

**PORT OF NEWPORT
RESOLUTION NO. 2020-01**

**A RESOLUTION ADOPTING A PREVENTION OF WORKPLACE DISCRIMINATION,
HARASSMENT AND RETALIATION POLICY**

WHEREAS, the Port of Newport Board of Commissioners adopted the Port of Newport Personnel Manual by Resolution 2016-12 on December 20, 2016; and

WHEREAS, the Personnel Manual may be amended from time to time by resolution of the Commission; and

WHEREAS, Chapter 21, Section 21.3 of the Personnel Manual addresses a “*Policy Against Harassment*”; and

WHEREAS, the Oregon Legislature passes Senate Bill 479 requiring the establishment or adoption of a written policy with specific policy provisions to prevent workplace harassment, discrimination and retaliation effective January 1, 2020; and

WHEREAS, now the Port Commission would like to adopt a Policy to comply with the law and best practices to supersede the section of the Personnel Manual addressing harassment;

NOW THEREFORE,

THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:

Section I. Chapter 21 Section 21.3 of the Personnel Manual adopted December 20, 2016, is hereby rescinded.

Section II. The Port of Newport Prevention of Workplace Discrimination, Harassment and Retaliation Policy, attached hereto as Exhibit A, is hereby adopted by reference.


Section II. The Policies and Procedures may be modified by Resolution or may be modified administratively to follow best practices, for example, to update items to comply with Port Personnel Policy, or to incorporate new laws and rules.

Section II. This resolution becomes effective upon adoption.


Section IV. Staff is directed to codify this policy according to past administrative practices.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS this 25th day of February, 2020.

ATTEST:



Sara Skamsner, President



Walter Chuck, Secretary/Treasurer



Prevention of Workplace Discrimination, Harassment and Retaliation Policy

Adopted by Resolution XXXX-XX

Date

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Prevention of Workplace Discrimination, Harassment and Retaliation Policy

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Chapter 1. General Provisions

- 1.1 Title.** This Policy and any amendments hereto shall be called, collectively, the Port of Newport Prevention of Workplace Discrimination, Harassment and Retaliation Policy.
- 1.2 Adoption.** This Policy supersedes and replaces the Ports Harassment policy in the personnel manual (chapter 21, section 21.3), adopted on December 20, 2016, resolution number 2016-12.
- 1.3 Purpose and Scope.** The Port of Newport is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the Port of Newport expects that all relationships among persons will be respectful and professional, free of bias, prejudice and harassment in the workplace, at work related events, or any activity coordinated by or through the organization. This policy applies to all employees, elected officials, board or commission members, volunteers, interns and any other person we interact with in the course of accomplishing the work of the organization.

The Port of Newport has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. The Port of Newport will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of these policies will be investigated and resolved appropriately.

Discrimination, harassment and retaliation are not acceptable.

Any employee who has questions or concerns about these policies should contact the Director Finance and Business Services or the Director of Operations. As an alternative you may reach the Port General Manager.

- 1.4 Interpretation.** If any section or part of this policy is found to be inconsistent with any laws of the State of Oregon or of the United States, or any rule, regulation or standard established pursuant thereto, such section, or part thereof shall be interpreted in the manner most consistent with its original intent that is not inconsistent with any laws of the State of Oregon or the United States or any rules, regulations or standards established pursuant thereto. Nothing contained in this policy shall be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws or as a limitation of the powers of the Port Commission or management.
- 1.5 Severability.** Should any portion or the application thereof to any person or property be found invalid for any reason, the validity of the remainder of these provisions or the application of such remainder to other persons or property shall not be affected.

Chapter 2. Equal Employment Opportunity

It is our policy to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law.

Chapter 3. Retaliation

We encourage reporting of all perceived incidents of discrimination or harassment. It is the policy of The Port of Newport to promptly and thoroughly investigate such reports. We prohibit retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Chapter 4. Sexual Harassment

- 4.1 Definition.** Sexual harassment constitutes discrimination and is illegal under federal and state laws. For the purposes of this policy, “sexual harassment” is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.
- 4.2 Federal Law.** Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.
- 4.3 Oregon State Law.** Oregon Law provides further protection from sexual assault defined as unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

Chapter 5. Harassment

- 5.1 Definition.** Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering

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with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.

- 5.2 *Harassing Conduct.*** Harassing conduct includes labels, insults or negative stereotyping; threatening, intimidating or hostile acts; demeaning jokes; and written or graphic material that belittles or shows hostility or dislike toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Chapter 6. Reporting

- 6.1 *Reporting Discrimination, Harassment or Retaliation.*** The Port of Newport encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with the Director Finance and Business Services or the Director of Operations as an alternative you may reach The Port General Manager. See the complaint procedure described below.

In addition, we encourage individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and to request that it stop. Often this action alone will resolve the problem. We recognize, however, that an individual may prefer to pursue the matter through complaint procedures.

Following receipt of a complaint or concern management will follow-up every three months for one year to ensure no further concerns or retaliation are experienced. Employees should not wait for the management follow-up to share related experiences. If an employee would like the follow-up to discontinue the follow-up process a request must be submitted in writing to the Port General Manager.

- 6.2 *Internal Complaint Procedure.*** Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with Director Finance and Business Services or the Director of Operations if you are unable to reach the primary contact please reach out to the Port General Manager. We encourage employees to document the event(s), associated date(s), and potential witnesses.

The Port of Newport encourages the prompt reporting of complaints or concerns so that quick and helpful action can be taken before relationships become irreparably broken. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. However, complaints and concerns may be brought forward within four years of the alleged violation. We encourage employees to document the events, associated dates, and potential witnesses.

Any reported allegations of harassment, discrimination or retaliation will be investigated quickly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the event(s) or may have other relevant knowledge.

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The Port of Newport will maintain confidentiality throughout the investigatory process to the extent possible with acceptable investigation and appropriate corrective action.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or corrective action such as [Identify potential options: warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination] as The Port of Newport believes appropriate under the circumstances.

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

6.3 External Complaint Procedures. We encourage employees to bring their concerns and complaints to the organization, and understand that, at times, this may not be the choice of the employee. Below is a list of the external complaint options. Please reach out to the preferred choice to determine the appropriate timelines for their processes.

- Oregon Bureau of Labor and Industries at the following web address:
https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx
- Civil or Criminal Action. In these circumstances, a Notice of Claim must be provided to us in accordance with ORS 30.275.

Chapter 7. Employment Agreements

No employee will be required or invited to sign an agreement requiring the non-disclosure of information related to discrimination or sexual assault as a condition of employment, continued employment, promotion, compensation or the receipt of benefits. An employee may request this type of agreement and, upon request, will be provided at least seven (7) days to change their mind.

Chapter 8. Additional Employee Support Services

Employees may choose to use other support services throughout and following instances related to concerns and complaints. The organization provides the following for additional assistance:

- Counseling and Support Services and/or Employee Assistance Services

References

Reserved