

POLICIES AND PROCEDURES

POLICY NUMBER: **93-1**
SUBJECT: **SEXUAL HARASSMENT**
EFFECTIVE DATE: June 26, 1993
REVISION DATE: April 27, 1999
SUPERSEDES:
APPROVED BY: CWEA Board of Directors

PURPOSE

To provide a discrimination-free work environment in accordance with the Equal Employment Opportunity Commission (EEOC) guidelines which state that sex-related harassment in the workplace is sex discrimination and, as such, is prohibited by Title VII of the 1964 Civil Rights Act.

POLICY

It is the policy of the California Water Environment Association (CWEA) that sexual harassment of its employees or volunteers by anyone is unacceptable and will not be tolerated. Such "sexual harassment" includes, but is not limited to, verbal, physical, and visual harassment, and sexual favors.

It is the policy of CWEA to take prompt, corrective action when we become aware of sexual harassment. Such action may include discipline up to and including discharge of the offending employee(s). The Due Process Procedures described in the Code of Conduct, Policy 98-1, shall apply in any investigation and action taken pursuant to this policy.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is defined as unsolicited and unwelcome sexual advances; requests for sexual favors; and other verbal, physical, or visual conduct of a sexual nature which occurs under any one of three circumstances:

1. Submission is made either explicitly or implicitly as a term or condition of employment.
2. Submission or rejection by an employee is used as a basis for employment decisions affecting the employee.
3. Such conduct has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile, or otherwise offensive working environment.

For purpose of further clarification, sexual harassment includes, but is not limited to:

1. Making unsolicited written, verbal, and/or visual contact with sexual overtones. (Written examples: suggestive or obscene letters, notes, invitations. Verbal examples: assault, touching, impeding, or blocking movement. Visual examples: leering; gestures; displays of sexually suggestive objects; or pictures, cartoons, or posters.)
2. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)
3. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. (Example: either implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting preparation of a poor performance appraisal; or suggesting probation will be failed.)
4. Engaging in implicit or explicit coercive sexual behavior which is used to control influence, or affect the career, salary, and/or work environment of another employee.
5. Offering favors or employment benefits such as promotions, favorable performance evaluations, favorable assigned duties, recommendations, reclassifications, and like actions for sexual favors.

ASSOCIATION RESPONSIBILITY

The CWEA believes that prompt, appropriate action should be taken to avoid or minimize the incident of sexual harassment and Association liability. CWEA will pursue every possible preventive measure to insure that neither volunteers nor employees are subject to sexual harassment. CWEA will take appropriate disciplinary action against anyone found to be in violation of this policy.

COMPLAINTS OF DISCRIMINATION AND/OR HARASSMENT

The following procedures for reporting complaints of discrimination and/or harassment are outlined below:

1. Volunteers: Allegations of discrimination or harassment by or of volunteers shall be filed in writing to the Association President. It shall be his or her responsibility to conduct a fair, equitable, and timely investigation. Discrimination or harassment by or of volunteers will not be tolerated.
2. Non-Exempt and Exempt Staff: Allegations of discrimination or harassment by non-exempt and exempt staff shall be filed in writing to his or her immediate supervisor. If the harasser is the employee's supervisor, the incident should be reported to the next level of management.
 - a. Each allegation of discriminatory treatment will be supported by a description of that event or events giving rise to the complaint.

- b. It shall be the responsibility of the Executive Director to conduct a fair, equitable, and timely investigation and issue a written ruling which either supports or dismisses the complaint.
 - c. If the complaint is found to be valid, appropriate disciplinary action will be taken, using the Due Process Procedures described in CWEA Code of Conduct, Policy 98-1, .
3. The Executive Director: If the complaint is against the Executive Director, the matter will be referred to the President of the Board for review and action by the Personnel Committee. The President and/or Executive Committee may elect to engage an outside investigator to conduct necessary evaluation of any allegations.

The Due Process Procedures described in the CWEA Code of Conduct, Policy 98-1 shall also apply to the Executive Director.

The Executive Director shall receive a copy of any and all reports produced for or resulting from any investigation by the Executive Committee and/or any outside investigator.