

Section	BOD-2 Board of Directors	Approval Date	12/18/24
Policy	BOD-2.5 Policy on Prevention of Discrimination, Harassment, Violence in the Workplace and Abusive Conduct	Latest Revision	

BOD-2.5 Discrimination, Harassment, Violence and Abusive Conduct Prevention Policy

The purpose of this policy is to confirm the District’s commitment to provide a professional work environment free of unlawful discrimination, harassment, violence and abusive conduct, including conduct based on a protected characteristic, and an environment free from retaliation for participating in any protected activity covered by this policy. This policy applies to all persons involved in the functions of the District, including directors, supervisors, managers, employees, contractors, consultants, vendors, and other third parties.

2.5.1 Policy

Discrimination, harassment, violence and/or abusive conduct in the workplace or in the course and scope of employment by any person in any form that is in violation of this policy is prohibited.

Discrimination is defined as the unequal treatment in any aspect of employment, based solely or in part on a protected characteristic, including an employee or applicant’s perceived protected characteristic. Protected categories include: race, color, religion, religious creed, national origin, ancestry, citizenship, physical or mental disability, medical condition, protected medical leaves, genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran and/or military status, domestic violence victim status, political affiliation, and any other characteristic protected by state or federal anti-discrimination law covering employment. Discrimination includes unequal treatment based upon an association with a member of these protected classes.

Discrimination may include but is not necessarily limited to: hostile or demeaning behavior directed due to a protected characteristic; allowing the protected characteristic to be a factor in hiring, transferring, promoting, terminating, separating, compensating or other employment-related or working condition decisions unless otherwise permitted by applicable law, and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to applicants or employees because of their protected characteristic.

Harassment is defined as unwelcome disrespectful or unprofessional conduct, including disrespectful or unprofessional conduct based on any of the protected characteristics listed above. Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails), or physical conduct (such as physically threatening another person, blocking someone’s way, or making physical contact in an unwelcome manner).

Sexual harassment is discrimination based on sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, or sexual orientation. It can include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature.

Sexual harassment is generally categorized into two types:

- “Quid pro quo” (“this for that”): Occurs when an individual in a position of authority over another (for example, a manager or supervisor) directly or indirectly demands sexual favors from a subordinate in exchange for some benefit such as a promotion or pay increase, or to avoid an adverse employment action such as demotion or termination.
- “Hostile Work Environment”: Occurs when unwelcome conduct or comments based on sex, gender, gender identity, gender expression, or sexual orientation by any person in the workplace unreasonably interferes with an individual’s work performance and/or creates an intimidating, hostile, threatening or offensive working environment.

Sexual harassment can occur regardless of if the harasser and the victim are of different sexes or the same sex. Individuals of any gender can be the target of sexual harassment. Unlawful conduct does not need to be motivated by sexual desire, but can occur as a result of hostile acts toward an individual because of the individual’s gender, gender identity, gender expression, or sexual orientation.

Examples of sexual harassment include but are not limited to: unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene pictures, letters, invitations, emails, voicemails, or gifts; sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets; leering, obscene or vulgar gestures; displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters; impeding or blocking movement, touching or assaulting others; reprisals or threats after a negative response to sexual advances; and conduct or comments consistently targeted at one gender, even if the content is not sexual.

Violence in the Workplace, including acts or threats of physical violence, which also include intimidation, harassment, and/or coercion which involve or affect the District, which occur on District property, or occur during the performance of District business will not be tolerated.

Threats of violence include conduct against persons or property that is severe, offensive or intimidating or create a hostile, abusive, or intimidating work environment for one or more District employee. Such behavior includes, but is not limited to:

- Threats of violence occurring on District property, regardless of the relationship of the individuals involved in the threat.
- Threats or acts of violence not occurring on District property but involving someone who is representing the District.
- Threats or acts of violence not occurring on District property involving a District employee if the threats or acts of violence affect the interests of District.

- Any threats or acts resulting in the conviction of an employee or agent of District, or of an individual performing services on District's behalf on a contract or temporary basis, under any criminal code relating to threats or acts of violence that adversely affect the legitimate interests and goals of the District.

Specific examples of behavior that may be considered a threat or act of violence include, but are not limited to:

- Hitting or shoving an individual.
- Threatening to harm an individual or their family, friends, associates, or their property.
- The intentional destruction or threat of destruction of property owned, operated or controlled by the District.
- Making harassing or threatening telephone calls, sending harassing or threatening letters or other forms of written or electronic communication.
- Intimidating or attempting to coerce an employee to do wrongful acts that would affect the interests of the District or its members.
- Harassing surveillance, also known as "stalking", the willful, malicious and repeated following of another person and making credible threats with the intent to place the other person in reasonable fear for their safety.
- Making a suggestion or otherwise intimidating comment regarding the injuring of persons or property.
- Carrying weapons either on their person or in their vehicle while performing District business.

Abusive Conduct is defined as conduct of an any individual in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to the District's legitimate business interests.

The District considers the following types of behavior examples of abusive conduct:

- **Verbal Abuse:** Slandering, ridiculing or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; using a person as the focus of jokes; abusive and offensive remarks.
- **Physical Abuse:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- **Non-Physical Abuse:** Nonverbal threatening gestures or glances that convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.
- Work interference or sabotage that prevents work from getting done.

The District encourages all employees to immediately report any incidents of discrimination, harassment, violence and/or abusive conduct so that complaints can be addressed timely. The District will promptly and thoroughly investigate any complaint of discrimination, harassment, violence or

abusive conduct of any type and will take whatever corrective and preventative action is deemed necessary, including disciplining or terminating any individual who is found to have violated this policy. All complaints and investigations will be designated as confidential to the extent possible and permitted by law. However, complete confidentiality of an investigation cannot be guaranteed when it interferes with the District's ability to fulfill its obligations under this policy or the law.

If an employee chooses, they may file a complaint with the State of California Civil Rights Department (CRD) and/or with the United States Equal Employment Opportunity Commission (EEOC). These agencies are charged with the responsibility of accepting and reviewing all complaints.

The District will not retaliate against an employee for reporting an allegation of discrimination or harassment, and it will not tolerate or permit retaliation by other employees against the reporting employee or any employees participating in the investigation of a discrimination, harassment, violence or abusive conduct complaint. Any employee who believes they have been retaliated against because of a claim of discrimination or harassment, violence, abusive conduct or from participation in an investigation, may file a claim of retaliation with the District, the CRD and/or the EEOC.

Revision History:

Revision Date	Description of Changes	Requested By