

MUNICIPAL MANAGEMENT ASSOCIATION OF SOUTHERN CALIFORNIA, INCORPORATED

POLICY AGAINST HARASSMENT

I. Introduction

Municipal Management Association of Southern California, Incorporated (“MMASC”) is committed to providing an environment that is free of harassment, including sexual harassment and a hostile environment. MMASC will not tolerate harassment of, or by, any member, officer, director, volunteer, or person doing business with or for MMASC (each, a “MMASC Individual”). This policy is intended to supplement but not replace any of MMASC’s other policies and any applicable state and federal laws. If any MMASC Individual suspects any criminal activity, they are encouraged to report such activity to the proper authorities.

Sexual harassment includes:

- Unwanted sexual advances;
- Offering benefits (including employment or performance activity) in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects, pictures, cartoons or posters;
- Verbal conduct: making or using derogatory comments, epithets, slurs, and jokes;
- Verbal sexual advances or propositions;
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual’s body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations;
- Physical conduct: touching, assault, impeding or blocking movement;
- Sexual pranks or repeated sexual teasing, jokes, or innuendo, in person or via email or text messaging;
- Giving gifts or leaving objects that are sexually suggestive;
- Repeatedly standing too close to or brushing up against a person;
- Repeatedly asking a person to socialize during off-duty hours, when the person has said no or has indicated that they are not interested; and
- Any form of abusive conduct by any MMASC Individual during a MMASC meeting or other event that a reasonable person would find offensive.

A hostile environment (whether during a MMASC meeting or other event) is a specific form of harassment that includes:

- Unwelcome or offensive verbal or physical discriminatory conduct based on race, ancestry, color, religion, sex, sexual orientation, gender, gender identity, gender expression, national origin, age, marital status, disability, medical condition, genetic information, pregnancy, childbirth, or breastfeeding, family care leave status, military or veteran status, or any other legally protected characteristic;
- Harassment that is ongoing and pervasive; and
- Conduct that creates an environment that a reasonable person would consider intimidating, hostile, or abusive.

All forms of harassment, including sexual harassment and a hostile environment, are referred to herein as "Harassment."

II. Grievance Committee

MMASC has established a committee comprised of the Executive Director, President, Vice President, Director of Communications, Director of Finance, Director of Programming, Director of Membership, Immediate Past President, and a member-at-large (who shall be selected by a majority vote of the remaining members of the Grievance Committee), in order to investigate any reports of Harassment while protecting the privacy of the parties involved (the "Grievance Committee"). Five members of the Grievance Committee, one of which must be the member-at-large, shall constitute a quorum for a meeting of the Grievance Committee to commence.

In the event that a Complaint involves a member of the Grievance Committee, that member shall immediately recuse themselves from all Grievance Committee activities until the Complaint has been thoroughly investigated and appropriate action has been taken. The Grievance Committee shall always be comprised of at least five members. In the event that four or more members of the Grievance Committee are recused from the Grievance Committee, the remaining members of the Grievance Committee shall appoint additional members-at-large to the Grievance Committee as needed to bring the total members to five.

III. Complaint Procedure

Any form of Harassment is absolutely prohibited. Witnesses to any act of Harassment, as well as persons affected by Harassment, are encouraged to report the Harassment as soon as possible. The following procedure should be followed to report an act of Harassment.

- A. Any incident of possible Harassment should be brought immediately to the attention of the Grievance Committee (each, a "Complainant"), which will ensure the matter is properly handled internally for investigation.
- B. Complaints may be brought in writing or verbally to any member of the Grievance Committee, including the Executive Director.
- C. Any officer, director, committee chair, event chair, or supervisor who receives a Complaint, or who witnesses any occurrence of Harassment, is required to forward the Complaint to a member of the Grievance Committee and may use the Sexual Harassment Complaint Form attached to this policy as Appendix A.

IV. Investigation Procedure

Any time a member of the Grievance Committee receives a Complaint, they will bring the Complaint to the attention of the Grievance Committee and the following procedures will be followed to investigate the Complaint.

- A. The Grievance Committee will conduct a preliminary investigation of the Complaint by reviewing and discussing the Complaint in full, including all information and documentation provided with the Complaint.

- B. After the preliminary investigation, the Grievance Committee will determine, by majority vote after discussion in closed meeting session only, if any individuals involved in the alleged Harassment should be temporarily suspended from participation in MMASC activities while the Complaint is being investigated. The Grievance Committee will make reasonable efforts to conclude the preliminary investigation in no more than 30 days.
- C. The Grievance Committee will then conduct a fair, impartial hearing, providing an opportunity for all parties involved in the Complaint to be heard in order to fully investigate the Complaint. The investigation shall be conducted confidentially to the extent possible, including by ensuring that all discussions by the Grievance Committee are in closed meeting session only.
- D. The Grievance Committee will make a reasonable determination, after reviewing all the evidence collected, concerning whether misconduct occurred. At the Grievance Committee's discretion, it may consult with the Board of Directors or any other committee of MMASC, as it may deem appropriate, for recommendations for conflict resolution.
- E. The Grievance Committee will document and track the progress of the investigation and the investigation will be completed in a timely manner. All documentation relating to the investigation will remain confidential to the extent possible.
- F. Upon the conclusion of the investigation, the person who filed the Complaint will receive a timely response.
- G. If misconduct is found to have occurred, the results of the investigation will be reported to the Board of Directors of MMASC. Disciplinary action, up to and including discharge, termination, suspension, or expulsion from membership, directorship, or officership and participation in MMASC activities and events, will be taken against any MMASC Individual who is found to have engaged in conduct prohibited by this policy. Note that if the action to be taken by the Board of Directors results in discharge, termination, suspension, or expulsion from employment, membership, directorship, or officership, such steps as may be required by MMASC's bylaws and applicable federal and state laws must be followed. If necessary, MMASC should consult with outside legal counsel to determine the required steps for proper discharge, termination, suspension, or expulsion.

V. No Retaliation

No MMASC Individual shall be subjected to any form of retaliation for reporting any violation of this policy truthfully and in good faith, or for participating in any investigation conducted pursuant to this policy.

VI. False Reports

Making a materially false claim of Harassment or making a false statement in bad faith during a Harassment investigation is grounds for discipline, including discharge, termination, suspension, or expulsion from membership, directorship, and officership and participation in MMASC activities and events.

VII. Acknowledgement

I have read and received a copy of this policy, fully understand my obligations and responsibilities outlined herein, and agree to adhere to this policy.

Signature

Name (Print): _____

Date: _____

Appendix A

MMASC Sexual Harassment Complaint Form

This form must be completed by the officer, director, or supervisor (the "Reporter") who has received a Complaint or witnessed an occurrence of Harassment no later than the next business day after any allegation of Harassment has taken place or an occurrence of Harassment been witnessed (the "Incident").

1. Name of complainant: _____
2. Name of Reporter: _____
3. Description of Incident: _____

4. Who was involved? _____
5. When did the Incident occur? _____
6. Where did the Incident occur? _____
7. Were there any other incidents? If so, please explain: _____

8. How did the Incident make the complainant feel? _____

9. To your knowledge, was this the first time this had happened? _____

10. Were there any previous incidents of inappropriate behavior involving any of the persons involved? If so, please describe:

11. Did you keep any records, such as written notes, recordings or anything else? **If so, please attach.**

12. Are there any other facts or is there any other information that you think is relevant? _____

Signature of Reporter

Date