



SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

ADMINISTRATIVE POLICIES AND PROCEDURES

NUMBER 22.0 – HARASSMENT/DISCRIMINATION/RETALIATION

Effective: August 21, 2018

Approved By: Wayne Nastri, Executive Officer

22.1 POLICY STATEMENT:

It is the policy of the South Coast Air Quality Management District ("SCAQMD") to provide its employees a work environment that is free from all forms of unlawful employment discrimination, harassment, and retaliation, and that promotes an atmosphere of mutual respect and professionalism.

SCAQMD will not tolerate in the workplace or in work-related situations: discrimination or harassment based on race, ethnicity, religion, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partner status, pregnancy, sex (including childbirth, breast feeding, and related medical conditions), age, gender, gender identity or expression, sexual orientation, uniform service membership, veteran status, or any other characteristic protected by state or federal employment discrimination laws. This includes conduct by any SCAQMD employee, supervisor or manager, or any intern or other non-employee, such as contractors, vendors providing services to SCAQMD, and others doing business with SCAQMD. Further, SCAQMD does not tolerate unlawful discrimination or harassment by its employees of non-employees with whom SCAQMD has a business or service relationship. Retaliation against any individual for making a report, or for participating in an investigation under this policy is strictly prohibited.

22.2 TYPES OF PROHIBITED CONDUCT:

By way of illustration only, and not limitation, some examples of conduct prohibited by this policy include:

- (1) Verbal Harassment - epithets, derogatory comments, slurs, unwanted comments, inappropriate jokes, unwanted invitations or sexual advances, threats, and negative stereotypes.

- (2) Physical Harassment - assault, touching, impeding or blocking movement, or any physical interference with normal work or movement.
- (3) Visual Forms of Harassment - derogatory posters, notices, cartoons, drawings, photographs, writings, graffiti, gestures, e-mails, and text messages.
- (4) Inappropriate Use of Technology – using the Internet, the e-mail system or telephone and/or voicemail systems, text messages, blogging or any other technological means to transmit, communicate, post or receive: (a) sexually-suggestive, pornographic or sexually explicit pictures, messages or materials or other materials prohibited by this policy; (b) or pictures, messages or other materials that denigrate, threaten, or show hostility or aversion towards an individual or group based on race, national origin, sex, sexual orientation or any other protected characteristic under the law and this policy.
- (5) Retaliation by any of the above means for having reported harassment or discrimination, or having assisted another to report harassment or discrimination.

An employee's intentions, such as not meaning to give offense or a belief that conduct was welcomed, will not excuse behavior that is found to violate this policy.

22.2.1 Examples of Sexual Harassment

Sexual harassment includes a broad spectrum of conduct including harassment based on sex, gender, gender transition, gender identity or expression, and sexual orientation. By way of illustration only, and not limitation, some examples of unlawful and prohibited behavior include:

- Unwanted sexual advances;
- Offering an employment benefit (such as a raise, promotion, or career advancement) in exchange for sexual favors, or threatening an employment detriment (such as termination or demotion) for an employee's failure to engage in sexual activity;
- Visual conduct, such as leering, making sexual gestures, and displaying or posting sexually suggestive objects, pictures, cartoons, or posters;
- Verbal sexual advances, propositions, requests, or comments;
- Sending or posting sexually-related messages or videos via email, text, instant messaging, or social media;
- Verbal abuse of a sexual nature, graphic verbal comments about an individual's body, sexually degrading words used to describe an individual, and suggestive or obscene letters, notes, or invitations;
- Physical conduct, such as touching, groping, assault, or blocking movement;

- Physical or verbal abuse concerning an individual's gender, gender transition, gender identity, or gender expression; and
- Verbal abuse concerning a person's characteristics such as pitch of voice, facial hair or the size or shape of a person's body, including remarks that a male is too feminine or a woman is too masculine.

22.2.2. Examples of Harassment Based on Other Protected Characteristics

SCAQMD strictly prohibits harassment concerning race, religion, disability, age, veteran status, or any other protected characteristic. By way of illustration only, and not limitation, such prohibited harassment includes:

- Racial or ethnic slurs, epithets, and any other offensive remarks;
- Inappropriate jokes, whether written, verbal, or electronic;
- Threats, intimidation, and other menacing behavior;
- Inappropriate verbal, graphic, or physical conduct;
- Sending or posting harassing messages or videos via email, text, instant messaging, or social media; and
- Other harassing conduct based on one or more of the protected categories identified in this policy.

If you have any questions about what constitutes harassing behavior, ask a Human Resources Manager, your supervisor, or a manager.

22.3 PROHIBITION AGAINST RETALIATION:

Individuals are protected by law and SCAQMD policy from retaliation for opposing unlawful discriminatory practices, for filing an internal complaint under this policy or for filing a complaint with the state or federal agency charged with enforcing anti-discrimination laws, or for otherwise participating in any proceedings conducted by SCAQMD under this policy and/or by either of such governmental agencies.

SCAQMD is committed to prohibiting retaliation against those who themselves, or whose family members report, oppose, or participate in an investigation of alleged unlawful harassment, discrimination, or other wrongdoing in the workplace. By way of example only, participating in such an investigation includes, but is not limited to:

- Filing a complaint with a federal or state enforcement or administrative agency;

- Participating in or cooperating with a federal or state enforcement agency conducting an investigation of SCAQMD regarding alleged unlawful activity;
- Testifying as a party, witness, or accused regarding alleged unlawful activity;
- Making or filing an internal complaint with SCAQMD regarding alleged unlawful activity;
- Providing notice to SCAQMD regarding alleged unlawful activity; and
- Assisting another employee who is engaged in any of these activities and participating in an investigation.

SCAQMD is also committed to prohibiting retaliation in related circumstances, including but not limited to:

- Qualified employees who request a reasonable accommodation for any known physical or mental disability;
- Employees who request a reasonable accommodation of their religious beliefs and observances; and
- An employee who is a victim of domestic violence, sexual assault, or stalking and requests leave time or changes in the workplace to ensure the employee's safety and well-being.

22.4 REPORTING PROCESS:

Anyone who believes that he/she has been harassed or discriminated against should immediately report such incidents to a supervisor, a manager, a Human Resources Manager, an attorney in the General Counsel's Office, or the Assistant DEO/Administrative and Human Resources.

Any employee who observes or overhears discrimination or harassment by another employee, supervisor, manager, or non-employee should report the incident immediately to the individual(s) listed above.

If a person believes that he or she has been retaliated against in violation of this policy, the person should immediately report the matter to a supervisor, a manager, a Human Resources Manager, an attorney in the General Counsel's Office, or the Assistant DEO/Administrative and Human Resources.

22.5 INVESTIGATING COMPLAINTS:

Incidents or concerns relating to discrimination, harassment, or retaliation, as defined by this policy, should be reported in a timely manner so that appropriate steps to address the situation may be taken. Reports can be made to a supervisor, a manager, a Human Resources Manager, an attorney in the General Counsel's Office, or the Assistant DEO/Administrative and Human

Resources. SCAQMD takes all complaints of unlawful harassment, discrimination, or retaliation seriously and will not penalize an employee or retaliate against an employee in any way for reporting harassment, discrimination, or retaliation complaints in good faith.

The Assistant Deputy Executive Officer/Administrative and Human Resources or the Executive Officer will conduct an investigation by assigning an impartial and qualified person (which may include an outside investigator, when deemed necessary or appropriate) and take steps to ensure the investigation is conducted as promptly as possible under the circumstances. Upon conclusion of such investigation, appropriate corrective action will be taken, where warranted. SCAQMD prohibits employees from hindering internal investigations and the internal complaint procedure. All complaints of unlawful discrimination, harassment, or retaliation that are reported to the individuals listed above will be treated as confidentially as possible, consistent with SCAQMD's need to conduct an adequate investigation.

Findings of conduct that violate this policy will result in appropriate corrective action that could involve, in the case of employees, discipline up to and including termination of employment; or, for non-employees, the termination of the contract or business relationship. Additionally, under California law, employees may be held personally liable for harassing conduct that violates the California Fair Employment and Housing Act.

22.6 RESPONSIBILITIES UNDER THIS POLICY:

Managers and supervisors are responsible for implementing this policy, including: taking necessary steps to prevent or correct unlawful employment discrimination, harassment, and retaliation, as described above; keeping subordinates informed of SCAQMD's policy against discrimination, harassment, and retaliation; and promptly reporting to a manager, a Human Resources Manager, an attorney in the General Counsel's Office, or the Assistant DEO/Administrative and Human Resources any complaints received, or observations of discrimination, harassment, or retaliation as defined in this policy.

All SCAQMD staff are responsible for complying with this policy, and for conducting themselves in a manner that promotes mutual respect and professionalism.

22.7 ALTERNATIVE REMEDIES:

Employees may also file allegations of unlawful employment discrimination or harassment with the U. S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing. The addresses and phone numbers of these offices can be found in the Government section of your local phone directory, or on the internet at <https://www.eeoc.gov> and <https://www.dfeh.ca.gov>.

APPROVED:



Wayne Nasti
Executive Officer

21 AUG 2018

Date