



<b>TITLE:</b>
Anti-Harassment Policy
<b>ADOPTED BY BOARD OF HARBOR COMMISSIONERS:</b>
November 24, 2014
<b>EFFECTIVE DATE:</b>
This Administrative Policy is effective upon approval by the Board of Harbor Commissioners.
<b>SUPERSESSION:</b>
This policy supersedes Administrative Policy # 12302.1.
<b>PURPOSE:</b>
The purpose of this policy is to affirm the Oxnard Harbor District's commitment to providing a work environment that is free from all forms of harassment.
<b>POLICY:</b>
<p>1. BACKGROUND.</p> <p>This policy is applicable to all regular, temporary, part-time, contract employees of the Oxnard Harbor District, and Harbor Commissioners or by any outside persons in contact with District employees and independent contractors (including District customers, potential customers, vendors, delivery persons, etc.).. This policy does not preclude any additional policies being issued regarding harassment which are more stringent or broader in context. In the event of any conflict with Federal and/or State law covering this policy, Federal and/or State law shall control.</p>
<p>2. POLICY.</p> <p>All employees, Harbor Commissioners of the Oxnard Harbor District, and all persons working in or with, or involved in the operations of the Oxnard Harbor District, shall act responsibly by maintaining a positive, professional and productive work environment that is free from harassment. Employees in supervisory positions are required to:</p> <ol style="list-style-type: none"><li>1. Take all necessary steps to eliminate any situations, circumstances or activities of which they become aware that lead to or constitute harassment.</li><li>2. Assist in communicating the District's Anti-Harassment Policy to employees.</li><li>3. Participate in the implementation of disciplinary procedures as necessary.</li></ol>

The Oxnard Harbor District is committed to providing a work environment that is free from harassment of any type. The District's Anti-Harassment Policy applies to all persons involved in the operation of the District and prohibits harassment by any Harbor Commissioner or District employee.

All District employees, including new hires, are mandated to participate in District sponsored Anti-Harassment training courses.

The District prohibits loud, angry, bullying or disruptive behavior that creates fear or anxiety in the workplace including threatening, intimidating, or violence-inducing words and behavior. The District also prohibits the inappropriate use of words, gestures, jokes and actions that annoy, alarm or abuse another person or which have the effect of creating an intimidating, hostile or offensive working environment or unreasonably interferes with an individual's work performance.

Furthermore, the District prohibits harassment based on actual or perceived race, religious belief (including dress or grooming practices), color, sex, pregnancy, childbirth or related medical conditions (including breast feeding), age, national origin (including possessing a driver's license issued under Vehicle Code § 12801.9), ancestry, sexual orientation, gender identification and expression, physical or mental disability, medical condition, genetic characteristics, genetic information, family care, marital status, enrollment in any public assistance program, status as military, a veteran or qualified disabled veteran, status as an unpaid intern or volunteer, or any other basis protected by federal, state, or local law or ordinance or regulation.

#### A. Sexual Harassment

The Equal Employment Opportunity Commission defines Sexual Harassment as follows: "Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature." Sexual conduct rises to the level of sexual harassment when:

1. It is a *condition* of employment- submission to such conduct is made a term or condition of employment;
2. It is a *consequence* of employment- submission or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
3. It constitutes offensive job *interference* - the conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Prohibited forms of sexual harassment include, but are not limited to, the following:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments.
2. Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures.

3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work.
4. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors.
5. Retaliation for having reported or threatened to report harassment.
6. Sexually harassing conduct may occur between members of the same gender as well as those of the opposite gender. Sexually harassing conduct need not be motivated by sexual desire.

#### B. Complaint Procedures

The District requires all employees to immediately report any incidents of harassment forbidden by this policy or harassment by third persons having business with the District so that complaints can be quickly and fairly investigated. If an employee believes he/she has been harassed, an oral or written complaint must be filed with the immediate supervisor or with the Chief Finance & Administrative Officer or CEO & Port Director as soon as possible after the incident. The initial complaint need not be in writing, but the complaint must include details of the incident or incidents, names of the individuals involved and names of any witnesses. Supervisory personnel shall refer all harassment complaints to the Chief Finance & Administrative Officer or CEO & Port Director. When an employee believes that he/she has been harassed by a supervisor, the complaint shall be filed with the Chief Finance & Administrative Officer or the CEO & Port Director.

#### C. Investigation of Allegations of Harassment

The District will immediately undertake an effective, thorough and objective investigation of the harassment allegation. If it is determined that harassment has occurred, effective remedial action will be taken appropriate to the circumstances involved.

All personnel must fully cooperate in the investigation process. Employees may not discourage or prevent any harassment victim from using our complaint procedure to report harassing conduct, or discourage or prevent any witness from participating in the investigation.

Any employee determined by the District to be responsible for harassment will be subject to appropriate disciplinary action, up to and including termination of employment. We will inform the complainant, the accused and any other involved persons about the general results of our investigation. The District will not retaliate against the employee for filing a complaint or participating in an investigation and will not tolerate or permit retaliation by the harasser or any employee, independent contractor, officer or other persons.

The Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of unlawful



HUMAN RESOURCES  
POLICY # 503 – Anti Harassment  
Supersedes Policy # 12302.1

harassment in employment. Employees, who think they are the victims of harassment or retaliation, may file a complaint with the appropriate agency, which is listed in the telephone book or may be found on the Internet.

**RELATED POLICIES AND PROCEDURES:**

None.

**DEFINITIONS:**

None.