



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road • Tehachapi, CA 93561-7460
PHONE 661-821-4428 • FAX 661-821-0180

ADMINISTRATION COMMITTEE AGENDA October 20, 2021 11:00 am

In accordance with Assembly Bill 361 (AB 361) and the continuing state of emergency, including social distancing directives as a result of the threat of the COVID-19 virus, Board members and BVCS D staff will be participating in this meeting remotely. There will not be a physical location for this meeting. Members of the public may participate in the meeting in the following ways:

1. **Open Session Webinar Link:** <https://us02web.zoom.us/j/87204498037>
2. **Phone:** Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592
Webinar ID: 872 0449 8037
3. **International numbers available:** <https://us02web.zoom.us/j/kcq7wdEc8s>
4. **Email:** You may submit comments on a specific item to kmcewen@bvcsd.org. Please send your email at least one hour prior to the start of the meeting.

COMMITTEE MEMBERS: Chair: Charles Jensen; Vice-Chair Jay Carlyn
Staff: Bill Malinen, General Manager; Kristy McEwen, Secretary of the Board
Citizen Volunteers: Richard Bissell; Judith Cagle, Beverly Lydon

AGENDA ITEMS:

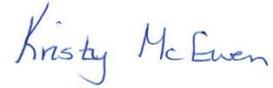
1. **Approval of Agenda**
2. **Approve Minutes of the June 16, 2021 Administration Committee Meeting**
3. **Public Comments on Non-Agenda Items**

Members of the public may address the Committee on matters within its subject matter area not listed on this Agenda. The Committee cannot take action on any item that is not on the Agenda. The Committee or staff may briefly respond to statements made or questions posed, or may ask questions for clarification. These items may also be referred to staff or scheduled on a future Agenda. There will be a separate opportunity for public comment for each item on the Agenda.

4. **Information & Discussion Items:**
 - A. Policy Review & Discussion
 - i. Social Media Policy
 - ii. Prevention and Correction of Discrimination, Harassment and Retaliation
5. **Committee Member Comments**
6. **Staff Comments**

7. **Adjournment:** The next scheduled meeting of the Administration Committee is December 15, 2021.

Signed October 14, 2021



Kristy McEwen, Secretary of the Board

INFORMATION REGARDING AGENDA ITEMS: Copies of the staff reports and other disclosable public records related to each open session item of business referred to on the agenda are on file in the office of the District Secretary and are available for public information during regular business hours. Any person who has a question concerning any of the agenda items may call the District Secretary at 661.821.4428.

ADA compliance statement: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District Secretary to the Board of Directors, Kristy McEwen, at 661.821.4428. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.



BEAR VALLEY COMMUNITY SERVICES DISTRICT

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PHONE 661-821-4428 • FAX 661-821-0180

ADMINISTRATION COMMITTEE MINUTES

June 16, 2021

11:00 am

In accordance with the Governor's Executive Order (N-29-20) and the declared State of Emergency, including social distancing directives as a result of the threat of the COVID-19 virus, Board members and BVCS D staff will be participating in this meeting remotely. There will not be a physical location for this meeting. Members of the public may participate in the meeting in the following ways:

1. **Open Session Webinar Link:** <https://us02web.zoom.us/j/81682243998>
2. **Phone:** Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592
Webinar ID: 816 8224 3998
3. **International numbers available:** <https://us02web.zoom.us/j/81682243998>
4. **Email:** You may submit comments on a specific item to kmcewen@bvcsd.org. Please send your email at least one hour prior to the start of the meeting.

COMMITTEE MEMBERS: Chair: Charles Jensen
Staff: Bill Malinen, General Manager; Kristy McEwen, Secretary of the Board
Citizen Volunteers: Richard Bissell; Judith Cagle, Beverly Lydon

AGENDA ITEMS:

1. **Approval of Agenda**
The agenda was approved unanimously by the committee.
2. **Approve Minutes of the April 21, 2021 Administration Committee Meeting**
The minutes were approved unanimously by the committee.
3. **Public Comments on Non-Agenda Items**
Members of the public may address the Committee on matters within its subject matter area not listed on this Agenda. The Committee cannot take action on any item that is not on the Agenda. The Committee or staff may briefly respond to statements made or questions posed, or may ask questions for clarification. These items may also be referred to staff or scheduled on a future Agenda. There will be a separate opportunity for public comment for each item on the Agenda.
 - None
4. **Information & Discussion Items:**
 - A. Policy Review & Discussion
 - i. Temporary Signs on District Property – The committee reviewed the policy and Mr. Malinen outlined the unintended consequences that resulted from allowing temporary campaign signs on the District right-of-way. After discussion, the committee reached consensus that the policy should be amended. Director Jensen

requested a written opinion from District Counsel confirming the legality of such an action.

Motion: The Committee RECOMMEND that the Policy regarding Signs on District Property be amended to remove Section 6: Temporary Campaign Signs, pending legal opinion from District Counsel: Jensen. Second: Lydon

Yea: 4

No: 0

- ii. Gate Area Changeable Sign Use – The committee reviewed the policy and had no recommended changes.
5. **Committee Member Comments** – Mr. Bissell asked about the possibility of working group discussions on District policies and ordinance code, outside of regular committee meetings. Ms. McEwen noted that as a standing committee of the Board, the committee is bound by Brown Act requirements.
6. **Staff Comments** – None
7. **Adjournment:** The meeting was adjourned at 11:46 am. The next scheduled meeting of the Administration Committee is August 18 2021.

Kristy McEwen

Kristy McEwen, Secretary of the Board



BEAR VALLEY COMMUNITY SERVICES DISTRICT

BEAR VALLEY COMMUNITY SERVICES DISTRICT

SOCIAL MEDIA POLICY

I. PURPOSE

This Social Media Policy provides guidelines for the establishment and use by the Bear Valley Community Services District (District) of social media sites as a means of conveying information to members of the public.

The intended purpose of the District's Social Media Pages is to make the public aware of information from the District regarding the District's mission, meetings, activities, events, services, and current issues pertinent to the residents of Bear Valley Springs. The District's use of social media is not intended to provide notices required by state law or replace traditional methods of communication. Nor is the use of social media intended for receiving comments on or objections to projects or matters before the District's Board of Directors or committees. Rather, the use of social media is intended to supplement traditional methods of communication.

Although social media provides an interactive platform, the District intends to create only a limited public forum subject to the restrictions set forth in this policy, as well as any service provider's terms of use and posting guidelines.

The District has an overriding interest and expectation in protecting the integrity, security, accuracy, and quality control of the information posted on any District Social Media Page, as well as the content that is attributed to the District and its officials. All District Social Media Pages must comply with this policy.

Any questions regarding this policy should be directed to the General Manager. The General Manager has oversight of the District's overall social media program and the authority to enforce this policy.

II. DEFINITIONS

"Content Manager" means any person authorized to establish, create, or post content on behalf of the District on a District Social Media Page. The Content Manager will be the point person for posting content, quality control, questions, day to day management, and monitoring District Social Media Pages to ensure consistency of tone and message. All Content Managers must be approved by the General Manager.

"District Social Media Pages" means social media sites, pages, mobile applications, services, or feeds established and maintained by an authorized Content Manager on behalf of the District or any of its Departments, and through which information is provided to the general public.

“General Manager” means the District’s General Manager or his or her designees, which, as applicable, may include any Content Manager.

“Posts” or “Postings” or “Comment” or “Comments” means information, articles, pictures, videos or any other form of content or communication displayed on a District Social Media Page. Posts or comments by members of the public on any District Social Media Page are also governed by this policy.

“Social media sites” refers to interactive on-line platforms which allow users to create and share content. Examples include but are not limited to Facebook, Twitter, NextDoor, YouTube, and Instagram.

III. GENERAL POLICY

- A. Content Managers must comply with this policy and with all terms of service and usage rules and regulations required by the social media site service provider, including privacy policies and content guidelines.
- B. Content Managers must conduct themselves online at all times as a professional representative of the District, consistent with the District’s mission, and in accordance with all other applicable District policies.
- C. The District’s official website at www.bvcsd.com remains the District’s primary means of communication via the Internet. Wherever possible, District Social Media Pages must identify and link back to the District’s official website for in-depth information about the District, forms, surveys, polls, documents, policies, online services, and other information necessary to conduct business with the District.
- D. No person may establish a District Social Media Page without the written approval of the General Manager
- E. Prior to establishing any District Social Media Page, the Content Manager must submit the contract, terms of service, rules, and regulations of the service provider, pertaining to the proposed social media site, to the General Manager and District counsel for legal review and assessment.
- F. The establishment and maintenance of District Social Media Pages is subject to approval by the General Manager as follows:
 - 1. All District Social Media Pages will be created using an official District email account and should bear the name and official logo of the District.
 - 2. All District Social Media Pages will utilize authorized District contact information for account set-up, monitoring, and access. Content Managers may not use personal email accounts or phone numbers for such purposes.
 - 3. The District will maintain a list of all District Social Media Pages, along with all log-in and password information and any other administrative credentials for each and every District Social Media Page.

4. Content Managers should exercise best practices and sound judgment when creating log-in credentials for District Social Media Pages. Passwords should include at least one number and one special character. The District also recommends the use of distinct passwords for each District Social Media Page.
 5. Any time a Content Manager leaves their position and is no longer managing District Social Media Pages, passwords must be changed for all accounts to which the Content Manager had access. Whenever any password is changed, the General Manager must be notified immediately.
- G. All District Social Media Pages must be maintained and managed consistent with the Brown Act, the California Public Records Act, and any and all other applicable federal, state, or local laws, including adherence to established laws and policies regarding records retention, conflicts of interest, and copyrights.
 - H. District Social Media Pages must clearly state that such pages are maintained by the District, are intended only as limited public forums, and that the pages comply with the District's Social Media Policy. The District's Social Media Policy must be displayed to users or made available by hyperlink, and must be available on the District's website. District Social Media Pages must also clearly reference or provide a hyperlink to the Terms of Use and Comment Guidelines, as set forth in Section V of this policy.
 - I. Any content maintained on a District Social Media Page that is related to District business, including a list of subscribers and posted communication, may be considered a public record and subject to public disclosure. Content related to District business should be in an accessible format so it can be produced in response to a request.
 - J. The General Manager reserves the right to terminate any District Social Media Page at any time with or without notice. The District also reserves the right to change, modify, or amend all or part of this policy at any time, with or without notice.
 - K. District Social Media Pages may contain content, including but not limited to, advertisements or hyperlinks over which the District has no control. The District does not endorse any hyperlink or advertisement placed on the District Social Media Pages by the social media site's owners, vendors or partners.
 - L. Postings are to be made primarily during normal business hours. After-hours or weekend postings may be made when the news or information is relevant to an event or activity occurring, in the event of a disaster/emergency situation, or with the approval of the General Manager.

IV. DISTRICT CONTENT STANDARDS AND USE GUIDELINES

- A. Content posted on District Social Media Pages is subject to oversight by the General Manager.
- B. The content of District Social Media Pages may only pertain to District-sponsored or District-endorsed programs, services, policies, or events, or items of general community interest. Content may include, but is not limited to, information, articles, photographs, videos, and hyperlinks.

- C. Content Managers authorized to post items on any of the District’s Social Media Pages must review, be familiar with, and comply with the social media site’s use policies and terms and conditions.
- D. The District must have full permission and rights to any content posted by or on behalf of the District or its Departments, including all photographs and videos.
- E. Postings must not contain any personal information (including home addresses, phone numbers or social security numbers), except for the names of employees whose job duties include being available for contact by the public, or information deemed confidential, proprietary, private, or financial about the District or any District employee, contractor, elected or appointed official, or member of the public. Postings must contain information that is freely available to the public and not be confidential as defined by any District policy or state or federal law.
- F. Content Managers may use District Social Media Pages to “share,” “like,” or “retweet” content from other District or Department Social Media Pages. District Social Media Pages may also “share,” “like,” or “retweet” content from other government entities, civic organizations, or nonprofit organizations’ social media pages, at the discretion of the General Manager. “Liking” or “sharing” or “retweeting” of political, social, or religious material is prohibited.
- G. Members of the Board of Directors and any committee may “like,” “share,” or “retweet” any published postings to promote District news and events, but must not respond or use social media or any other form of electronic communication to respond to or engage in serial meetings, or discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the District.
- H. Content Managers may not express their own personal views or concerns through postings on any District Social Media Page. Instead, postings on any District Social Media Page by Content Managers must only reflect the views of the District and be factual in nature.
- I. Content Managers may share links to other social media sites and outside websites that offer helpful resources for users. The District is not responsible for the content that appears on these outside links and provides these links as a convenience only.
- J. Except as expressly provided in this policy, use of any social media site must comply with all applicable District policies pertaining to communications and the use of the internet by employees, including email content.

V. **TERMS OF USE AND COMMENT GUIDELINES**

The following Terms of Use and Comment Guidelines must be prominently posted on all District Social Media Pages in the “About” and/or “Page Information” and/or similar description areas, or be made available through a prominently displayed hyperlink or through other means to convey the Terms of Use and Comment Guidelines to members of the public and users of the service provider.

Terms of Use and Comment Guidelines

- A. This is an official Social Media Page of the Bear Valley Community Services District. For more information about the District, please visit www.bvcsd.com. This Social Media Page is intended to serve as a mechanism for providing information to the public from the District about the District's mission, meetings, activities, events, programs, services, and other information of community interest. This Page is intended only as a limited public forum and is maintained consistent with the District's Social Media Policy. All public comments should be limited and responsive to the content of the initial post and are subject to the restrictions set forth in these Terms of Use and Comment Guidelines and the District's Social Media Policy, as well as the service provider's terms of use and posting guidelines.
- B. This Bear Valley Community Service District Social Media Page is for general public information only. Should you require a response from the District or wish to request District services, you must go to www.bvcsd.com or call the District at 661-821-4428. Requests for copies of public records must be made to the Secretary of the Board of Directors and may not be made through this site or page.
- C. By reviewing the District's Terms of Use and Comment Guidelines, and proceeding further to utilize or access a District Social Media Page, you hereby agree to these Terms of Use and agree to comply with the Comment Guidelines.
- D. A comment or post by a member of the public on any District Social Media Page is the opinion of the commenter or poster only, and does not imply endorsement of, agreement with, or reflect the opinions or policies of the District.
- E. When available, the District will utilize a social media site automatic content filtering features to ensure content uses appropriate for a public agency, "family friendly" forum.
- F. Users should be aware that links to external pages and sites, and the information found on those pages and sites, are not controlled by or endorsed by the District. The District reserves the right to delete links posted by outside individuals that violate the District's post policy at any time without notice.
- G. All content on District Social Media Pages is subject to monitoring. Comments containing any of the following inappropriate forms of content will not be permitted on any of the District's Social Media Pages, and are subject to removal and restriction by the General Manager:
 - 1. Comments not related or responsive to the original topic, including random or unintelligible comments; profane, obscene, violent, sexual or pornographic content and/or language;
 - 2. Content that promotes, fosters or perpetuates discrimination or harassment on any legally protected category to include race, religious creed, color, national origin, ancestry, sex, age, physical or mental disability, medical condition, sexual orientation, marital status, gender identity, gender expression, genetic characteristics or information, military and veteran's status, or any other category protected by federal or state law, including association with individuals with these protected

characteristics or perception that an individual has one or more of these protected characteristics;

3. Defamatory or personal attacks;
4. Threats to any person or organization;
5. Comments in support of, or in opposition to, any political campaigns or ballot measures;
6. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
7. Conduct in violation of any federal, state or local law;
8. Encouragement of illegal activity;
9. Information that may tend to compromise the safety or security of the public or public systems;
10. Content that violates a legal ownership interest, such as a copyright, of any party;
11. Harassment or content which constitutes and/or facilitates stalking;
12. Content which violates the right to privacy;
13. Encouragement of violence; and
14. Comments which may reasonably interfere with, inhibit, or compromise law enforcement investigations, police tactics, police responses to incidents and/or the safety of police staff and officers.

The above list is not necessarily exhaustive and the District reserves the right to remove or restrict any post or comment that violates the purpose or spirit of these Terms of Use and Comment Guidelines. The District further reserves the right to deny access to District Social Media Pages for any individual who violates the District's Social Media Policy or these Terms of Use and Comment Guidelines, at any time and without prior notice.

- H. Comments posted to District Social Media Pages will be monitored and inappropriate content as defined above will be removed as soon as possible and without prior notice.

VI. PRIVATE SOCIAL MEDIA USE BY EMPLOYEES

- A. District employees are personally responsible for the content they publish on the Internet, social media sites, blogs, or any other form of user-generated media. Be mindful that nothing posted on the Internet is private, and such material can be used in administrative investigations, discipline, and litigation. If you identify yourself as a District employee, ensure your profile and related content is consistent with how you wish to present yourself to colleagues and the community.
- B. While things you say on the Internet, including comments made on social media sites, may be subject to both First Amendment protections and limitations, any personal use of social media sites outside of work must not give the appearance that you are speaking pursuant to your official job duties with the District or on behalf of the District. For example:

1. Do not use your work e-mail address to register for personal social media accounts.
 2. Do not display the District Logo or other official District symbols, emblems, or patches on your personal social media accounts.
 3. Do not provide or disclose the District's confidential, private, financial, or other proprietary information or personnel or private information about other District employees, agents, volunteers, contractors, or elected or appointed officials, or any other individual or business entity associated with the District.
 4. Do not state or imply that you speak for the District, for a District Department, or for District officials.
- C. District employees are expected to remain respectful of the District and its officials, officers, employees, agents, volunteers, contractors, or elected or appointed officials, or any other individual or business entity associated with the District.
- D. The posting of material that is obscene, vulgar, defamatory, threatening, discriminatory, harassing, abusive, hateful, or embarrassing to another person or entity that could contribute to a hostile work environment, or that otherwise detrimentally impacts the workplace or violates the District's standards of conduct may be grounds for discipline.
- E. Employees should not use personal social media sites for District related activities, such as communicating with volunteers and the general public, unless expressly authorized to do so by the District.
- F. Employees are not permitted to access non-work-related social media sites during work hours or with District computers or devices.
- G. Failure to comply with any of the provisions of this Policy may result in disciplinary action. Please direct all questions regarding this Policy to the General Manager.
- H. Nothing in this policy is intended to prohibit employees from speaking as a private citizen on matters of public concern, or from engaging in protected speech, or engaging in any other concerted or activity protected by law.

**BEAR VALLEY COMMUNITY SERVICES DISTRICT
SOCIAL MEDIA POLICY**

I acknowledge that I have received the Bear Valley Community Services District's Social Media Policy. I understand that it is my responsibility to be familiar with and conform to the procedures contained in this policy and that I am expected to abide by the rules and requirements contained in the policy.

Print Name: _____

Signature: _____

Date: _____



BEAR VALLEY COMMUNITY SERVICES DISTRICT

PREVENTION AND CORRECTION OF HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY

A. Policy Objective.

The Bear Valley Community Services District (“District”) is committed to providing a work environment that is free of discrimination, harassment, and retaliation. In keeping with this commitment, the District strictly prohibits all types of harassment or discrimination because of race, religious creed, color, national origin, ancestry, sex, age, physical or mental disability, medical condition, sexual orientation, marital status, gender identity, gender expression, genetic characteristics or information, military and veteran’s status, and/or any other category protected by federal and/or state law. Further, the District takes reasonable steps to correct discriminatory, harassing, and retaliatory conduct promptly.

Accordingly, the purpose of this Policy is to define and forbid discriminatory, harassing, and retaliatory conduct, to prohibit the condoning or perpetuating of such conduct, and to provide an efficient means for reporting, investigating, and resolving complaints of discrimination, harassment, or retaliation.

B. Authority:

Title VII of the 1964 Civil Rights Act; Section 12940 et seq. of the California Government Code; and all other applicable state and federal anti-discrimination laws.

C. Applicability:

This policy applies to all officers, employees, interns, and volunteers involved in the operation of the District, and prohibits harassment, discrimination, and retaliation by any employee of the District, as defined in this Policy, by others doing business with the District. If harassment is committed on the job by someone not employed by the District, the procedures in this policy should be followed as if the harasser were an employee of the District, to the extent feasible.

D. Assigned Responsibility:

It is the responsibility of all employees and officers to ensure that they are informed of, understand and abide by the provisions of this policy.

Employees who have questions regarding this Policy or are uncertain what constitutes discrimination, harassment, sexual harassment, retaliation, or other prohibited conduct under the Policy should contact a supervisor or the General Manager.

E. Policy:

Harassment, discrimination, and/or retaliation based on legally protected characteristics will not be tolerated. This policy applies to all terms and conditions of employment including, but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, training, and any other work product or condition.

Violation of this policy is grounds for disciplinary action, up to and including termination.

F. Definitions:

- a. Employee: Any individual under the direction and control of the District under any appointment or contract of hire or apprenticeship, express or implied, oral or written. For purposes of this Policy, the term “employee” includes any individual who is an unpaid intern or volunteer of the District. The inclusion of any individual, including but not limited to unpaid interns and volunteers, in the definition of “employee” for purposes of this policy should not be interpreted to affect the applicability of any other policy or procedure of the District.
- b. Legally Protected Category or Characteristic: Race, religious creed, color, national origin, ancestry, sex, age, physical or mental disability, medical condition, sexual orientation, marital status, gender identity, gender expression, genetic characteristics or information, military and veteran’s status, and/or any other category protected by federal and/or state law, including association with individuals with these protected characteristics or perception that an individual has one or more of these protected characteristics.
- c. Discrimination: Discrimination is any action or conduct by which an employee is treated differently or less favorably than other employees similarly situated to him or her because he or she is a member of a legally protected category.
- d. Harassment:
 - i. Unwelcome verbal, visual, or physical conduct based on an Employee’s membership in a Legally Protected Category that creates an intimidating, offensive, or hostile work environment. Such conduct constitutes harassment when:
 - 1. Submission to the conduct is made either an explicit or implicit term or condition of employment;
 - 2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual; or
 - 3. The conduct unreasonably interferes with an employee’s work performance by altering the work conditions so that a reasonable person may find it more difficult to do the job or creates an intimidating, hostile, or offensive work environment.

ii. Harassing conduct can take many forms and includes, but is not limited to, slurs, jokes, statements, gestures, pictures, computer images, or cartoons regarding an employee's Legally Protected Characteristic. Harassment on the job is prohibited whether done by a co-worker, supervisor, manager, or by a third party doing business with or for the District.

e. Sexual Harassment:

1. Unwelcome sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature may constitute sexual harassment when the conduct otherwise constitutes Harassment.

- a. Submission to such conduct is made either an explicit or implicit term or condition of employment;
- b. Submission to or rejection of such conduct is used as a basis for an employment decision affecting the individual; or
- c. The conduct unreasonably interferes with an employee's work performance by altering the work conditions so that a reasonable person may find it more difficult to do the job or creates an intimidating, hostile, or offensive work environment

2. This definition includes numerous potential forms of offensive behavior. The following is a list of some examples:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Making or threatening reprisals after a negative response to sexual advances.
4. Visual conduct, such as leering, making sexual gestures, displaying of sexually explicit jokes, comments about an employee's body or dress.
5. Verbal sexual advances or propositions.
6. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.
7. Physical conduct, such as touching, assault, impeding, or blocking movements.
8. Retaliation for reporting harassment or threatening to report harassment.

3. Sexual harassment can occur between members of the same or opposite sex. Sexual harassment need not be motivated by sexual desire. Sexual harassment on the job is prohibited whether it involves co-worker

harassment, harassment by a supervisor or manager, or harassment by third parties doing business with or for the District.

f. Retaliation

1. Taking adverse action against any employee because of:
 - a. The employee's opposition to a practice the employee reasonably believes to constitute employment discrimination, harassment, or retaliation,
 - b. The employee's participation in an employment discrimination, harassment, or retaliation investigation, proceeding, or hearing. or
 - c. Opposition or participation by a family member or close associate of the employee.
2. Protected Opposition: Protected opposition to perceived discrimination, harassment, or retaliation, includes, but is not limited to, threatening to file a discrimination, harassment, or retaliation complaint with any federal or state agency, or court, or complaining or protesting about alleged discrimination, harassment, or retaliation to a supervisor, manager, co-worker, or other official. Protected opposition also includes a complaint or protest made on behalf of another employee or made by the employee's representative. The District also prohibits retaliation against somebody closely related to or associated with the employee exercising such rights. Opposition not made in good faith, or made in a manner which disrupts the workplace, or which constitutes an unlawful activity, or which includes badgering or threatening of employees or supervisors is not protected.
3. Protected Participation: Protected participation includes, but is not limited to, filing a charge, testifying, assisting, or participating in any manner in an investigation under this Policy, or in a proceeding, hearing or litigation under federal or state discrimination, harassment, or retaliation statutes, at other hearings regarding protected employee rights, such as unemployment compensation proceedings, and making requests for reasonable accommodation of a Legally Protected Characteristic.
4. Adverse Action: Adverse actions include, but are not limited to, the following acts: disciplinary actions, negative performance evaluations, undesirable transfer, undesirable assignments, negative comments, unwarranted criticism, actions that harm the employee outside the workplace, undesirable change in benefits, undesirable change in work schedule, unwarranted exclusion from meetings or events, or undesirable change in work duties.

g. Supervisor: Any individual having the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

G. Training and Policy Dissemination:

- a. Non-Supervisory Employees: All employees who are hired by the District will be given a copy of this policy, and will receive guidance from the General Manager's office on its provisions and the District's commitment to provide a harassment-free and discrimination-free workplace. All nonsupervisory, and temporary/seasonal employees will be trained in accordance with the requirements of the Fair Employment and Housing Act (Government Code § 12950.1) and implementing regulations.

- b. Supervisors:
 - i. All supervisors will be trained once every two years on matters relating to the prevention, reporting, and investigation of harassment, discrimination, and retaliation. Further, individuals appointed to supervisory positions from a non-supervisory position or as a new employee shall receive training within six months of their hiring or assumption of the supervisory position.

 - ii. Supervisory training will last for a minimum of two hours.

 - iii. Supervisory training will be conducted in a classroom or other interactive setting and will, at a minimum, cover the following topics:
 - 1. Information and practical guidance regarding federal and state statutory laws about sexual harass harassment; and

 - 2. Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation.

H. Complaint Procedures:

- a. In General:
 - i. The District's complaint procedure provides for an immediate, thorough, impartial, and objective investigation of every harassment discrimination, and retaliation claim, appropriate disciplinary action against anyone found to have engaged in prohibited harassment, discrimination, or retaliation, and appropriate remedies to any victim of harassment, discrimination, or retaliation. The District encourages reporting of all perceived incidents of discrimination, harassment, and retaliation.

 - ii. Any employee who believes that he/she is being harassed or discriminated against by another employee or a third party is encouraged, but is not required, to confront this person and politely, but firmly inform the person of the conduct that he/she finds offensive and request that the person cease this behavior. If the employee does not wish to confront the person harassing or discriminating against them, or if his/her attempts to do so have failed, the employee should file a complaint with the District:

b. Filing a Complaint:

- i. Employees who believe they have been harassed or discriminated or retaliated against on the job, including by persons doing business with or for the District, should promptly report the complaint to their immediate supervisor, any supervisor, or to the General Manager as soon as possible. When reporting harassment, discrimination or retaliation, employees are not required to follow their chain of command, and are not required to follow any grievance procedures set forth in the District's Personnel Policies or in any applicable labor agreements.
 1. Complaints regarding the General Manager may be submitted to the District Secretary, who can submit them to the District General Counsel's Office for consideration by the District's Board of Directors in closed session.
 2. Complaints regarding a member of the District's Board of Directors or other elected or appointed District official may be submitted to the General Manager or District's General Counsel.
- ii. Complaints can be made orally or in writing and should include the following information:
 1. The employee's name and position title.
 - b. The name of the person or persons committing the perceived discrimination, harassment, or retaliation, including their title(s).
 - c. The specific nature of the perceived harassment, discrimination, or retaliation, how long it has been going on, and any adverse employment action, demotion, failure to promote, dismissal, refusal to hire, transfer, etc., taken against the victim as a result of the misconduct, if applicable, or any other threats made against the victim as a result of the misconduct.
 - d. Name and position title(s) of witnesses, if any.
 - e. Whether the victim previously has reported such discrimination, harassment, or retaliation, and, if so, when and to whom.
3. Notification to the District is essential. Employees may be assured that they will not be penalized in any way for filing a good faith complaint of potential discrimination, harassment, or retaliation.

ALL EMPLOYEES SHOULD NOTE THAT THE FAILURE TO USE THE DISTRICT'S COMPLAINT PROCEDURE MAY HAVE AN ADVERSE EFFECT ON ANY CLAIM UNDER THIS POLICY IF SUCH CLAIMS ARE LITIGATED.

C. Reporting Obligations

1. Any supervisor who receives a complaint of discrimination, harassment, retaliation, witnesses discrimination, harassment, or retaliation, or has any reason to believe that discrimination, harassment, or retaliation, may have occurred in the workplace is required to report the conduct immediately to the General Manager.
2. A supervisor will be subject to discipline for failing to report offensive conduct that potentially constitutes discrimination, harassment, or retaliation, if the supervisor knew or should have known of the offensive conduct in the normal course and scope of his/her supervisory duties.
3. All other employees who observe or are advised about discrimination, harassment, or retaliation, involving another employee are encouraged to report the conduct to a supervisor or to the General Manager.

D. The District's Response to Reports or Complaints

1. Investigation of Complaints

- a. All incidents of discrimination, harassment, and retaliation that are reported must be investigated appropriately by the District so that corrective and preventive actions can be promptly taken if warranted. The District will promptly undertake or direct an effective, thorough, impartial, and objective investigation of the allegations, which will be conducted by qualified personnel.
- b. The investigation will include obtaining information from the accused and anyone who may have been a witness to the alleged misconduct. Statements made in the course of the investigation will be kept as confidential as practicable.
- c. The District will document each complaint and track each investigation to ensure reasonable progress, timely closure, and reasonable findings based on the evidence collected.

2. Intermediary Measures: Employees may be placed on a leave of absence, or subject to other intermediary measures, until the conclusion of the investigation.

3. Cooperation with the Investigation

- a. The District will not tolerate any employees who interfere with its own internal investigations, or internal complaint procedures, including but not limited to, conducting separate, unauthorized investigations, or jeopardizing the integrity of an investigation, at any time.

- b. All employees involved in a workplace investigation into alleged discrimination, harassment, or retaliation, are required to fully and truthfully cooperate with the investigation. Failure to fully and truthfully cooperate with the investigation is grounds for disciplinary action, up to and including termination.
- c. All employees are prohibited from engaging in retaliation, as defined in Section VI.F., above.

4. District Determination and Corrective Action

- a. The District will make its determination based on the findings of the investigation and communicate that determination to the complaining employee, and to the accused. Parties are not entitled to copies of any notes or other written materials regarding the investigation, as these are considered to be confidential documents.
- b. If it is determined that the accused, or any other employee has violated District policies, appropriate corrective action will be taken. In addition, as part of the District's efforts to remedy the complaining employee's concerns, the complaining employee will be informed in general terms whether corrective action has, or will be imposed against the violator.
- c. The information and definitions set forth in Section VI, above, are based on the legal definitions of discrimination, harassment, and retaliation. In light of the District's duty to prevent such unlawful conduct, and in light of the District's desire to have a professional and productive work environment, the District reserves the right to take appropriate corrective action when an employee engages in inappropriate conduct that does not fully rise to the legal standards or definitions set forth in Section VI of this Policy. For example, the District may take appropriate corrective action for inappropriate conduct, even if such conduct was not subjectively unwelcome or offensive to another employee of the District, or did not involve a legally protected characteristic.

5. Intentionally False Complaints: While the District vigorously defends its employees' right to work in an environment free of discrimination, harassment, and retaliation it also recognizes that false accusations of discrimination, harassment, or retaliation can have serious consequences. Accordingly, any employee who is found, through the District's investigation, to have deliberately and falsely accused another person of discrimination, harassment, or retaliation will be subject to appropriate disciplinary action, up to and including termination.

6. Anonymity and Confidentiality

- a. While the District will investigate anonymous complaints, the District strongly discourages anonymous complaints.
- b. **EMPLOYEES CHOOSING TO FILE A COMPLAINT ANONYMOUSLY MUST BE AWARE THAT ANONYMITY IN THE COMPLAINT PROCEDURE MAY COMPROMISE THE DISTRICT'S ABILITY TO COMPLETE A THOROUGH INVESTIGATION.**
- c. Employees should also be aware that should the District learn of the identity of an anonymous complainant, the District cannot guarantee that his/her identity will remain confidential, if the District determines in its discretion that disclosure is necessary to complete the investigation.
- d. The District will take all reasonable steps available to maintain the confidentiality of all complaints of discrimination, harassment, retaliation, as well as all information gathered during an investigation. However, the District retains sole discretion to determine whether disclosure of information is necessary to complete the investigation.
- e. All employees involved in the investigation of discrimination, harassment, or retaliation complaints as either investigator(s), complainant(s), witness(es), or accused are required to keep all information related to the investigation confidential. Revealing such information is grounds for disciplinary action, except as expressly permitted by law, such as in discussion with a legal or employee representative.

E. Employee's Duty to Disclose Benefits Received:

1. Employees are hereby informed that no supervisor, manager, or officer of the District, or other person or entity doing business with the District, is authorized to expressly or impliedly condition the receipt or denial of any benefit, compensation, or other term or condition of employment on an employee's acquiescence to any sexual demand.
2. To the contrary, all employees are instructed that they must refuse such demands and report them promptly either to their immediate supervisor or to the General Manager. Any employee who is found to have accepted any benefit from the District because he/she submitted to an unreported sexual demand will be disciplined appropriately, including but not limited to, reimbursement for the value of any benefits received. Any employee making such a demand will be similarly disciplined.

I. Additional Enforcement Information:

In addition to the District’s internal complaint procedure, employees should also be aware that the Equal Employment Opportunity Commission (“EEOC”) and the Department of Fair Employment and Housing (“DFEH”) investigate and prosecute complaints of harassment, discrimination, and retaliation in employment.

Employees can contact the EEOC as follows: Employees can contact the DFEH as follows:

Los Angeles District Office
255 East Temple, 4th Floor
Los Angeles, California 90012
800-669-4000 | 800-669-6820 (TTY)
www.eeoc.gov

Bakersfield Office
4800 Stockdale Highway, Suite 215
Bakersfield, CA 93309
800-884-1684 | 800-700-2320 (TTY)
www.dfeh.ca.gov

BEAR VALLEY COMMUNITY SERVICES DISTRICT
PREVENTION AND CORRECTION OF HARASSMENT, DISCRIMINATION, AND
RETALIATION

ACKNOWLEDGEMENT OF RECEIPT

By my signature below, I acknowledge that I have received, read and understood the Bear Valley Community Services District's Policy, Prevention and Correction of Harassment, Discrimination, and Retaliation, and I will abide by its terms. I understand that failure to fully comply with all terms set forth in the policy may lead to disciplinary action, up to and including termination.

Employee's Name (PLEASE PRINT)

Employee's Signature

Date