

MENDOCINO COUNTY RESOURCE CONSERVATION DISTRICT

POLICY AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION

A. **Purpose.** All employees, applicants, volunteers, independent contractors, and individuals from related agencies (“workers”) working for or providing service to the Mendocino County Resource Conservation District (“District”) are to be treated with respect and dignity. The District has adopted this policy (“Policy”) as part of its commitment to providing an atmosphere free of harassment and discrimination for all workers based on such factors as race (including traits historically associated with race, such as hair texture and hairstyles like braids, locks, and twists), color, religion, national origin or ancestry, physical or mental disability, medical condition, genetic characteristics, pregnancy, childbirth or related conditions, marital status, gender, gender identity, gender expression, age, sexual orientation, military and veteran status, marital status, or any other characteristic protected by applicable law.

B. **Policy.** Harassment and discrimination are against the law, and they are demeaning and harmful to both the victim and the District. The District will not tolerate harassment of, or discrimination against, its workers by managers, supervisors, co-workers, or anyone conducting District business. Similarly, the District will not tolerate harassment of its workers by others with whom the District has a business, service, or professional relationship (including members of the public seeking services or assistance from the District and its workers). The District requires professional, courteous, and respectful conduct at all times in all District-related work and operations. This policy is intended to be stricter than applicable legal requirements in terms of demanding professionalism and respectful conduct.

This Policy does not restrict nor inhibit any supervisor from their responsibility or in their ability to direct, critique, and discipline workers in a non-discriminatory manner.

Failure to follow this Policy may result in disciplinary action, up to and including termination of employment.

C. **Harassment Prohibited.** Harassment includes conduct that has the purpose or effect of unreasonably interfering with an individual’s work performance; creating an intimidating, hostile, threatening or offensive working environment; or adversely affecting the employee’s performance, evaluation, assigned duties or any other condition of employment or career development. This Policy prohibits harassment in any form, including:

(1) Oral or written harassment such as epithets, jokes, derogatory comments or slurs based on any characteristic protected by law;

- (2) Physical harassment such as assault, touching, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual; and
- (3) Visual harassment such as derogatory posters, cartoons or drawings, based on one of the categories above.
- (4) Sexual harassment includes any unsolicited, offensive or unwelcome sexual advances, requests for sexual favors, and other oral or written, visual, or physical conduct of a sexual nature which occurs under any of the following circumstances:
 - Submission to such conduct is made either expressly or by implication a term or condition of an individual's employment;
 - Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or
 - Other examples of sexual harassment include unwelcome sexual flirtations or propositions; verbal abuse of a sexual nature; graphic verbal comments about an individual's body; sexually degrading words used to describe an individual; and the display or use in the work environment of sexually suggestive objects or pictures, posters, jokes, cartoons, or calendar illustrations.
 - Sexual harassment also includes gender-based harassment by a person of the same gender. Sexual harassment is a form of sex discrimination.

D. **Working with the Public.** Working with the public can be challenging and sometimes contentious. While workers are expected to interface with the public as their duties dictate, sometimes in difficult or even volatile situations, employees are not expected to endure actual harassment or discrimination by members of the public. If a worker feels that he or she is being subjected to harassment or discrimination by a member of the public, the employee should report such harassment to his or her supervisor or the Executive Director for investigation and appropriate action. Employees will not be penalized for refusing to tolerate harassment from a member of the public.

E. **Retaliation Prohibited.** Retaliation against an employee for reporting violations of this policy or for participating in the investigation of a harassment or discrimination complaint is strictly prohibited.

F. **Procedures regarding all complaints of harassment including retaliation.**

- (1) Worker Responsibility. It is important that workers inform the District as soon as possible about any prohibited harassment because nothing can be done to remedy the situation if the District does not know that it exists.

Any worker who feels comfortable doing so should let another individual know when that individual's behavior or comments are offensive or unwelcome, even if the situation does not rise to the level of a violation of this Policy. However, individuals are not required to handle these situations on their own. If an individual is not comfortable handling a situation directly, the individual is not required to do so and should immediately report the conduct to a supervisor or the Executive Director.

Any individual who believes that they have been or are being harassed in violation of this Policy shall report this violation to his or her supervisor, the Executive Director, or any supervisor or other District management employee with whom the individual feels comfortable speaking.

Any individual who is aware or suspects that another person has been harassed in violation of this Policy shall report this violation to his or her supervisor, the Executive Director, or any supervisor or other District management employee with whom the individual feels comfortable speaking. If the matter pertains to the Executive Director, the individual can report the concerns to the Chair of the Board.

- (2) Supervisor Responsibility. Each supervisor has the responsibility of maintaining a work environment free of harassment. This responsibility includes being available to discuss this Policy with the workers that they supervise and to assure the workers that they are not required to endure any form of prohibited harassment. If someone reports a harassment allegation to a supervisor, it is the responsibility of the supervisor to take immediate action by documenting the incident(s) and reporting the allegation of harassment to the Executive Director. If the matter pertains to the Executive Director, the individual can report the concerns to the Chair of the Board.

Any supervisor who fails to take appropriate action to report or address harassment, discrimination or retaliation issues can and will be disciplined by the District.

G. Investigation.

- (1) Process. The District will investigate all complaints of harassment in a prompt, objective, and thorough manner, including interviews of those with relevant knowledge where appropriate. The District's investigation will be designed to maintain, to the extent possible, the privacy and confidentiality of all parties involved. The Executive Director is responsible for directing/overseeing an investigation into such allegations and for implementing appropriate remedial action, where warranted. When appropriate, an outside investigator may be retained.

- (2) **Participation.** All District employees must cooperate fully, and be truthful and forthright, when providing information in response to a District investigation under this Policy. Again, the District will maintain confidentiality of all parties involved in the investigation to the greatest extent possible and share investigation information only as legally required or on a “need to know” basis.
- (3) **Resolution.** After investigation, the District will communicate in writing the confidential findings (i.e., “sustained” or “not sustained”) to the complainant, the alleged harasser, and members of management with a legitimate need to know.
- (4) **Appropriate Action.** If there is a finding that harassment in violation of this Policy has occurred, the District will take appropriate and immediate action to end any harassment and prevent its recurrence. This may include imposing discipline. Specific action taken will depend upon the specific circumstances.

H. **Further Information.** Employees are urged to contact the Executive Director if they have any questions or concerns about this Policy.

In addition to this Policy, the State of California Department of Fair Employment and Housing (“DFEH”) provides additional information regarding the legal remedies and complaint process available through the government agencies. If a worker thinks he or she has been harassed, discriminated against, or that he or she has been retaliated against for complaining, that person may file a complaint or obtain additional information from the California Civil Rights Department at 1-800-884-1684 or <https://calcivilrights.ca.gov/>.

Employees will be provided with periodic training on preventing harassment, bullying, and abusive conduct in the workplace. While the District will provide employees with the training program to complete, employees can also access training materials on DFEH’s website, found at: <https://calcivilrights.ca.gov/shpt/>