



OPERATING POLICIES

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

SUMMARY

The Metropolitan Water District of Southern California:

- Will not tolerate inappropriate conduct of a sexual nature in any form in the workplace or in any transaction of Metropolitan’s business;
- Will take action to prevent and eliminate such conduct, as required by law.

SUPERSESSON

This Operating Policy supersedes Operating Policy H-13 dated May 8, 2008 and November 5, 2012.

AUTHORITY

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.

DEFINITIONS

Sexual harassment – for purposes of this policy, inappropriate conduct of a sexual nature toward an employee, applicant, or contractor, is referred to as “sexual harassment” and is prohibited by this policy.

Sexual harassment of an employee, applicant, or contractor is also prohibited by state and federal law. Sexual harassment is an unlawful employment practice which impacts morale, motivation and job performance.

Sexual harassment is defined by the Equal Employment Opportunity Commission (EEOC) as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or
- Submission to or rejection of the conduct by an individual is used as a basis for employment decisions affecting such individual, or
- The conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment



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**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



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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



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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



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**RESPONSIBILITIES
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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.



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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