of any kind, pursuing any harassment claim or cooperating in related investigations. However, should the District conclude that a complaint was made in bad faith, without a reasonable belief that a violation of this policy occurred, the District may take appropriate disciplinary action.

3830.33 The District is committed to enforcing this policy against all forms of harassment. However, the effectiveness of the District's efforts depend largely on employees reporting inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately. If employees do not report harassing conduct, the District may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.