



**Resolution #2019-12-17**

**Adopting the Prevention of Workplace Discrimination, Harassment, and Retaliation Policy**

**WHEREAS**, West Multnomah Soil & Water District (“District”) is subject to recent legislation, specifically Senate Bill 479, effective January 1, 2020, which expands on the Oregon Workplace Fairness Act’s requirements, which was signed into law on June 11, 2019, and

**WHEREAS**, the District has reviewed and updated its policies related to prevention of discrimination, harassment and retaliation to bring them into compliance with the new law;

**NOW, THEREFORE, BE IT RESOLVED** that the District adopts the Prevention of Workplace Discrimination, Harassment, and Retaliation Policy in **Exhibit A**, which is attached to this Resolution and incorporated herein by reference.

**APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS THIS 17th DAY OF DECEMBER, 2019.**

\_\_\_\_\_  
**Terri Preeg Riggsby, Board Chair**

\_\_\_\_\_  
**Date**

**ATTEST:**

\_\_\_\_\_  
**Shawn Looney, Board Secretary**

\_\_\_\_\_  
**Date**



## **Prevention of Workplace Discrimination, Harassment, and Retaliation Policy Per Board of Directors Resolution #2019-12-17**

### **OVERVIEW**

West Multnomah Soil & Water Conservation District (the District) is committed to a work environment and working relationships in which all individuals are treated with respect and dignity. Each individual has the right to work in a respectful and professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the District expects that all relationships among persons will be respectful and professional, free of bias, prejudice and harassment inside and outside the workplace, at work-related events, or any activity coordinated by or through the District. This policy applies to all associates of the District: employees, elected officials, board members, volunteers, interns, and any other person we interact with in the course of accomplishing the work of the District.

### **PURPOSE**

The District has developed this policy to ensure that all its associates can work in an environment free from unlawful harassment, discrimination, and retaliation. The District will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of these policies will be investigated and resolved appropriately. Discrimination, harassment, and retaliation will not be tolerated.

### **RESPONSIBILITY**

The District Manager and supervisors are responsible for implementing this policy. This policy further requires that all associates exhibit, in their conduct and communications, sound judgment and respect for the feelings and sensibilities of all other associates of the District.

### **EQUAL EMPLOYMENT OPPORTUNITY**

It is our policy to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law.

### **RETALIATION**

We encourage reporting of all perceived incidents of discrimination or harassment. It is the policy of the District to promptly and thoroughly investigate such reports. We prohibit retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

### **SEXUAL HARASSMENT**

Sexual harassment constitutes discrimination and is illegal under federal and state laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b)



submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Oregon Law provides further protection from sexual assault defined as unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

### **OTHER HARASSMENT**

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes labels, insults or negative stereotyping; threatening, intimidating or hostile acts; demeaning jokes; and written or graphic material that belittles or shows hostility or dislike toward an individual or group that is placed on walls or elsewhere on the employer's premises or is circulated in the workplace, on company time or using company or personal equipment by e-mail, phone (including voice messages), text messages, social networking sites, or other means.

### **REPORTING AN INCIDENT OF HARASSMENT, DISCRIMINATION OR RETALIATION**

The District encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct have two pathways to discuss their concerns: 1) through internal reporting to their immediate supervisor(s), the supervisor of the offending employee(s), the District Manager, or the District Board Chair or 2) through an external third party. See the complaint procedure described below.



In addition, we encourage individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and to request that it stop. Often this action alone will resolve the problem. We recognize, however, that an individual may prefer to pursue the matter through complaint procedures.

Following receipt of a complaint or concern, management will follow-up every three months for one year to ensure no further concerns or retaliation are experienced. Employees should not wait for the management follow-up to share related experiences. If an employee would like the follow-up to discontinue, a request must be submitted in writing to the District Manager, Controller, or Office Manager.

### **INTERNAL COMPLAINT PROCEDURE**

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor(s), the supervisor of the offending employee(s), the District Manager, Controller, or Office Manager. We encourage employees to document the event(s), associated date(s), and potential witnesses.

The District encourages the prompt reporting of complaints or concerns so that quick and helpful action can be taken before relationships become irreparably broken. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. However, complaints and concerns may be brought forward within five years of the alleged violation.

Any reported allegations of harassment, discrimination or retaliation will be investigated quickly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the event(s) or may have other relevant knowledge.

The District will maintain confidentiality throughout the investigatory process to the extent possible with acceptable investigation and appropriate corrective action.

Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling, or corrective action up to and including termination, as the District determines appropriate under the circumstances.

False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

### **EXTERNAL COMPLAINT PROCEDURES**

We encourage employees to bring their concerns and complaints to the District, and understand that, at times, this may not be the choice of the employee. Below is a list of external complaint



resources. Employees should contact their preferred external resource to determine the timeline and structure of that agency's processes. A precondition to pursuing a lawsuit is that an employee must submit a tort claim notice within 180 days after alleged harassment.

- Oregon Bureau of Labor and Industries at the following web address:  
[https://www.oregon.gov/boli/CRD/Pages/C\\_Crprotoc.aspx](https://www.oregon.gov/boli/CRD/Pages/C_Crprotoc.aspx)
- Legal Aid of Oregon at the following web address:  
<https://oregonlawhelp.org/organization/multnomah-county-office-legal-aid-services-of>
- Civil or Criminal Action. In these circumstances, a Notice of Claim must be provided to the District in accordance with ORS 30.275.

### **EMPLOYMENT AGREEMENTS**

A victim of workplace harassment may voluntarily disclose information regarding an incident of workplace harassment that involves the victim. No employee, victim or offender, will be required or invited to sign an agreement requiring the non-disclosure of information related to discrimination or sexual assault as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits. An employee, victim or offender, may request this type of agreement and, upon request, will be provided at least seven (7) days to change their mind.

### **ADDITIONAL EMPLOYEE SUPPORT SERVICES**

Employees may choose to use other support services throughout and following instances related to concerns and complaints. The District provides the following for additional assistance:

- Legal Resources: [https://www.eeoc.gov/laws/types/sexual\\_harassment.cfm](https://www.eeoc.gov/laws/types/sexual_harassment.cfm)
- Counseling and Support Services and/or Employee Assistance Services: see District's shared drive for the District's current Employee Assistance Program:  
\\WM2\shared\Personnel (staff and directors)\Employee Handbook\Employee Handbook linked documents\Benefits Binder\EAP