

M E M O

To: Board of Directors

From: District Manager

Subject: Sexual Harassment Policy

Date: November 30, 2007

RECOMMENDATION:

It is recommended that the Board of Directors review this memo, attached Sexual Harassment Policy, and approve the attached resolution which establishes the San Lorenzo Valley Water District Sexual Harassment Policy for 2008.

BACKGROUND:

Both state and federal laws prohibit sexual harassment. On December 7, 2006 your Board adopted Resolution No. 12 (06-07) which established the San Lorenzo Valley Water District Sexual Harassment Policy for 2007. See Attachment 1. Distirct Legal Counsel has reviewed the District's Sexual Harassment Policy. There are no recommended revisions to the existing San Lorenzo Valley Water District Sexual Harassment Policy.

The District is a member agency of the Special District Risk Management Authority (SDRMA). SDRMA is a Joint Powers Agency consisting of approximately 750 member agencies throughout California formed to provide risk management services and insurance coverage. SDRMA has an Incentive Credit Program which provides incentive credits to reduce an agency's general, auto liability and worker's compensation premium contributions. The Incentive Credit Program provides credits for development and adoption of a written policy and procedure manual relative to sexual harassment. Credit is provided upon initial adoption of the District's Sexual Harassment Policy and thereafter credits are maintained upon annual review.

It is recommended that the Board of Directors review this memo, attached Sexual Harassment Policy, and approve the attached resolution which establishes the San Lorenzo Valley Water District Sexual Harassment Policy for 2008

James Mueller
District Manager

SAN LORENZO VALLEY WATER DISTRICT

RESOLUTION NO. (07-08)

**SUBJECT: SAN LORENZO VALLEY WATER DISTRICT SEXUAL
HARASSMENT POLICY**

WHEREAS, state and federal laws prohibit sexual harassment; and

WHEREAS, San Lorenzo Valley Water District is committed to ensuring and providing a work place free of sexual harassment; and

WHEREAS, the Board of Director's of the San Lorenzo Valley Water District have reviewed the San Lorenzo Valley Water District Sexual Harassment policy; and

WHEREAS, District Legal Counsel has reviewed the San Lorenzo Valley Water District Sexual Harassment Policy;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Lorenzo Valley Water District that the San Lorenzo Valley Water District Sexual Harassment Policy is hereby adopted.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the San Lorenzo Valley Water District, County of Santa Cruz, State of California, on the 6th day of December, 2007, by the following vote of the members thereof:

AYES:

NOES:

ABSTAIN:

ABSENT:

Brandon Barchi
District Secretary

Attachment 1

SAN LORENZO VALLEY WATER DISTRICT
SEXUAL HARASSMENT POLICY

Adopted: December 7, 2006
Resolution No. 12 (06-07)

1. **PURPOSE.** It is legally mandated by state and federal laws that all employees have a right to work in an environment that is free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of discrimination that is prohibited by Title VII of the Civil Rights Act of 1964 and California Government Code Section 12940 et. seq. Sexual harassment is a costly form of discrimination that can result in expensive litigation that may result in back pay or punitive damage awards, withdrawal of federal support funds and/or other adverse actions. District employees have a grave responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the District's business and the maintenance of confidence of the people it serves. It is the policy of the San Lorenzo Valley Water District that sexual harassment is unacceptable and will not be condoned or tolerated. San Lorenzo Valley Water District is committed to a workplace free of unlawful discrimination and harassment.
2. **DEFINITION.** Sexual harassment is generally defined as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser. Sexual harassment may be written, verbal, physical and/or visual.
3. **EXAMPLES.** Sexual harassment manifests itself in many forms. The following provides a partial list of offensive conduct which would constitute sexual harassment:
 - Written communications of a sexual nature, obscene letters, notes and/or invitations (this includes electronic formats).
 - Verbal conduct such as making or using derogatory comments, slurs, jokes or epithets.
 - Visual conduct such as leering, making sexual gestures, and/or displaying sexually suggestive objects, pictures, cartoons, calendars or posters.
 - Physical conduct such as touching, assaulting, impeding and/or blocking movements.

- Sexual comments including graphic, verbal and/or visual commentary about an individual's body.
- Sexually degrading words used to describe an individual.
- Offering employment benefits in exchange for sexual favors (this may include situations where an individual is treated less favorably because others have acquiesced to sexual advances).
- Unwanted sexual advances or propositions (this may include situations which began as reciprocal attractions, but later ceased to be reciprocal).
- Implied, actual and/or threatened retaliation after negative response(s) to sexual advances.
- Implied, actual and/or threatened offering and/or withholding employment benefits in exchange for sexual favors, or if requests for sexual favors are not met.

4. **POLICY PUBLICIZING.** All District officers and employees shall be informed of the District's Sexual Harassment Policy and reporting process prior to their need to know. Also, said policy and reporting process shall be readily available to all officers, employees and members of the general public utilizing the District's facilities and services.

All new District officers and employees shall be given a copy of this Sexual Harassment Policy at the time of appointment or hiring. The contents of this policy shall be discussed with said officers and employees at said times by the responsible managing employee. All employees, at the time of hire, shall be required to sign an acknowledgment of this Sexual Harassment Policy stating that he or she has read the policy and knows its contents, including reporting procedures.

Whenever the Board of Directors adopts revisions to this Sexual Harassment Policy, the District Manager shall promptly distribute a copy of the revised policy to all officers and employees of the District.

At least annually, on or about June 15th of each calendar year, the District Manager shall distribute a copy of this Sexual Harassment Policy to all officers and employees of the District.

5. **SUPERVISORY EMPLOYEE EDUCATION AND TRAINING.** In accordance with California Government Code Section 12950.1, all supervisory employees of the District, at a minimum shall be provided no less than two (2) hours of sexual harassment education and training at least once every two (2) years. Solely for the purpose of this policy, supervisory employees shall be defined as individuals having the authority to hire, transfer, suspend, lay off,

recall, promote, discharge, assign, reward or discipline other employees, or effectively to recommend said actions. The District Manager shall designate supervisory employees for the purpose of this policy.

6. **REPORTING PROCEDURES.** Any officer or employee of the District or member of the public, who feels or believes that they have been or are being harassed by an officer or employee of the District is strongly encouraged to report such incident either verbally or in writing to the District Manager as promptly as feasible after the occurrence. Individuals who report an incident of alleged harassment can do so without fear of reprisal, regardless of the outcome of the report.
 - a) Any supervisory employee who receives, witnesses or becomes aware of an incident of alleged harassment shall immediately report the matter to the District Manager.
 - b) Upon receipt of a report of alleged harassment by an officer of the District, the District Manager shall assign the investigation of the alleged misconduct to an outside party.
 - c) Upon receipt of a report of alleged harassment by an employee of the District, the District Manager shall promptly conduct a thorough and impartial investigation of the incident. All reports shall be kept confidential to the extent possible. Witnesses to sexual harassment and victims of sexual harassment shall not be retaliated against in any way for making a report or cooperating in an investigation. Any incident of implied, actual and/or threatened retaliation should be reported as set out in this policy. The District Manager may assign the investigation of a report of alleged harassment to an outside party.
 - d) In the event the report of alleged harassment involves the District Manager, the incident shall be reported to the President of the Board of Directors. Thereafter, the President of the Board of Directors shall be responsible for processing the investigation and appropriate necessary actions.
 - e) Any person who initiates a report of an alleged incident of harassment shall have the right to be accompanied by advocates(s) when discussing the incident. Said person shall be advised of this right prior to the commencement of discussions.
 - f) A written record of any investigation of an alleged incident of harassment shall be maintained.
7. **ENFORCEMENT PROCEDURES.** The District's Sexual Harassment Policy shall be enforced by the District Manager unless otherwise stated in this policy. Upon conclusion of the investigation of an alleged incident of harassment, if it has been determined that harassment has occurred in violation of this policy, the

District may impose appropriate disciplinary action up to and including discharge.

- a) Officers and employees of the District who report harassment, and/or individuals cooperating in an investigation of a report of harassment shall be protected thereafter from any form of reprisal and/or retaliation regardless of the outcome of the report.
- b) Officers and employees of the District who knowingly make false reports will be subject to appropriate disciplinary actions.

-END OF POLICY-