



## OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	5/3/134/ /22

### SUMMARYPURPOS

#### E

The Metropolitan Water District of Southern California:

~~Will not tolerate inappropriate conduct of ("Metropolitan") is committed to maintaining a sexual nature in any form in the workplace or in any transaction of Metropolitan's business; respectful and professional workplace that promotes equal employment opportunities and prohibits discriminatory practices, including sexual harassment.~~

~~Will~~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 actionany actions necessary to prevent and eliminate such conduct, as required by law.~~

~~•~~

### 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 dated, issued May 8, 2008, and as revised on November 5, 2012, and May 3, 2013. This policy will be reviewed annually.~~

### AUTHORITYSCOPE OF PROTECTION

~~The Metropolitan Water District maintains a sexual harassment prohibition policy as authorized by federal and state laws, statutes, or regulations. The General Manager delegates authority for administering and enforcing Metropolitan's Equal Employment Opportunity Program to the Chief Administrative Officer and the Human Resources Group Manager. 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

~~Sexual harassment~~—for purposes ofAs used in this policy, inappropriate **sexual harassment** is defined as harassment based on sex or unwelcome conduct of a sexual nature toward an employee, applicant, or contractor, is referred to as "sexual harassment", and is prohibited by this policy.

~~Sexual~~includes harassment of an employee, applicantbased on sex (including pregnancy, childbirth, breastfeeding, or contractor is also prohibited by state~~related medical conditions~~) and federal law. Sexual harassment is an unlawful employment practice which impacts morale, motivationgender (including gender identity and job performance.

~~Sexual harassment is defined by the gender expression). It may include harassing conduct described in Operating Policy No. H-07 ("Equal Employment Opportunity Commission (EEOC) Policy"), as unwelcome well as other unwelcome sex-based conduct, such as unwanted or unsolicited sexual advances, requests for sexual favors, and~~conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature ~~when~~. 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 ~~the sexual~~ conduct is ~~made either~~ explicitly or implicitly made a term or condition of an individual's individual's employment, ~~or,~~



- Submission to, or rejection of the conduct by an individual, sexual harassment is used as athe basis for employment decisions affecting such individual, or the harassed employee.

2) The conduct has the purpose or effect of **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 interferinginterferes with an individual's employee's work performance and/or creatingcreates 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. All **supervisory employees** are required to take *two (2) hours of training within six months of assumption of their supervisory role.*
2. All **non-supervisory employees** are required to take *one (1) hour of training within six months of hire.*
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 100 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 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 \_\_\_\_\_



## OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	5/3/13

### DEFINITIONS (continued).

Types of behavior that can be considered sexual harassment include but are not limited to:

- Unwanted sexual advances
- Discussing or telling off-color jokes
- Offering employment benefits in exchange for sexual favors
- Engaging in hostile, unwelcome or unnecessary physical conduct
- Commenting on physical attributes
- Displaying sexually suggestive pictures or materials
- Using demeaning or inappropriate terms
- Using crude or offensive language
- Sending suggestive, crude or offensive language or materials through email or other communication media

State and federal law also prohibit retaliation against a person for filing a complaint, assisting or participating in an investigation or proceeding, or opposing sexual harassment.

### POLICIES

1. Metropolitan does not and will not tolerate sexual harassment of any employee, applicant, or contractor. The prohibition against sexual harassment applies to all transactions of Metropolitan's business, whether at a Metropolitan-operated facility or an external site.
2. If an employee, applicant, or contractor believes that he or she has been sexually harassed by any Metropolitan employee, consultant or other contractor, vendor, client, or other business contact, the individual should immediately report the incident directly to: (1) the EEO Investigations Staff or the Employee Relations Section Manager, who are responsible for receiving and processing such reports for Metropolitan; (2) the Ethics Office, who is responsible for receiving and processing reports regarding alleged director misconduct; or, (3) to another manager or supervisor, including but not limited to, the HR Group Manager, another Group Manager, or the Ethics Officer.
3. Engaging in sexual harassment is conduct subject to disciplinary action, up to and including discharge.
4. All complaints of sexual harassment are taken seriously, investigated promptly as appropriate, and appropriate action is taken against individuals found to have engaged





## OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	5/3/13

### POLICIES (continued)

in sexually harassing conduct. Metropolitan has established and maintains an internal complaint procedure for processing alleged violations of the policy.

5. ~~Metropolitan does not retaliate, nor tolerate retaliation, against employees, applicants, or contractors who, in good faith, make a complaint of sexual harassment, assist or participate in a related investigation or proceeding, or oppose sexual harassment. Such retaliation is prohibited by this policy. Any act of such retaliation should be reported immediately to: (1) the EEO Investigations Staff or the Employee Relations Section Manager, who are responsible for receiving and processing such reports for Metropolitan; (2) the Ethics Office, who is responsible for receiving and processing reports regarding alleged director misconduct; or, (3) to another manager or supervisor, including but not limited to, the HR Group Manager, another Group Manager, or the Ethics Officer. Reports will be investigated as appropriate and, where appropriate, corrective action will be taken. Any person who engages in such retaliation is subject to disciplinary action, up to and including dismissal.~~
6. ~~Complaints made frivolously, in bad faith, or without factual basis may be actionable by the respondent. Such complaints may result in disciplinary action, up to and including dismissal.~~
7. ~~Metropolitan employees receive a copy of this policy during new employee orientation and review it as part of their mandatory sexual harassment prevention training.~~

### RESPONSIBILITIES

~~Metropolitan managers or supervisors are responsible for:~~

- ~~• Enforcing the District's Sexual Harassment Prohibition Policy and not engaging in, condoning or tolerating behavior that could reasonably be considered a violation of this policy.~~
- ~~• Creating an environment where employees, applicants, and contractors do not feel intimidated and/or prevented from reporting an incident in violation of this policy.~~
- ~~• Monitoring the work environment of their employees and other business contacts for signs of sexual harassment or inappropriate conduct that could violate this policy.~~
- ~~• Immediately reporting any conduct that may reasonably violate this policy, or any such allegation, to the EEO~~



## OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	5/3/13

### RESPONSIBILITIES (continued)

Investigations Staff. (If appropriate, such conduct may also be reported outside of the Human Resources Group, to the Legal Department and/or Ethics Officer.)

- Cooperating in an investigation related to any complaint of a violation of this policy. Managers and supervisors are prohibited from discussing the complaint outside of the investigative process, unless this is done in connection with performing the manager's or supervisor's job duties, required or permitted by law, or authorized by the Legal Department or other appropriate authority. Failure to cooperate or deliberately providing false or misleading information during an investigation, or discussing the complaint outside of the investigative process, may be grounds for disciplinary action, up to and including discharge.
- Not engaging in, condoning or tolerating behavior that could reasonably constitute retaliation of an employee, applicant, or contractor for alleging or opposing sexual harassment, or participating in a related investigation or proceeding.
- Successfully and timely completing sexual harassment prevention training as mandated and ensuring that employees under his or her direct supervision timely and successfully complete such training.

Metropolitan **employees**, including managers and supervisors, are responsible for:

- Not engaging in behavior that could reasonably be considered a violation of this policy.
- Understanding that a violation of this policy can result in disciplinary action, up to and including dismissal; and that California law allows an employee to sue another employee for sexual harassment.
- Cooperating in an investigation related to any complaint of a violation of this policy. Employees are prohibited from discussing the complaint outside of the investigative process, unless required or permitted by law, or authorized by the Legal Department or other appropriate authority. Failure to cooperate or deliberately providing false or misleading information during an investigation, or discussing the complaint outside of the investigative process, may be grounds for disciplinary action, up to and including discharge.
- Not engaging in behavior that could reasonably constitute retaliation of an employee, applicant, or contractor for



## OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	5/3/13

### RESPONSIBILITIES (continued)

~~alleging or opposing sexual harassment, or participating in a related investigation or proceeding.~~

- ~~• Successfully and timely completing sexual harassment prevention training as mandated.~~

The **Employee Relations Section Manager** is responsible for:

- ~~• Supervising the activities of the EEO Investigations Staff.~~
- ~~• Enforcing a policy prohibiting sexual harassment.~~
- ~~• Maintaining internal complaint procedures for investigating complaints related to violations of this policy.~~
- ~~• Receiving and processing internal complaints alleging a violation of this policy, and ensuring that complaints are investigated as appropriate, promptly, thoroughly and impartially.~~
- ~~• Ensuring that Metropolitan takes immediate and appropriate corrective action when it is determined that a violation of this policy has occurred.~~

The **Ethics Office** is responsible for:

- ~~• Coordinating with the EEO Investigations Staff or the Employee Relations Section Manager concerning allegations and complaints of discrimination or harassment received by the Ethics Office, including immediately reporting any conduct that may reasonably violate this policy to the EEO Investigations Staff or Employee Relations Section Manager. (If appropriate, such conduct may be reported outside of the Human Resources Group to the Legal Department.)~~

The **Equal Employment Opportunity Manager** is responsible for:

- ~~• Establishing and maintaining a policy which prohibits sexual harassment.~~
- ~~• Providing sexual harassment prevention training to all employees.~~
- ~~• With the Legal Department and in compliance with the Administrative Code, receiving and responding to EEO related charges filed with state or federal agencies.~~
- ~~• Establish and maintain an affirmative action plan and nondiscrimination program in accordance with applicable law.~~



## **OPERATING POLICIES**

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
<b>H-13</b>	<b>Sexual Harassment Prohibition Policy</b>	<b>5/8/08</b>	<b>5/3/13</b>

## **REFERENCES**

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

## **APPROVAL**

~~Original signed by Jeffrey Kightlinger~~ ~~5/3/13~~  
~~Jeffrey Kightlinger, General Manager~~ ~~Date~~