



## **Board Policy No. 213**

### **Prohibiting Unlawful Employment Discrimination, Harassment, and Retaliation**

**ADOPTED:** 8/1998

**RECENT AMENDMENT:** 12/14/2022

**SEE ALSO:** 213A

**SUBJECT CATEGORY:** CIVIL RIGHTS AND COMPLIANCE

**SUBSECTION:** GENERAL

**CONTROL DEPARTMENT:** OFFICE OF CIVIL RIGHTS AND  
COMPLIANCE

#### **I. PURPOSE**

AC Transit is committed to fostering an inclusive workplace. Every employee has the right to work in a professional and inclusive atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices. The purpose of this policy is to ensure a workplace free from all forms of unlawful employment discrimination, harassment, and retaliation.

#### **II. PERSONS AFFECTED**

All Board members, Board Officers, employees, temporary workers, volunteers, paid and unpaid interns, consultants, vendors, contractors, job applicants, and anyone else conducting business with the District.

#### **III. DEFINITIONS**

**“Discrimination”** means the unequal treatment of individuals with respect to the terms and conditions of employment, based on the individual’s membership or perceived membership in a protected category.

**“Harassment”** means unwelcome visual, verbal, or physical conduct that a reasonable person would consider intimidating, hostile, or abusive, based on an individual’s actual or perceived membership in a protected category or in retaliation for protected conduct (as defined below).

**“Harassing Conduct”** includes but is not limited to the following:

- **Physical Conduct:** unwanted touching, leering, prolonged staring, impeding or blocking movement, or any physical interference with normal work or movement, as well as defacement of a person’s property;
- **Verbal Conduct:** epithets, slurs, derogatory or demeaning comments, even if not directed at a specific person or persons, innuendo, jokes or ridicule, threats, or comments indicating stereotyping;
- **Visual Forms of Harassment:** leering, derogatory or sexually explicit emails, text messages, posters, letters, poems, graffiti, cartoons, computer screen savers, or drawings; and

- **Other Conduct:** hostility, exclusion, ostracism, or mistreatment based on a person's protected status or in retaliation for protected conduct.

**"Protected Status"** means race, color, religion (includes religious dress and grooming practices), sex/gender (includes pregnancy, childbirth, breastfeeding and/or related medical conditions), gender identity/gender expression, sexual orientation, marital status, medical condition (genetic characteristics, cancer or a record or history of cancer), military or veteran status, national origin, ancestry, disability (mental and physical), age, or any other group protected by federal, state or local law.

**"Protected Conduct/Activity"** includes filing a complaint, or otherwise opposing conduct the individual reasonably believes to be unlawful discrimination, harassment, or retaliation, or assisting in the investigation of a complaint.

**"Retaliation"** means a negative employment action against, or harassment of individuals who engage in, or are perceived to have engaged in, protected conduct or activities.

**"Sexual Harassment"** means unwanted sexual advances, requests for sexual favors, and/or other verbal, physical, visual, or written conduct of a sexual nature, or other conduct based on sex, gender, or gender identity. Sexual harassment includes but is not limited to the following:

- Requests for sexual favors or unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Verbal harassment;
- Physical harassment; or
- Visual forms of harassment.

**"Third Party Harassment"** means harassing or discriminatory conduct that is observed by an individual who is not the target of the behavior but is affected by the offensive conduct.

#### IV. POLICY

##### A. General

AC Transit strictly prohibits any form of unlawful employment discrimination, harassment and/or other inappropriate conduct based on an individual's membership or perceived membership in a protected category.

This policy applies to all District locations and all off-premises work and/or events, including but not limited to, activities such as training, business trips, team social events, community events, conference calls, and social media platforms.

Reports of discrimination or harassment will be promptly and thoroughly investigated. AC Transit prohibits retaliation against any individuals who report discrimination or harassment or participate in an investigation, proceeding, or hearing involving such reports.

The Human Resources Department, in conjunction with the Office of Civil Rights and Compliance is responsible for distributing this policy to all employees with an acknowledgment form for the employee to sign and return for filing.

## **B. Responsibilities**

It will be the responsibility of the Human Resources Department in conjunction with the Office of Civil Rights and Compliance to distribute this Policy to all Board members, Board Officers, and employees.

It will be the responsibility of each Board member, Board officer, District employee, contractor/vendor representative, and any other person or entity operating under the direction of the District to ensure that his or her on-the-job behavior and performance are consistent with this policy.

Consistent with this policy, supervisors, co-workers, and third parties are prohibited from engaging in unlawful behavior under State and Federal laws or regulations promulgated by the State of California Civil Rights Department and the Equal Employment Opportunity Commission (EEOC).

## **V. AUTHORITY**

### **A. Authority of the General Manager**

The General Manager is directed to issue the Administrative Regulation necessary to implement this policy.