

**RESOLUTION NO. 2023-2306**

**A RESOLUTION APPROVING BOARD POLICY REVISION FOR B-180 (HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION POLICY AND COMPLAINT PROCEDURE)**

**LAS GALLINAS VALLEY SANITARY DISTRICT**

**WHEREAS**, the Board of Directors ("Board") has determined that a comprehensive list of Policies and Procedures for the Board is in the best interest of the District; and

**WHEREAS**, the Board has compiled a comprehensive list of Policies and Procedures to serve as the rules and regulations of the Board; and

**WHEREAS**, the Board did adopt such comprehensive list of Policies and Procedures on July 9, 2009; and

**WHEREAS**, such policies may need to be updated from time to time; and

**WHEREAS**, on February 16, March 2 and May 4, 2023 the Board reviewed and suggested changes to Board Policy B-180 (Harassment, Discrimination and Retaliation Prevention Policy and Complaint Procedure; and

**NOW THEREFORE**, the Board of Directors of the Las Gallinas Valley Sanitary District approves the following revised policy section: B-180 HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION POLICY AND COMPLAINT PROCEDURE. The previously approved Board Policy B-180 is hereby revoked and declared null and void.

If any policy or portion of a policy contained within the Policies and Procedures is in conflict with rules, regulations, or legislation having authority over the Las Gallinas Valley Sanitary District, said rules, regulations or legislation shall prevail.

The Policies and Procedures shall remain in effect until amended by at least a majority vote of the Board of Directors.

\* \* \* \* \*


I hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on the May 18, 2023, by the following vote of the members thereof:

AYES, and in favor thereof Members: Clark, Ford and Yezman  
NOES, Members: None.  
ABSENT, Members: Murray and Roberts  
ABSTAIN, Members: None.

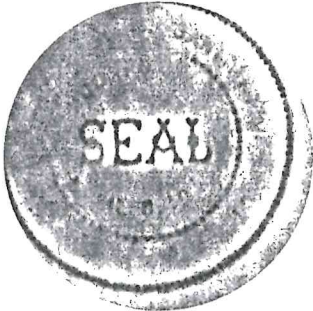


Teresa Lerch, Board Secretary

APPROVED:



Megan Clark, Board President



**B-180 HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION  
POLICY AND COMPLAINT PROCEDURE**

**Purpose**

Las Gallinas Valley Sanitary District (“District”) is committed to preventing harassment, discrimination and retaliation in the workplace.

The purpose of this Harassment, Discrimination and Retaliation Prevention Policy and Complaint Procedure (“Policy”) is to establish a strong commitment to prohibit and prevent harassment and retaliation by and against the District's elected officials; to define those terms; and to set forth a procedure for investigating and resolving internal complaints of harassment, discrimination and retaliation. The District encourages all covered individuals to report—as soon as possible—any conduct that is believed to violate this Policy. Acts of harassment, discrimination and retaliation by anyone affiliated with the District, including its elected officials, are strictly prohibited and are subject to sanctions and disciplinary measures, up to and including termination.

The District has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of state or federal law to violate this Policy. A single act by a District employee may constitute a violation of this Policy and provide sufficient grounds for the District to discipline the District employee.

This Policy establishes a complaint procedure by which the District will investigate and resolve complaints of harassment, discrimination and retaliation by and against covered individuals.

The District expressly prohibits any retaliation against an employee because they filed or supported a complaint or because they participated in the investigation or complaint resolution process. Individuals found to have retaliated against an employee in violation of this Policy will be subject to appropriate sanctions or disciplinary actions, up to and including termination.

**B-180-10 Covered Individuals and Scope of Policy.**

This Policy covers the following individuals: applicants for employment at the District; District employees regardless of rank or title; elected or appointed officials of the District; interns; volunteers; and contractors (“covered individuals”).

This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

**B-180-20 Definitions.**

**B-180-20-1 Protected Classification.** This Policy prohibits harassment, discrimination or retaliation because of an individual's protected classification. "Protected Classification" includes race, religion or religious creed, color, sex (including gender, gender identity, gender expression, transgender identity, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, marital status, age (40 or over), medical condition, genetic characteristics or information, military and veteran status, physical or mental disability, or any other basis protected by law.

<b>Resolution No. 2023-2301</b>	Date Approved: May 18, 2023
President of the Board	Last Revised: May 4, 2023

This policy prohibits discrimination, harassment or retaliation for the following reasons: (1) an individual’s protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

**B-180-20-2 Protected Activity.** This Policy prohibits harassment, discrimination and retaliation because of an individual’s protected activity.

Protected activity includes, but is not be limited to, the following activities: (1) making a request for an accommodation for a disability; (2) making a request for an accommodation for religious beliefs; (3) making a complaint under this Policy; (4) opposing violations of this Policy; or (5) participating in an investigation under this Policy.

**B-180-20-3 Policy Coverage.** This policy prohibits discrimination, harassment or retaliation for the following reasons: (1) an individual’s protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

This Policy expressly prohibits elected officials from harassing, discriminating against, or retaliating against applicants, officers, officials, employees, contractors, or members of the public for any of the reasons enumerated above.

**B-180-20-4. Harassment.** This Policy prohibits harassment of a covered individual because of the individual’s actual or perceived protected classification. Note that harassment is not limited to conduct that the District’s employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, persons providing services under contracts, or even members of the public. Harassment may include, but is not limited to, the following types of behavior:

Speech, such as epithets, derogatory, offensive or inappropriate comments, slurs, or stereotypical comments, or verbal propositions made on the basis of a protected classification. This includes, but is not limited to, comments, stories, and jokes about appearance, dress, physical features, gender identification, and race.

Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes, but is not limited to, pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Visual acts, such as derogatory, offensive or inappropriate, posters, cartoons, emails, pictures, or drawings related to a protected classification.

Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual’s work performance or create an intimidating, hostile, or offensive working environment.

<b>Resolution No. 2023-2301</b>	Date Approved: May 18, 2023
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**B-180-20-5 Discrimination.** This Policy prohibits treating a covered individual differently and adversely because of the individual's actual or perceived protected classification; because the individual associates with a person who is or is perceived to be a member of a protected classification; or because the individual participates in a protected activity as defined in this Policy.

**B-180-20-6 Retaliation.** Retaliation occurs when an employer takes adverse action against a covered individual because of the individual's protected activity as defined in this Policy.

"Adverse action" may include, but is not limited to, the following actions: (1) disciplinary action; (2) counseling; (3) taking sides because an individual has reported harassment or discrimination; (4) spreading rumors about a complainant or about someone who supports or assists the complainant or who participates in the investigation; (5) shunning or avoiding an individual who reports harassment or discrimination; or (6) making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

**B-180-30 Guidelines for Identifying Harassment.** Harassment includes conduct that another individual who is a member of the protected classification would find unwelcome or unwanted. Harassment may include the following:

**B-180-30-1** Harassment includes conduct which would be unwelcome or unwanted to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.

**B-180-30-2** Conduct that is not intended to harass. Conduct may violate this Policy if the conduct is directed at, or implicates a protected classification and the recipient finds the conduct to be offensive or inappropriate, even if its well-intentioned conduct (e.g., gifts, over-attention, endearing nicknames, hugs).

**B-180-30-3** Conduct to which the recipient appears to have consented. The District does not recognize as a defense that the recipient appeared to have "consented" to the conduct at issue by failing to protest about the conduct. A recipient may not protest offensive or inappropriate conduct for many legitimate reasons, including the need to avoid being perceived as insubordinate or to avoid being ostracized or subjected to retaliation.

**B-180-30-4** Conduct about which no employee has previously complained. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment or substantially similar conduct does not mean that the conduct is welcome, inoffensive, or appropriate. The fact that no one previously complained does not preclude anyone from complaining if the conduct is repeated.

**B-180-30-5** Conduct witnessed by a third party or about which a third party learns, even if they did not witness the conduct.. Visual, verbal or physical conduct between two people who do not find such conduct offensive or inappropriate can constitute harassment of a third party witnesses such conduct or learns about the conduct later and finds the conduct to be offensive or inappropriate. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.

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**B-180-30-6** Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if the individual or an individual of the recipient's same protected classification would find it inappropriate or offensive (e.g., gifts, over attention, endearing nicknames, hugs).

**B-180-40 Complaint Procedure.** A covered individual who believes they have been subjected to harassment, discrimination or retaliation may make a complaint to any supervisor, manager, District Counsel, or the General Manager without regard to any chain of command.

Any supervisory or management employee who receives a harassment, discrimination or retaliation complaint should immediately notify the General Manager. Upon receiving notification of a complaint regarding discrimination, harassment or retaliation, the General Manager or their designee will complete and/or delegate the following steps:

**B-180-40-3** Within 24 hours of submitting the complaint to the General Manager, the General Manager shall inform, in a means designed to retain confidentiality, the District Counsel.

**B-180-40-4** Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with the following individuals: 1) the complainant; 2) the accused (i.e., the subject of the investigation); 3) witnesses to the conduct at issue in the complaint; and 4) other persons who have relevant knowledge concerning the allegations in the complaint. Those informed of the investigation shall conduct themselves in a manner that will not compromise the integrity of the investigation, including, but not limited to, refraining from actions that may intimidate potential witnesses.

The complainant and the accused have the right to be accompanied by an advocate(s) when discussing alleged incidents. Said persons shall be advised of this right prior to the commencement of such discussions.

**B-180-40-5** Review the factual information gathered during the investigation to determine whether the alleged conduct violated the Policy giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

**B-180-40-6** Prepare a summary report of the determination as to whether the conduct violated this Policy and, if necessary, provide such report to the appointing authority (i.e., District Counsel or General Manager). If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.

**B-180-40-7** If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.

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**B-180-40-8** Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.

If the General Manager or District Counsel is the accused, or is a witness to the events at issue, an individual with higher authority will complete and/or delegate the steps enumerated above.

The District takes a proactive approach to potential violations of this Policy and will conduct an investigation if its supervisory or management employees become aware that harassment, discrimination or retaliation occurred or may be occurring, regardless of whether the recipient or third party reports a potential violation.

**B-180-50 Disciplinary Procedures and Sanctions.** Upon conclusion of the investigation of alleged harassment, discrimination or retaliation, appropriate action shall be taken against the appropriate party where a violation of this Policy is found, including legal actions where appropriate.

**B-180-40-1** Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment, discrimination or retaliation.

**B-180-40-2** Action taken to remedy a harassment, discrimination or retaliation situation shall be done in a manner so as to prevent further violations.

**B-180-40-3** Elected officials and employees complaining of harassment shall be protected thereafter from any form of reprisal and/or retaliation. Any adverse conduct taken because an applicant, employee, elected official or contractor has reported harassment, or has participated in the complaint and investigation process described herein, is prohibited. This Policy protects those who make good faith reports of harassment, and those who associate with an individual who is involved in reporting harassment or who participates in the complaint or investigation process, from retaliation.

**B-180-60 Confidentiality.** The District will make every effort to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. However, complete confidentiality may not be possible because of the District's need to investigate the complaint and provide the subject of the complaint their due process rights, which include providing the subject of the investigation a copy of the complaint after the initial investigatory interview, if requested.

The District expressly prohibits an employee who is interviewed during the course of an investigation from attempting to influence other employees, including employees who may have witnessed the underlying conduct at issue, while the investigation is open and ongoing.

An employee may discuss their interview with a designated representative from the employee's employee organization and/or the employee's legal representative. The District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

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**B-180-70 Responsibilities.**

**B-180-70-10** Each non-supervisor or non-manager is responsible for the following:

1. Treating all individuals in the workplace or on District worksites with respect and consideration.
2. Modeling behavior that conforms to this Policy.
3. Participating in periodic trainings on personnel matters.
4. Cooperating with the District’s investigations pursuant to this Policy by responding fully and truthfully and in a timely manner to all questions posed during the investigation.
5. Taking no actions to influence the complainant or any potential witness while the District’s investigation is ongoing.
6. Reporting any act they believe in good faith constitutes harassment, discrimination or retaliation as defined in this Policy, to their immediate supervisor or manager, District Counsel, or the General Manager.

**B-180-70-20** In addition to the responsibilities listed above, each manager and supervisor is responsible for the following:

1. Informing employees under their supervision of this Policy.
2. Taking all steps necessary to prevent harassment, discrimination and retaliation from occurring, including, but not limited to, monitoring the work environment and taking immediate and appropriate action to stop violations (e.g., removing inappropriate pictures or correcting inappropriate language).
3. Receiving and responding to complaints in a uniformly fair and serious manner.
4. Documenting the steps taken to resolve such complaints.
5. Following up with those who have complained to ensure that the offensive conduct about which they complained has stopped and that there have been no reprisals or retaliation or threats of reprisals or retaliation.
6. Informing those who complain about harassment and/or discrimination of their option to contact the Equal Employment Opportunity Commission or California Civil Rights Department and file a complaint about such activity.
7. Assisting and/or advising employees regarding this Policy.
8. Assisting in the investigation of complaints involving subordinate employee(s).
9. Where a complaint is substantiated, assisting in the development of a recommendation concerning an appropriate corrective or disciplinary action in accordance with these policies.

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- 10. Implementing appropriate corrective or disciplinary actions.
- 11. Reporting potential violations of this Policy to the District Counsel or the General Manager, regardless of whether an employee complained about such conduct.
- 12. Participating in periodic training and scheduling employees for training.

**B-180-80 Right to File Report with Outside Administrative Agencies.** An individual possesses the right to report workplace harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Civil Rights Department (CRD). These administrative agencies provide a complaint process as well as certain legal remedies where the applicable agency determined that a violation of the law occurred. The nearest EEOC and CRD offices are listed in the government section of the telephone book, or employees can check the posters that are located on District bulletin boards for EEOC and CRD office locations and telephone numbers.

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