

# Discriminatory Harassment

## 314.1 PURPOSE AND SCOPE

Federal MODIFIED

The purpose of this policy is to prevent Department of State Hospital (DSH) employees from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

## 314.2 POLICY

Federal MODIFIED

DSH is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation Government Code section 12940(k); 2 California Code Regulations. 11023). DSH will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. DSH will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of DSH may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

## 314.3 DEFINITIONS

Federal

Definitions related to this policy include:

### 314.3.1 DISCRIMINATION

Federal MODIFIED

DSH prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or

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DSH equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to DSH policy and to a work environment that is free of discrimination.

### **314.4 DEPARTMENT OF STATE HOSPITALS POLICY**

#### **Agency Content**

Employees shall follow DSH Sexual Harassment Policy and Discrimination Policy as described in the following:

Special Order 412.03

Special Order 413.04

Policy Directive 200 and 205

Section 703, Title 7, Civil Rights Act

Government Code 12940, 12950.1 and 19702

Governor's Executive Order S-6-04

### **314.5 WORKING CONDITIONS**

#### **State**

The Professional Standards Watch Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other State employees who are similarly tasked (2 CCR 11034).

### **314.6 REQUIRED POSTERS**

#### **State MODIFIED**

DSH shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Gov. Code § 12950).