Prohibition of Discrimination, Harassment and Retaliation

SMUD prohibits discrimination, harassment and retaliation by a supervisor, coworker, customer, vendor, contractor, applicant, or other person doing business with SMUD. SMUD holds its employees to a higher standard than that required by law and is committed to providing a work environment in which all individuals are treated with respect and dignity. Therefore, SMUD expects its employees to conduct themselves in a professional and business-like manner.

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events. Where a violation of this policy is determined to have occurred, regardless of whether an individual has complained, SMUD will take prompt remedial action to stop the behavior and prevent its reoccurrence.

An employee who violates this policy or SMUD’s other related policies will be subject to disciplinary action, up to and including the immediate termination of their SMUD employment. SMUD’s Positive Discipline policy AP 05.02.09 does not apply to violations of this policy. An individual who engages in unlawful conduct may also be personally liable for their actions, and may be subject to civil penalties.

Protected Categories

SMUD believes in equal opportunity for all of its employees and applicants. SMUD prohibits discrimination and harassment based on any of the following protected categories:

- Age (40 and above)
- Race, ethnicity, or color (including traits historically associated with race such as hair texture and hair styles)
- National origin or ancestry (including language or accent restrictions; threats of deportation; participation in organizations identified with or promoting a national origin group like schools, religious institutions, etc.; names associated with a national origin group; and the physical, cultural, or linguistic characteristics, associated with a national origin group)
- Religion & religious creed (including religious dress or grooming practices)
• Sex or gender (including pregnancy, childbirth, or any related medical conditions, requests for pregnancy disability leave, or requests for extra break time to express breast milk)

• Sexual orientation

• Gender identity & expression (including gender-related appearance/behavior, whether or not stereotypically associated with the person’s assigned sex at birth)

• Marital status

• Disability (mental and physical, including HIV and AIDS)

• Medical condition (including cancer/genetic characteristics)

• Genetic information

• Uniformed service (military and veteran status)

• Family or medical leave requests

• Political or union affiliation

• Workers’ compensation injuries or claims

• Victims of domestic violence, sexual assault, or stalking

• Any other category/activity protected by federal, state, or local law

Discrimination involves the denial of privileges or failure to treat someone equally because of their membership in a protected category (see list above).

Examples of actions that may violate this policy include, but are not limited to:

• Terminating, demoting, or withholding advancement or training opportunities to an employee because of their protected characteristic(s), such as disability, gender, or age.

• Restricting employees from using languages other than English in the workplace unless the restriction is necessary for conducting business.

• Asking a question about an applicant’s protected category, such as age, religion, or pregnancy status, that is unrelated to the position.

• Excluding a person from certain meetings or group activities because of their protected characteristic(s), such as ethnicity or sexual orientation.
SMUD prohibits harassment based on membership in a protected category (see list above). Harassment is unwelcome verbal, physical, or visual conduct directed at an individual because of their membership in a protected category.

Examples of actions that may violate this policy include, but are not limited to:

- Making disparaging comments or jokes related to a person’s protected category, such as race, national origin, military duty, medical condition, or gender identity/expression.
- Behaving in an intimidating or offensive manner because of a person’s protected characteristic(s) such as age, gender, or sex.
- Including religious or anti-religious statements or jokes in emails, text messages, or as a screensaver.

Sexual harassment is unlawful. Sexual harassment can arise from (1) an offer conditioned on receiving sexual favors or (2) actions that create a hostile work environment based on another’s sex or gender. This includes harassment of a person of the same sex. Sexual harassment can take the form of unwelcome physical, verbal, or visual conduct. As with other types of harassment or discrimination, an employee’s behavior may violate this policy without meeting the legal definition of “sexual harassment.”

Examples of actions that may violate this policy include, but are not limited to:

- Making unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Leering, whistling, or Making verbally abusive comments of a sexual nature, such as graphic commentaries about an individual’s body or using sexually degrading words to describe an individual.
- Displaying, distributing, viewing, or storing sexually suggestive objects, pictures, cartoons, or posters.
- Unwelcome touching or impeding/blocking movements. making sexual gestures.
Retaliation

SMUD prohibits retaliation against a person because they have made a complaint, participated in the investigative process, or engaged in other conduct protected by this policy. Examples of actions that may violate this policy include, but are not limited to:

- Eliminating a pay increase because an employee refused to engage in what they reasonably thought was discriminatory conduct.

- Denying necessary training to a person because of their testimony during an investigation.

- Withholding an assignment so as to adversely affect an employee's job performance or career advancement for having made a complaint.

Complaints

Individuals who believe they have experienced or witnessed conduct prohibited by this policy should immediately report such conduct to their supervisor, the Fair Employment Office, Labor Relations or the Legal Office or utilize SMUD's Ethics and Compliance Hotline (800-921-8407) or Website (www.integrity-helpline.com/smud.jsp). Individuals may also report any unlawful discriminatory, harassing, or retaliatory conduct to an appropriate government agency such as the Department of Fair Employment and Housing (800-884-1684) or the Equal Employment Opportunity Commission (800-669-4000).

Supervisors are required to immediately report all complaints they receive regarding suspected violations of this policy to the Fair Employment Office.

SMUD will promptly investigate or otherwise appropriately respond to any complaint involving an alleged violation of this policy. If you feel SMUD has not adequately begun to respond to your complaint within five (5) working days of making the complaint, immediately contact another SMUD supervisor/office identified above.

Everyone involved in an investigation of an alleged violation of this policy must fully cooperate, including, but not limited to, attending all required meetings, providing accurate and truthful information, being forthcoming, conducting oneself in an appropriate and courteous manner when meeting with investigators, complying with SMUD’s prohibition of retaliation, and maintaining appropriate confidentiality.