



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	4/ /22

PURPOSE

The Metropolitan Water District of Southern California ("Metropolitan") is committed to maintaining a respectful and professional workplace that promotes equal employment opportunities and prohibits discriminatory practices, including sexual harassment.

Sexual harassment constitutes discrimination on the basis of sex and is illegal under federal, state, and local laws. As such, Metropolitan maintains this zero-tolerance policy, which strictly prohibits sexual harassment in any form. Conduct need not rise to the level of a violation of law to violate this policy. Metropolitan will implement appropriate corrective action(s), up to and including formal discipline, in response to any violations of this policy, even if the violation does not rise to the level of unlawful conduct.

The objective of this policy is to define workplace sexual harassment and to reaffirm Metropolitan's commitment to take any actions necessary to prevent and eliminate such conduct.

AUTHORITY

Metropolitan maintains this policy consistent with federal, state, and local law. The General Manager delegates authority for administering and enforcing this policy to the Chief Equal Employment Opportunity ("EEO") Officer.

SUPERSESSON

This Operating Policy supersedes Operating Policy H-13, issued May 8, 2008, and as revised on November 5, 2012 and May 3, 2013. This policy will be reviewed annually.

SCOPE OF PROTECTION

This policy protects, and is applicable to, all employees (including coworkers, supervisors, and managers), applicants for employment, interns, volunteers, contractors, and persons conducting business with Metropolitan (hereinafter referred to as "**Covered Individuals**"). In addition, this policy extends to conduct with a connection to an employee's work, even when the conduct takes place away from Metropolitan's premises, such as a business trip or work-related social function.

All employees, as well as any individual who comes in contact with such employees, are expected to support Metropolitan's equal employment opportunity policies, including its policies against discrimination, harassment, and retaliation, and to take all steps necessary to maintain a workplace free from such prohibited



conduct.

DEFINITIONS

As used in this policy, **sexual harassment** is defined as harassment based on sex or unwelcome conduct of a sexual nature, and includes harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions) and gender (including gender identity and gender expression). It may include harassing conduct described in Operating Policy No. H-07 ("Equal Employment Opportunity Policy"), as well as other unwelcome sex-based conduct, such as unwanted or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct may include situations that began as reciprocal relationships, but that later cease to be reciprocal. An employee alleging sexual harassment is not required to sustain a loss of tangible job benefits to establish sexual harassment. In addition, hostile acts toward an employee because of the employee's sex or unwelcome conduct of a sexual nature can amount to sexual harassment, regardless of whether the treatment is motivated by any sexual desire.

This policy prohibits harassing conduct, regardless of whether the conduct rises to the level of a legal violation.

Some examples of sexual harassment are:

- 1) **Verbal conduct** such as epithets, derogatory statements (e.g., "dumb blonde"), slurs, sex-related jokes, suggestive or obscene comments (including comments about male or female body parts), requests for sexual favors, unwanted sexual advances, invitations, or comments (including repeatedly asking for social interactions).
- 2) **Visual conduct** such as displaying sexually suggestive pictures, cartoons, drawings, posters, screensavers, virtual backgrounds, or electronic or media-based visuals (such as emails, text messages, memes, emojis, gifs, or video games), or sexually suggestive or lewd objects, inappropriate adult-themed gifts, leering, or making sexual gestures, unwelcome letters or notes, or any other graphic material.
- 3) **Physical conduct** such as assault, unwanted touching or physical contact, or impeding or blocking normal movement.
- 4) **Use of social media** to conduct unwanted sexual advances and/or harassment.
- 5) **Threats and demands** to submit to sexual requests in



order keep one's job or avoid some other employment-related loss, and offers of employment benefits in return for sexual favors.

- 6) **Retaliation.** *Retaliation* occurs when an employee is subjected to an "adverse employment action" because the employee reported or threatened to report sexual harassment or participated in an investigation into such conduct ("**Protected Activity**").

An **adverse employment action** is conduct that materially affects the terms and conditions of employment, or any conduct that would deter a reasonable employee from engaging in Protected Activity.

Examples of retaliation under this policy include, but are not limited to: demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion because of Protected Activity; harassing another employee for filing a complaint; denying employment opportunities because of Protected Activity; changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace; treating people differently such as denying an accommodation; or not talking to an employee when otherwise required by job duties; singling a person out for harsher treatment because of Protected Activity; lowering a performance evaluation because of Protected Activity; withholding pay increases or assigning more onerous work, abolishing a position, taking a form of disciplinary action because of Protected Activity; spreading rumors about a complaint or a complainant because of Protected Activity, or otherwise excluding the employee from job-related activities because the employee engaged in Protected Activity.

Sexual harassment is generally categorized into two types:

- 1) **Quid Pro Quo ("this for that")**, which may occur when:
 - Submission to sexual conduct is explicitly or implicitly made a term or condition of an individual's employment.
 - Submission to, or rejection of, sexual harassment is used as the basis for employment decisions affecting the harassed employee.
- 2) **Hostile Work Environment**

This type of sexual harassment is defined as unwanted



conduct of a sexual nature, or on the basis of sex, by any person in the workplace that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile, or otherwise offensive working environment.

It is important to note that sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- 1) The victim and the harasser may be of a different sex or the same sex.
- 2) The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a coworker, or a non-employee.
- 3) The victim does not have to be the person directly harassed but could be anyone affected by offensive conduct directed at others. This could include sexual comments shared by employees (e.g., a discussion by two co-workers about their sexual activities over the weekend) where neither finds these comments offensive but are heard by another employee who does find them offensive.
- 4) Unlawful sexual harassment may occur without economic injury to, or discharge of, the victim.
- 5) Harassment does not have to be conduct of a sexual nature, however, and can include offensive remarks about a person's sex (e.g., harassing a woman by making offensive comments about women in general).
- 6) The harasser's conduct must be unwelcome.

POLICY STATEMENT

Sexual harassment by or towards any Covered Individual or anyone who comes into contact with a Metropolitan employee in the course of their employment will not be tolerated. Metropolitan will take appropriate disciplinary and/or corrective action to remedy any violations of this policy.

In furtherance of its commitment to maintain a safe working environment, Metropolitan maintains the following policies against sexual harassment:

- 1) Sexual harassment will not be tolerated in any manner or form. Any person who is found to have engaged in conduct prohibited by this policy may be subject to disciplinary action, up to and including termination of employment.
- 2) Sexual harassment is about how we make others feel and



is seen from the perspective of the victim, within a reasonable person standard. Metropolitan will take complaints of sexual harassment seriously and will implement corrective and preventative actions to ensure such conduct does not continue.

- 3) Metropolitan will not allow further victimization of harassed employees. We will fully support employees who were sexually harassed and will not take any adverse action against them. For example, we will not move them to positions with worse pay or benefits or allow others to retaliate against them.
- 4) Employees who work in a managerial or supervisory capacity are especially obliged to prevent sexual harassment and take affirmative steps to stop such conduct from occurring. **Accordingly, all managers and supervisors are required, by law and this policy, to escalate all reports, complaints, or observations of conduct that may be in violation of this policy to the EEO Office.** Failure to report, letting this behavior go on, or encouraging it, will bring about disciplinary action.
- 5) Employees have a duty to cooperate in an investigation of a potential violation of this policy. Acting in bad faith or deliberately providing false or misleading information is prohibited.

Confidentiality protects the integrity of the investigation process and protects the due process and privacy rights of the complainant(s) and the respondent(s). Metropolitan will take reasonable steps to ensure that any complaint or investigation conducted in connection with a suspected violation of this policy is treated as confidential. However, absolute confidentiality cannot be guaranteed when it interferes with Metropolitan's ability to fulfill its obligations under this policy or applicable law.

REPORTING SEXUAL HARASSMENT

Any Covered Individual who experiences or witnesses behavior that they believe violates this policy is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior.

If the offending individual continues or if the victim is afraid or uncomfortable with speaking directly to the offending individual, they should immediately report the incident to any supervisor, another member of Metropolitan's management team, or the EEO Office. When such individuals receive a complaint of sexual harassment, they are required to ensure it is addressed in a prompt and appropriate manner. Covered Individuals are not



required to report the matter directly to the offending individual or their immediate supervisor and may opt to report the matter directly to the EEO Office.

Additional information related to addressing and reporting sexual harassment may also be found in Operating Policy No. H-07 ("Equal Employment Opportunity Policy"). Please also see the **EEO Complaint and Investigation Procedures** for Metropolitan's full written investigatory procedures and processes, which can be obtained from Metropolitan's EEO Office.

In addition, employees and applicants may file formal complaints of discrimination, harassment, or retaliation with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

California Department of Fair Employment and Housing (DFEH)

2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711
contact.center@dfeh.ca.gov
<https://www.dfeh.ca.gov>

Los Angeles Equal Employment Opportunity Commission (EEOC)

Roybal Federal Building
255 East Temple St., 4th Floor
Los Angeles, CA 90012
Phone: (213) 785-3090
Fax: (213) 894-1118
1-800-669-4000 or 510-735-8909 (Deaf/hard-of-hearing callers only)
<http://www.eeoc.gov/employees>

TRAINING

All Metropolitan employees are required to participate in sexual harassment prevention training. The training will be aimed at increasing the understanding of, and preventing workplace sexual harassment and other types of harassment, discrimination, and retaliation based on EEO Protected Characteristics, and abusive conduct.

Metropolitan employees are required to take this mandatory training in accordance with the following:

- 1.1 All ~~supervisors and employees~~ are required to take ~~two (2)~~ ^{one (1)} hours of training with ~~in six months of assumption of their~~ ^{in six months of assumption of their}



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

supervisor's role.

2.2 All non-supervisory employees are required to take one (1) hour of training within six months of hire.

3.3 Temporary, seasonal, or any other employee expected to work less than 6 months must complete this training within 30 calendar days after hire or within 1000 hours worked, whichever occurs first.

All employees must take this mandatory training at least once every two years thereafter.

Metropolitan will make this training available to ten employees during regular working hours at no cost to the employee. Metropolitan will maintain records of these mandatory trainings.

REFERENCES

- [Administrative Code, Sections 6219, 6300, 7111](#)
- Operating Policy [H-03](#) and H-07 [may need to be updated]
- Applicable executive orders, federal, state and local laws, statutes and regulations
- Discrimination Complaint Procedures [may need to be updated]
- Memoranda of Understanding
- [Department of Fair Employment and Housing pamphlet on Sexual Harassment \(DFEH-185\)](#)

APPROVAL

Adel Hagekhalil, General Manager

Date