

Policy Type:	Board Policy
Policy No:	112
Title:	Harassment
Date Reviewed:	November 14, 2023
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SUBJECT: HARASSMENT

I. OBJECTIVE: SMPA is committed to a work environment in which all individuals are treated with respect and dignity. Each individual, employee, supervisor, manager, director, or other person doing business with SMPA has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. This policy provides a procedure for handling and investigating complaints. It outlines disciplinary action in the event the policy is not followed, regardless of whether such action is to or results from the conduct of employees, supervisors, managers, directors, or other persons doing business with SMPA.

II. POLICY: SMPA prohibits sexual harassment or any harassment based on race, color, sex, sexual orientation, gender identity or expression, national origin, religion, marital status, citizenship, age, disability, genetic information, or any other characteristic protected by law.

A. Definitions

1. Sexual harassment is defined as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) 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.
2. Harassment includes verbal or physical conduct that creates an intimidating, hostile, or offensive work environment or unreasonably interferes with an employee's work performance.

B. Harassment

Sexual harassment is behavior that includes, among others, repeated or offensive sexual flirtations, advances, propositions, continued or repeated verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, touching or fondling; sexually degrading words used to describe an individual; display in the workplace of sexually suggestive objects, slogans or pictures; use of sexually provocative speech or dress; or sexually intended gestures.

Prohibited unlawful harassment also includes, but is not limited to, the following behavior:

1. Verbal conduct such as epithets, negative stereotyping, derogatory jokes or comments, gender-based, racial, religious, or national origin slurs or unwanted sexual or sex-oriented invitations or comments.

2. Written or visual materials such as derogatory and/or sexually oriented posters, photography, cartoons drawings or gestures, or written materials that show hostility because of race, color, religion, national origin, age, or disability.
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race, or any other protected basis.
4. Threats and demands to submit to improper requests in violation of this policy as a condition of continued employment or to avoid some other loss and intimidation.
5. Retaliation for having reported or threatened to report harassment.

In addition to unlawful harassment, it is SMPA's policy to ensure that all employees, supervisors, managers, directors, or other persons doing business with SMPA enjoy a safe work environment free from unreasonable interference in the performance of their job duties. Harassment may be illegal and is not acceptable behavior. SMPA will take the necessary action to eliminate it. SMPA will also treat all complaints fairly and even-handedly.

C. Responsibilities under this harassment policy

Any activity that constitutes sexual, unlawful, or other harassment, as defined in Sections A and B above, is prohibited. This policy pertains to co-employees, supervisors, managers, directors, and other persons doing business with SMPA. It is not necessary that there be a supervisory relationship between the involved persons for the activity to be unlawful or other harassment.

1. Employee: An employee who sincerely believes she or he is being impacted by actions or verbal statements of another individual as described above should promptly follow the reporting procedures outlined in Section D below. Additionally, such employees may want to consider discussing the situation directly with the offending individual, though they have no obligation to do so. The offending individual may not realize such actions or verbal statements are offensive to the employee.
2. Managers & Supervisors: Each manager and supervisor has an affirmative duty to maintain his or her workplace free of harassment. This duty includes discussing this policy with all employees and assuring them that they are not required to endure insulting, degrading, or exploitative sexual treatment. Managers and supervisors are responsible for taking prompt and appropriate action to eliminate harassment. If an employee complains of harassment, managers and supervisors are to cooperate in the investigation thereof and to support the prompt, objective, and confidential resolution of the matter without retaliation. Supervisors and department managers are also responsible for taking immediate and appropriate corrective action in response to any confirmed violation of this policy and assuring that no reprisals are taken against either those complaining or participating as witnesses.
3. The General Manager and Human Resources are responsible for formally notifying and educating employees (including newly hired employees), supervisors, managers, and directors of this policy. All employees may receive periodic refresher training on this policy.

D. Reporting and investigating harassment.

SMPA is committed to promptly, thoroughly, and confidentially investigating all harassment complaints and may use a third party to do so. SMPA will follow a specific plan of action to take appropriate corrective action on all confirmed violations of this policy.

Any employee who sincerely believes that he or she has been subject to any activity described in this policy by co-employees, supervisors, managers, directors, or other persons doing business with SMPA must report the situation immediately to their supervisor or department manager. If the employee's concerns involve the supervisor or department manager, the employee may instead report, in confidence, directly to the General Manager. In the event the General Manager is the subject of the complaint, the employee may instead report, in confidence, directly to the Board President or General Counsel of SMPA.

Any supervisor or department manager who receives a report of alleged harassment must immediately notify the General Manager. In the event the General Manager is the subject of the complaint, the supervisor or manager shall inform the Board President or General Counsel of SMPA. Supervisors and department managers who are informed directly of an employee's concerns shall follow up with the employee to be certain that the situation has been resolved. They shall also provide proper documentation of the follow-up to the Human Resources Department.

E. Retaliation

SMPA will not allow any reprisal in any form by any employee or supervisor against any complaining employee or corroborating witness. Violations will be thoroughly investigated, and appropriate action taken.

F. Confidentiality

All complaints and investigations are treated confidentially. Human Resources will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigations. All information pertaining to an investigation will be maintained in a sure file within the Human Resources Department.

G. Violations of this policy

SMPA may apply any sanction or combination of sanctions to deal with harassment, including but not limited to the following: (1) counseling with the offender(s); (2) transferring the offender(s); (3) placing the offending parties on probation, with a warning of suspension or discharge if conduct continues; (4) suspension without pay (depending on the seriousness of the offense); and /or (5) discharge.

Although this policy is intended to preclude harassment and to provide a procedure for reporting and rectifying the harassment, it is not a license to falsely accuse someone of harassment. The complaint must be based on facts. False accusations may result in disciplinary action against the accuser.

III. RESPONSIBILITY: It shall be the responsibility of the General Manager/CEO and, when appropriate, the Board of Directors and General Counsel to see that this policy, in connection with the policies regarding non-discrimination and accommodation, is implemented and followed.