

TUMALO IRRIGATION DISTRICT

DISCRIMINATORY WORKPLACE HARASSMENT

I. PURPOSE

The purpose of this policy is to clearly establish Tumalo Irrigation District's (TID) commitment to provide a work environment free from harassment, to define discriminatory harassment and to set forth the procedure for investigating and resolving internal complaints of harassment.

II. POLICY

Harassment of an applicant, contractor, vendor, customer, board member, supervisor, manager, or employee by a supervisor, management employee or co-worker on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law is explicitly in violation of State and/or Federal law and will not be tolerated by Tumalo Irrigation District.

It is critical that all employees treat all other employees with dignity and respect. This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

Employees, supervisors or management employees found to be participating in any form of job-based harassment or retaliating against any other employee shall be subject to disciplinary action up to and including termination from employment.

III. DEFINITIONS

A. **Verbal Harassment** - Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law, whether made in general, directed to an individual or to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually-oriented comments on appearance, including dress or physical features, sexual rumors, and race oriented stories.

B. **Physical Harassment** - Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law. This includes pinching, patting, grabbing, inappropriate behavior in or near TID facilities or facilities where TID events are being conducted, or making explicit or implied threats or promises in return for submission to physical acts.

C. **Visual Forms of Harassment** - Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings, or pictures on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group

protected by law. This applies to both posted material and material maintained in or on TID's equipment or personal property in the workplace.

D. Sexual Harassment - Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

IV. COMPLAINT PROCESS

The use of this procedure is limited to complaints related to discriminatory workplace harassment on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law.

If any person feels they are the victim of any form of harassment, they should inform the person(s) participating in this behavior that he/she finds it offensive. This one-on-one confrontation has been demonstrated to be an effective way to end harassing behaviors. If the inappropriate behaviors do not stop, the offended employee can initiate the complaint process as described below. Because confrontation is difficult for some people and because of the complex nature of harassment, employees are not required to confront an offending party prior to initiating this complaint procedure.

A. Filing a Preliminary Complaint - Any applicant, contractor, vendor, customer, board member, supervisor, manager, or employee who alleges to be a victim of discriminatory workplace harassment should contact the or designee, either verbally or in writing, within thirty (30) calendar days of the alleged incident.

B. Review of Preliminary Complaint - Upon notification of a harassment complaint, the manager or designee shall conduct an initial investigation to make a preliminary determination as to whether there is merit to the complaint. If no merit is found, the manager or designee may still meet with the parties involved to attempt to conciliate the complaint or conflict between the parties.

C. Formal Complaint - If after an initial investigation is conducted, there is no resolution and/or no conciliation of the preliminary complaint, a formal written complaint can be filed by the complainant. The manager or designee will issue a Discriminatory Workplace Harassment form to the complainant. This form shall be completed, signed and returned to the manager within five (5) days after issuance. Upon receipt of the formal written complaint, the manager or designee will contact the alleged harasser(s) who will be informed of the basis of the complaint, will be given a copy of the complainant's form, and will be provided an opportunity to respond. The response shall be in writing, addressed to the manager and received by the manager, within ten (10) calendar days after being notified of the complaint. Concurrently, a formal investigation of the complaint may be commenced.

D. Review of Response and Findings - Upon receipt of the response, the manager may further investigate the formal complaint. Such investigation may include interviews with the complainant, the accused harasser(s) and any other persons determined by the manager to possibly have relevant knowledge concerning the complaint. This may include other victims of similar conduct.

Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information, the totality of the circumstances including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incident(s) occurred.

The results of the investigation and the determination as to whether harassment occurred shall be final and binding and will be reported to appropriate persons including the complainant and the alleged harasser(s) within twenty (20) calendar days from the receipt of the response.

V. DISCIPLINARY ACTION

If harassment is determined to have occurred, the manager shall take prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense, up to and including termination from employment. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant.

VI. RETALIATION

Retaliation in any manner against a person for filing a harassment charge or initiating a harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action up to and including termination. The manager will take reasonable steps to protect the victim and other potential victims from further harassment, and to protect the victim from any retaliation as a result of communicating the complaint.

VII. CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable Federal, State and local law.

VIII. FALSE COMPLAINTS

Any complaint made by an employee of TID regarding job-based harassment which is conclusively proven to be false, shall result in discipline of the complainant up to and including termination. This section is not intended to discourage employees from making complaints regarding job-based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.