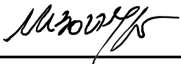


	STANDARD OPERATING PROCEDURE	No.	SOP-1200-HR-006
	Workplace Harassment and Discrimination Prevention	Effective Date	8/10/2026
		Final Approver	 Miguel C. Bordallo, P.E. General Manager
		Revision Letter	A

1.0 Purpose

The Guam Waterworks Authority (GWA) is committed to maintaining a work environment free from harassment, discrimination, and retaliation in all forms. This SOP establishes GWA's policy prohibiting all forms of unlawful harassment and discrimination, including sexual harassment (**Attachment 1**), defines prohibited conduct, and prescribes the procedures by which complaints are reported, investigated, and resolved.

2.0 Scope

This SOP applies to all individuals on GWA premises or participating in GWA-sponsored activities including:

- All GWA employees — classified, unclassified, regular full-time and part-time, probationary, temporary, Volunteers, interns, and Limited Term Appointment (LTA) personnel;
- Independent contractors, vendors; and
- Visitors

This SOP governs all forms of harassment and discrimination — verbal, physical, visual, and electronic — occurring in the workplace, during work-related travel, or at GWA-sponsored events, regardless of the employment status of the parties involved.

Coverage extends to all employment-related decisions including, but not limited to: hiring, promotion, compensation, training, disciplinary action, layoff, reinstatement, and leave of absence.

3.0 Policy

GWA expressly prohibits all forms of unlawful harassment and discrimination in the workplace. No employee, supervisor, manager, contractor, or visitor shall engage in conduct that constitutes harassment or discrimination as defined in this SOP. This prohibition applies regardless of gender, sexual orientation, race, religion, or any other protected characteristic of the individuals involved.

GWA further prohibits retaliation against any individual who, in good faith: reports harassment or discrimination; participates in or cooperates with an investigation; or exercises any right afforded under this SOP or applicable law. Any act of retaliation will be treated as a separate and serious violation of this SOP.

This SOP is intended to supplement — not replace — any applicable federal or local legal remedies available to employees. Nothing in this SOP shall limit an employee's right to file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) or any other governmental agency of competent jurisdiction.

Complaints of harassment or discrimination will be handled promptly, confidentially to the extent practicable, and in a manner that ensures due process for all parties. GWA will take corrective and disciplinary action proportionate to the severity and circumstances of any substantiated violation, up to and including termination of employment.

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All employees are expected to familiarize themselves with this SOP, participate in required training, and contribute to a workplace culture of mutual respect and accountability.

4.0 Definitions

- 4.1. **Bullying:** A behavior that is intended to frighten, hurt, or threaten others and cause harm, humiliation, or intimidation. Bullying behavior is often repetitive. It may involve verbal harassment, verbal or non-verbal threats, physical assault, stalking, or other methods of coercion such as manipulation, blackmail, or extortion. An imbalance of power, either real or perceived, between the aggressor and the victim is often involved.
- 4.2. **Complainant:** An individual or group of individuals who report, or on whose behalf, a report is made, alleging that they have been subjected to prohibited harassment, discrimination, or retaliation.
- 4.3. **Complaint:** Complaint means an allegation of discrimination, harassment, or retaliation submitted to a supervisor, manager, Personnel Services Administrator (PSA), Assistant General Manager (AGM), or General Manager (GM) or submitted directly to any other agency or commission of jurisdiction.
- 4.4. **Confidentiality:** The obligation of all parties to protect the privacy of individuals involved in a complaint or investigation and to refrain from disclosing related information to unauthorized persons. Confidentiality shall be maintained to the greatest extent practicable but does not preclude disclosure required by law or necessary to resolve the complaint.
- 4.5. **Days:** Unless otherwise specified, "days" means calendar days. Where a specific provision references "business days," that term means Monday through Friday, excluding GWA-recognized holidays.
- 4.6. **Discrimination:** When an employer takes an adverse, harmful, harassing and/or retaliatory employment action against an employee (or potential employee) based on that employee's race/ethnicity/color, creed, sex, pregnancy, age, religion, national origin, marital status, the presence or perception of a disability, veteran's status, military status, genetic information, sexual orientation, gender expression, or gender identity.
- 4.7. **Employee:** Includes classified, unclassified, temporary, and limited-term GWA employees, volunteers, interns, and individuals under contract.
- 4.8. **Harassment:** Unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, transgender status, or pregnancy), national origin, older age (beginning at 40), disability, or genetic information (including family medical history). Harassment becomes unlawful when (1) enduring the offensive conduct becomes a condition of continued employment or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- 4.9. **Hostile Work Environment:** A work environment in which unwelcome conduct based on a protected characteristic, including sex, race, color, religion, national origin, age, or disability, is sufficiently severe or pervasive that a reasonable person would find it intimidating, hostile, or abusive, and which unreasonably interferes with an employee's work performance. A hostile work environment may be created by supervisors, managers, coworkers, customers, or any other individual in the workplace, and may consist of verbal, physical, visual, or electronic conduct including offensive comments, jokes, images, or unwanted physical contact.

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- 4.10. **Investigation:** A formal process conducted by GWA's Human Resources (HR) Department or third party to examine an allegation of prohibited harassment, discrimination, or retaliation through interviews, evidence review, and documentation. The process shall be conducted promptly and impartially in accordance with the procedures set forth in this SOP.
- 4.11. **Protected class:** Race/ethnicity/color, creed, sex, pregnancy, age, religion, national origin, marital status, the presence or perception of a disability, veteran's status, military status, genetic information, sexual orientation, gender expression, or gender identity.
- 4.12. **Quid Pro Quo (This for That):** Occurs when submission to harassment is used as the basis for employment decisions. Employee benefits such as salary raises, promotions, better working hours, etc., are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity, or any individual with the actual or apparent authority to affect employment decisions, can engage in quid pro quo harassment.
- 4.13. **Respondent:** For the purpose of this SOP, an individual who has been reported as engaging in alleged conduct under review. If the investigation substantiates the allegation, the respondent may also be identified as the perpetrator of the misconduct.
- 4.14. **Retaliation:** Occurs when an employer takes any adverse action against an individual because they engaged in a protected activity, such as reporting misconduct, filing a complaint of discrimination or sexual harassment, participating in an investigation, or opposing behavior they reasonably believe to be unlawful. Retaliation occurs when the action discourages a reasonable person from making or supporting a complaint or exercising their rights.
- 4.15. **Sexual Assault/Sexual Violence:** Any unwanted sexual act or contact committed without the freely given consent of the recipient, or against a person who is unable to consent or refuse. This includes, but is not limited to, rape, forced kissing or fondling, non-consensual sexual touching, and alcohol or drug-facilitated sexual acts. Where the conduct rises to a criminal level, GWA will cooperate with law enforcement as appropriate.
- 4.16. **Sexual Harassment:** Unwelcome sexual advances, request for sexual favors and other verbal and physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or (3) 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.
- 4.17. **Substantiated:** A finding that the evidence collected supports, by a preponderance of the evidence, that a violation of this SOP more likely than not occurred. A substantiated finding may result in corrective or disciplinary action as determined by the GM.
- 4.18. **Unsubstantiated:** A finding that the evidence collected is insufficient to establish, by a preponderance of the evidence, that a violation of this SOP occurred. An unsubstantiated finding shall not be used as a basis for disciplinary action against a Complainant who filed a complaint in good faith.

5.0 Roles and Responsibilities

5.1.	General Manager (GM)	Approves this SOP and all its subsequent updates and changes.
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		Decides on the action(s) to be taken on a complaint about harassment, discrimination, or retaliation.
5.2.	Assistant General Manager for Administration & Support (AGM-AS)	Oversees the development, revision, and implementation of this SOP as the Policy Owner.
5.3.	Safety Division	Handles work-related injuries, including employee psychological injury caused by Sexual Harassment, in accordance with the <i>Workers' Compensation (SOP-1300-SAF-005)</i>. Handles complaints related to workplace, with the exception of Sexual Harassment, in accordance with the <i>Workplace Violence Prevention Plan and Procedure (SOP-1300-SAF-004)</i>.
5.4.	Staff Attorney	Serves as the legal advisor to the GM throughout the complaint and investigation process. Supports the Human Resource Division during the course of the investigation to ensure that all relevant facts, documentation, and legal considerations are appropriately addressed. Reviews and concurs with the PSA's recommendation for appropriate disciplinary action to be taken prior to the GM's review. Always maintain outside legal counsel for any investigative purposes required by GWA. Briefs the CCU on this SOP and its complaint and investigation process.
5.5.	Personnel Services Administrator (PSA)	Reviews this SOP annually and makes necessary changes to be presented to the AGM-AS for consideration. Ensures that this SOP is posted on GWA's Employee Intranet for reference, all employees including volunteers and interns are informed of GWA's policy against harassment, discrimination, and retaliation, and managers/designees are aware of their roles under this SOP, as well as the rights, duties, and responsibilities of their employees as highlighted in this SOP. Ensures posters/flyers are posted in GWA owned facility customer service areas.

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		Assigns a Lead Specialist to investigate complaints/allegations of harassment, discrimination or retaliation and recommend the appropriate action to be taken by the GM in consultation with the Staff Attorney as appropriate. Ensures that proper mandatory training and/or training guidelines are provided to all employees to ensure proper compliance with this SOP.
5.6.	Procurement and Materials Management Administrator	Ensures this SOP is incorporated into the terms and conditions on all purchase orders and referenced in vendor and contractor agreements.
5.7.	Training and Development Manager	Coordinates and ensures that mandatory training on this SOP is administered and required for all employees to attend. Provides statistical and compliance reports to the PSA for reporting purposes.
5.8.	Human Resources (HR) Employee Management Relations (EMR) Section	Provides support and guidance to all employees about the prevention of harassment, discrimination, or retaliation. Maintains a record of all complaints received and provides weekly status of all cases and reports to the PSA for reporting purposes.
5.9.	Supervisors, Managers or Designees	Responsible to immediately report to the PSA any harassment, discrimination, or retaliation witnessed, are informed of, or reasonably suspect, regardless of severity or whether the affected employee wishes to file a formal complaint. Upon becoming aware of a complaint or incident, supervisors shall document what was witnessed. Undergo initial training on this SOP and every year thereafter or within 60 days upon changes to existing laws and mandates. Monitor personnel to ensure compliance with this SOP and provide guidance as needed.
5.10.	Employees	Strictly abide by the contents of this SOP and conduct activities accordingly. When confronted by a situation not covered by this SOP, or requiring clarification, seek the manager's, administrator's, supervisor's, or HR's assistance.

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		Undergo initial training on this SOP and every year thereafter or within 60 days upon changes to existing laws and mandates.
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6.0 Procedure Description

6.1. Forms of Harassment:

Harassment prohibited under this SOP falls into two categories, both of which are subject to the same reporting, investigation, and disciplinary procedures set forth in this SOP.

6.1.1. Sexual Harassment

Sexual harassment refers to conduct that is unwanted and unwelcome to the recipient. It is the recipient's perception of unwelcome behavior that defines sexual harassment and the impact of such behavior on recipient. It does not hinge on the harasser's intention.

6.1.1.1. Verbal: Gender-based insults, sexist remarks, sexual or gender-based jokes or teasing, innuendos and taunts, unwelcome sexual overtone over a call, requesting sexual favors, spreading rumors about a person's personal or sex life, pressuring for dates, comments about clothing, a person's body, graphic description of pornography etc.

6.1.1.2. Non-Verbal: Staring (looking up and down), derogatory gestures of a sexual nature, sexually suggestive looks, facial expressions of a sexual nature; winking, licking lips, stalking etc.

6.1.1.3. Physical: Unwelcome physical conduct, including unwanted hugging, sexual touching or kissing, forcible physical contact, standing too close or brushing against someone, leaning over or invading personal space, patting, stroking, grabbing, pinching, blocking someone's path with the intent of making a sexual advance, and acts of rape, attempted rape, sexual assault, or forced fondling.

6.1.1.4. Visual: Presence of sexual visual material such as posters, cartoons, drawings, calendars, pinups, pictures, computer programs of a sexual nature, written material that is sexual in nature, such as notes, SMS, E-mail or digital/social media containing sexual comments.

6.1.2. Harassment Based on Protected Characteristics

6.1.2.1. Verbal: Racial slurs, ethnic jokes, religious insults, age-based mockery, comments about a person's disability, or derogatory remarks about national origin, marital status, or veteran status.

6.1.2.2. Non-Verbal: Displaying racially offensive symbols or imagery, mimicking a person's disability, making gestures mocking someone's religion or national origin, or isolating an individual based on a protected characteristic.

6.1.2.3. Physical: Physically intimidating, blocking, or targeting an individual because of their race, religion, disability, or other protected characteristics.

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- 6.1.2.4. Visual: Posters, cartoons, digital content, or social media material that demean or degrade a person based on any protected characteristic.

6.1.3. **Threshold for Prohibited Conduct**

Regardless of category, harassment may be established under either of the following circumstances:

- 6.1.3.1. Single-Incident Severe Conduct: A single act that is sufficiently severe may, by itself, constitute prohibited harassment. Conduct of this nature typically involves physical contact, explicit sexual advances, or threats tied to employment consequences. Such incidents shall be reported and investigated immediately upon receipt of a complaint.
- 6.1.3.2. Pervasive Cumulative Conduct: A pattern of repeated behavior that, while each individual act may appear minor in isolation, collectively creates an intimidating, hostile, or offensive work environment. No single act need be severe provided the cumulative effect unreasonably interferes with an employee's work performance or conditions of employment.

6.2. **Reporting Harassment:**

GWA has established the following procedures for lodging a formal complaint of harassment, discrimination, or retaliation. GWA will treat all aspects of the procedures confidentially to the extent reasonably possible.

- 6.2.1. Employees should report allegations of workplace harassment and/or sexual harassment to a designated employee as soon as reasonably possible after the conduct occurs to help ensure an effective investigation. The progression of reporting is as follows:
 - 6.2.1.1. Submit to a supervisor, manager, PSA, AGM, Chief Financial Officer (CFO), Staff Attorney or GM.
 - 6.2.1.2. If the complaint is against HR staff or the PSA, report directly to the AGM-AS, who assumes the PSA's role for that complaint and may consult with the GM to designate an alternate investigator outside the HR department.
 - 6.2.1.3. If the complaint is against the AGM-AS, report directly to the GM, who designates an alternate authority to manage the complaint.
 - 6.2.1.4. If the complaint is against the GM, the Staff Attorney shall report to the Consolidated Commission on Utilities (CCU) Chairperson and Audit Chairperson, which assumes oversight authority for that complaint. The CCU may engage an independent external investigator from an outside agency or department.
 - 6.2.1.5. If the complaint is against a CCU Commissioner, report directly to the CCU Chairperson, excluding the named Commissioner from any involvement in the matter. If a complaint is against the CCU Chairperson, the Staff Attorney shall report directly to the Audit Chairperson, who will assume oversight for the complaint. The CCU may engage an independent external investigator from an outside agency or department.

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- 6.2.1.6. Upon approval of this SOP, GWA's Staff Attorney shall seek alternate investigators with expertise in workplace discrimination law and enter into a Memorandum of Understanding (MOU) with an Attorney employed by the Government of Guam or procure pre-qualified outside legal counsel under a standing agreement for the purpose of conducting independent investigations. The GWA Staff Attorney is responsible to always maintain outside legal counsel for any investigative purposes required by GWA.
- 6.2.2. Complaints should be filed within **180 calendar days** of the alleged action that forms the basis of the complaint. Prompt reporting of a complaint is strongly encouraged, as it allows for rapid cessation and resolution.
- 6.2.3. Employees must complete the *Complaint Form (Attachment 2)* and submit it to their respective AGM, supervisor, manager, or the PSA. The Complaint shall include all facts and circumstances involved in the alleged violations, including the following information:
 - 6.2.3.1. Name of Respondent(s) involved
 - 6.2.3.2. Name of Witness(es)
 - 6.2.3.3. The date(s) the incident occurred
 - 6.2.3.4. Location of the incident that occurred
 - 6.2.3.5. Remedy sought
- 6.2.4. Upon receiving a complaint or being advised that a violation of this SOP may be occurring, the HR department will, within **one (1) business day** of receiving the complaint, assign a Lead Specialist to review the complaint and assess the complaint with the utmost diligence, integrity, and adherence to principles of fairness and objectivity.
- 6.2.5. The Lead Specialist and any HR staff assigned shall complete the *Conflict-of-Interest Declaration Form (Attachment 3)* to ensure impartiality of the investigator and uphold the standards of procedural fairness throughout the investigative process.

6.3. Anonymous Reporting:

- 6.3.1. GWA recognizes that some individuals may be reluctant to identify themselves when reporting potential violations of this SOP. Accordingly, GWA will accept anonymous reports of harassment, discrimination, or retaliation submitted through any available reporting channel, including verbally to a supervisor, manager, or HR representative, or in writing without a signature. Anonymous reports may be submitted via email to hotline@guamwaterworks.org, GWA's Fraud, Waste, and Abuse (FWA) hotline. Reports submitted via FWA hotline will be received by the Internal Auditor and will be forwarded to the appropriate personnel for review and investigation.

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- 6.3.2. Anonymous reports will be reviewed and investigated to an extent practicable. GWA acknowledges that the ability to conduct a thorough investigation may be limited where the identity of the Complainant or witnesses is unknown. Anonymous reports will not be dismissed solely on the basis of anonymity, and GWA will take reasonable steps to address the concerns raised.
- 6.3.3. Although the report is submitted anonymously, the investigation process might reveal the reporter's identity based on the information provided or the details uncovered during the investigation. Submitting an anonymous report may not guarantee complete protection of the reporter's anonymity.
- 6.3.4. An individual who files an anonymous report will not be able to receive updates on the investigation status or outcome. Employees who are comfortable identifying themselves are strongly encouraged to do so, as this facilitates a more complete investigation.

6.4. Notifications:

- 6.4.1. Once the PSA ensures there are no conflicts of interest, the Lead Specialist shall contact the following parties within **two (2) business days** of receiving the complaint. Each party shall be notified via telephone and then electronic mail (e-mail) and provided with the *Employee Confidentiality Agreement (Attachment 4)* form which must be signed and returned prior to participation in the investigation:
 - 6.4.1.1. Lead Specialist shall notify **Complainant** and acknowledge receipt of the complaint; explain the investigation process, expected timelines, and confidentiality obligations; and advise of his/her right to be free from retaliation.
 - 6.4.1.2. Lead Specialist shall inform **Respondent** that a complaint has been received and is under review; advise of his/her rights, confidentiality obligations, and the prohibition against retaliation toward the Complainant or any witness.
 - 6.4.1.3. Lead Specialist shall inform **Witness(es)** that they have been identified as a potential witness; explain their confidentiality obligations; and advise that they are protected from retaliation for their participation.
- 6.4.2. HR shall notify the Respondent's supervisor of the allegation under investigation via e-mail within **two (2) business days** of receiving the complaint. In cases where the supervisor is named as a Respondent, HR will instead provide notice of the allegations to the next appropriate Supervisor. The Supervisor shall also be required to submit an *Employee Confidentiality Agreement (Attachment 4)* form.
- 6.4.3. HR shall inform the GM and AGM-AS that a harassment complaint has been received within **one (1) day** of receiving the complaint. HR will initiate the investigation to assess whether there is a reasonable basis to believe that a violation of GWA SOP has occurred. Should the complaint be against the GM or AGM-AS, then Section 6.2 determines the reporting protocol.

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- 6.4.4. Where the alleged conduct may constitute a criminal act, including but not limited to sexual assault, sexual violence, or physical harm, GWA shall advise the Complainant of their right to file a report with local law enforcement independently of GWA's internal investigation. GWA's internal investigation shall proceed concurrently and shall not be delayed pending the outcome of any criminal or external agency proceeding. Nothing in this SOP shall be construed to discourage or prevent any individual from filing a charge with any other agency of jurisdiction.

6.5. Duty to Cooperate with Investigations:

- 6.5.1. Employees shall have a duty to cooperate with the investigation. Additionally, every employee has the duty to be truthful and must disclose all information known to the employee when requested to do so by the lead investigator or the designated HR staff to investigate an alleged incident of harassment.
- 6.5.2. Any employee who fails to be completely truthful or who withheld information shall be subject to disciplinary action.

6.6. Retaliation:

- 6.6.1. GWA prohibits retaliation against any employee who files a report of harassment or who participates in an investigation of such a report. GWA will take appropriate and reasonable measures to prevent retaliatory behavior towards all individuals involved in an investigation.¹
- 6.6.2. Employees determined to be engaged in victimization or retaliatory conduct shall be subject to disciplinary actions up to and not limited to an adverse action resulting in the employee's demotion, suspension, or dismissal.
- 6.6.3. Employees subject to retaliation should report it using the instructions described in Section 6.2.

6.7. Interim Protective Measures:

- 6.7.1. Upon receipt of a complaint, GWA may implement interim protective measures pending the outcome of the investigation. Such measures are not disciplinary in nature and do not constitute a finding of wrongdoing against the Respondent. Interim measures may include, but are not limited to: temporary reassignment of either the Complainant or the Respondent; modification of work schedules or reporting structures; issuance of a no-contact directive; or increased supervisory oversight of the work area.
- 6.7.2. The Lead Specialist, in consultation with the PSA, shall assess the need for interim measures within **three (3) business days** of receiving the complaint. Any interim measures implemented shall be documented and communicated in writing to all affected parties. GWA shall make reasonable efforts to minimize disruption to the Complainant's work conditions during this period.

6.8. Role of Staff Attorney:

¹ Employees are advised that in addition to the protections afforded under this SOP, federal anti-retaliation protections are established under Title VII of the Civil Rights Act of 1964.

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- 6.8.1. The Staff Attorney serves as legal advisor to the GM throughout the complaint and investigation process. The Staff Attorney's role is advisory; responsibility for investigation findings and disciplinary decisions remains with HR, the PSA, and the GM respectively.
- 6.8.2. The Staff Attorney shall (a) be available to advise HR and the PSA on legal questions arising during the investigation, including questions regarding evidence, witness rights, and procedural fairness; (b) review the completed investigative report for legal sufficiency and compliance with applicable federal and local law prior to presentation to the GM; (c) provide written legal recommendations to the GM, and (d) advise the GM the range of permissible disciplinary actions and associated legal risks.
- 6.8.3. Where a complaint involves potential criminal conduct, the Staff Attorney shall advise on coordination with law enforcement and applicable reporting obligations. Where GWA faces or anticipates external legal proceedings arising from a complaint, the Staff Attorney shall manage the legal response in coordination with the GM and the AGM-AS.

6.9. Investigation Procedures:

- 6.9.1. HR will conduct a thorough investigation of all allegations of discrimination and harassment promptly, to include a written report of the findings within **fifteen (15) days**. The investigation will focus on gathering facts and statements to facilitate due process and reach reasonable conclusions based on the evidence collected. HR may make a request to the GM for an extension to submit the draft report.
- 6.9.2. The investigative process will be memorialized, thus requiring that all involved acknowledge and sign an *Employee Confidentiality Agreement (Attachment 4)* form and prepare written statements or provide verbal statements that will be recorded. Any/all interviews and meetings will also be recorded.
- 6.9.3. The investigation process will be conducted in a confidential manner, with only those in a need-to-know position involved. Employees who are called on to participate will be instructed that the complaint and all information provided during the investigation are to remain confidential.
- 6.9.4. Records, logs, reports, photos, or other documentation pertinent to the complaint will be reviewed.
- 6.9.5. HR shall consult with the Staff Attorney who shall review the report for legal sufficiency and compliance with applicable law, and shall provide written recommendations to the GM.
- 6.9.6. HR has **fifteen (15) days** to prepare, conduct and finalize a draft report, inclusive of consultation with the Staff Attorney and present the findings to the GM. The timeline in Section 6.9.1 governs and should be read consistently with this provision. Prior to the presentation to the GM, the PSA shall transmit the investigative report to the Staff Attorney for legal review. The GM's final decision shall be informed by but is not bound by the Staff Attorney's recommendation.
- 6.9.7. The GM will make the final decision regarding any disciplinary actions and/or corrective measures as required, having considered the Staff Attorney's written legal recommendations.

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6.9.8. The Complainant and Respondent will be notified in writing of the investigation findings, including whether there has been a violation of GWA SOP.

6.9.9. The Complainant or Respondent may request a copy of the Investigative Report from Human Resources. A request for review must be submitted in writing to the PSA.

6.9.9.1. To protect confidentiality, the identities of the victim, respondent, and witness(es) shall be redacted from the investigative report. Disclosure of an employee's identity is permitted only when legally required in formal court proceedings and shall be limited to the extent mandated by law.

6.9.10. If the Complainant does not agree with the final findings issued by the General Manager, they have the right to appeal the decision. The appeal must be submitted in writing to the Civil Service Commission (CSC) to appeal the decision² and shall be filed within twenty (20) calendar days.

6.10. Third-Party and Non-Employee Respondents:

6.10.1. When alleged harassment or discrimination is committed by an individual who is not a GWA employee — including contractors, vendors, volunteers, or visitors — GWA will take reasonable corrective action within its authority. Such action may include, but is not limited to: removal of the individual from GWA premises; notification to the individual's employer or contracting entity; termination or modification of the applicable contract or business relationship; and referral to law enforcement where the conduct may constitute a criminal act.

6.10.2. GWA will not require a Complainant to resolve a complaint involving a non-employee directly with the Respondent. The investigation and corrective action procedures set forth in this SOP shall apply to complaints involving non-employee Respondents to the fullest extent practicable.

6.11. Training:

6.11.1. The PSA will ensure that this SOP is communicated to all employees and posted on GWA's Employee Intranet for reference.

6.11.2. GWA's Training and Development Manager shall coordinate and ensure that training on this SOP is administered and required for all employees to attend as mandatory. Upon completion of an initial training course, all employees, including management, shall undergo alternating annual training: (1) in-person seminars and (2) online training, and within sixty (60) days upon changes to existing laws and mandates. All new GWA employees are required to complete the training within thirty (30) days of their hire date. Additionally, in the case of a valid harassment claim, HR will deliver the necessary training to all affected parties, including the relevant Business Unit. HR shall enter into a MOU with an Attorney with expertise in workplace discrimination law employed by the Government of Guam or procure pre-qualified outside legal counsel under a standing agreement for the purpose of conducting required in-person training.

² GWA Personnel Rules and Regulations (GWA PR&R) Appendix F: Equal Employment Opportunity

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6.11.2.1. All employees must sign the *Employee's Acknowledgment Receipt (Attachment 5)* to confirm their understanding and compliance with the procedures outlined herein.

6.12. Records Retention:

6.12.1. GWA shall retain all records related to harassment and discrimination complaints, investigations, and corrective actions in accordance with applicable federal and local law. At a minimum, the following records shall be retained for no fewer than three (3) years from the date of resolution of the complaint, or as otherwise required by law: Complaint Forms; investigation files and reports; witness statements; correspondence related to the complaint; records of disciplinary or corrective action taken; and training records documenting employee completion of required training under this SOP.

6.12.2. Records pertaining to complaints that result in litigation, administrative charges, or formal regulatory proceedings shall be retained until final resolution of such proceedings, plus three (3) years. All complaint-related records shall be maintained by the HR Department in a secure, confidential file separate from general personnel records.

6.13. Non-Compliance with this SOP:

6.13.1. **Employees:** Failure to adhere and comply with any of the guidelines, policies, and procedures stated herein, or failure to attend required training, may result in progressive or disciplinary action, including but not limited to suspension, demotion, or dismissal of employment as provided by GWA Personnel Rules and Regulations (PR&R).

6.13.2. **Supervisors and Managers:** Failure of the Manager or Supervisor to enforce all the guidelines, policies, and procedures stated herein, or to report any complaints of harassment or discrimination – including sexual harassment, which carries heightened legal obligations – regardless of its severity, may result in progressive or adverse disciplinary action, including but not limited to suspension, demotion, or dismissal of employment as provided by GWA PR&R.

7.0 Document Approvals

Role	Position	Name of Approver	Approval Signature	Date Approved
Authors	Personnel Specialist IV & Personnel Service Administrator	Michael W. Schniep & Zina Pangelinan-Charfauros	On File	On File
Policy Owner	Assistant General Manager for Administration & Support (AGM-AS)	Christopher M. Budasi	On File	On File
Final Approver	General Manager	Miguel C. Bordallo, P.E.	Page 1	Page 1

By existing Guam and federal laws, the contents of this SOP were reviewed thoroughly by its policy owner and were found to be:

☒ appropriate for publication on the GWA website without compromising the security of GWA's system or the public's health and safety.

☐ not appropriate for publication on the GWA website because it might jeopardize the security of GWA's system or the public's health and safety.

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8.0 Records of Revisions

All suggestions for improvement shall be directed to the policy owner indicated below. The policy owner will consider input received, develop recommendations on how to address the suggestions, and obtain authorization to make the recommended changes. Updates, revisions, corrections, and waivers to this SOP shall be made in writing and be approved by the GM.

8.1. Policy Owner: Assistant General Manager for Administration and Support (AGM-AS)

8.2. Authorization: General Manager (GM)

Effective Date	Revision Letter	Document Authors	Description of Change
Page 1	A	Michael W. Schniep & Zina Pangelinan-Charfauros	Initial Release of Policy/Procedure

9.0 References

9.1. SOP-1300-SAF-005 Workers' Compensation

9.2. SOP- 1300-SAF-004 Workplace Violence Prevention Plan and Procedure

9.3. Title VII of the Civil Rights Act of 1964

9.4. Guam Waterworks Authority's Personnel Rules and Regulations (1.200 A)

9.5. Guam Waterworks Authority's Personnel Rules and Regulations – Appendix F

9.6. Department of Administration Circular No. 08-016

9.7. Civil Service Commission No. 2000-336

9.8. Civil Service Commission No. 92-363

9.9. Civil Service Commission No. 89-620

9.10. Organic Act of Guam, Section 5n and 9a

9.11. Title 4, Guam Code Annotated, Sections 4101, 4101.1, 4403(c)

Workplace Harassment and Discrimination Prevention

Attachment 1: Sexual Harassment Policy



GUAM WATERWORKS AUTHORITY

Gloria B. Nelson Public Service Building | 688 Route 15, Mangilao, Guam 96913
P.O. Box 3010, Hagåtña, Guam 96932
Tel. No. (671) 300-6846/48 Fax No. (671) 648-3290

SEXUAL HARASSMENT POLICY

The Guam Waterworks Authority (GWA) reiterates the severity of harassment on the basis of sex and reminds all employees that sexual harassment in the workplace is a prohibited personnel practice under the GovGuam EEO Program, Title VII of the Federal Civil Rights Act, as amended, and the guidelines of the Federal Equal Employment Opportunity Commission.

Sexual Harassment is a form of sex discrimination in violation of Title VII. Unwelcome verbal, visual, or physical conduct of a sexual nature constitutes unlawful sexual harassment when submission to such conduct is made a term or condition of employment; submission to or rejection of such conduct is used as a basis for employment decision; or such conduct unreasonably interferes with job performance or creates an intimidating, hostile, or offensive work environment.

There are two categories of sexual harassment: harassment that results in **Tangible Employment Action** and **Hostile Work Environment harassment**.

- Tangible Employment Action (***Quid Pro Quo***) is defined as tangible job benefits that are granted or denied based on the submission to or rejection of unwelcome sexual conduct.
- An example is a demand for sexual favors in return for a job promotion. Only a supervisor or manager can undertake a tangible employment action.

Hostile Environment Harassment is defined as sexual comments or conducts that have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. To create a sexual hostile environment, the conduct must be subjectively perceived as abusive by the person(s) affected, and it must be objectively severe or pervasive enough to create a hostile work environment.

- Examples include sexually suggestive objects, books, magazines, cartoons, pictures on screen savers of computers, photographs, etc.. A supervisor, co-worker or non-employee can commit this type of harassment.

There are three forms of harassment. Harassment can be verbal, physical, or visual.

- Examples include sexual comments, jokes, innuendo; pressure for dates; sexual touching; sexual gestures, sexual graffiti, displaying sexual pictures or posters.

Workplace Harassment and Discrimination Prevention

Attachment 1: Sexual Harassment Policy (cont.)

GUAM WATERWORKS AUTHORITY- SEXUAL HARASSMENT POLICY

A supervisor who uses implicit or explicit coercive sexual behavior to control, influence or affect the career, salary, or job of an employee is engaging in sexual harassment. Similarly, an employee who does likewise and behaves in this manner in the process of conducting department/agency business is engaging in sexual harassment.

Please note that any employee who participates in deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which are unwelcome and interfere in work productivity is also engaging in sexual harassment.

Finally, retaliation against any employee who reports sexual harassment or who cooperates when the department/agency official investigating a claim of sexual harassment is prohibited.

If, after investigating any complaint of harassment, the agency learns that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action, up to and including dismissal, may be taken against the individual who provided the false information.

I hereby certify and acknowledge that I fully understand the content of GWA's Sexual Harassment Policy and that I can access the Personnel Rules and Regulations on GWA's Human Resources website and on the **GWA Intranet (Employee Portal)**. I understand that I must abide by the Personnel Rules and Regulations as a condition of my continued employment with the Guam Waterworks Authority. I understand and acknowledge that, if I fail to adhere to the provisions of these Rules and Regulations, I may receive disciplinary action up to and including my dismissal from employment. This policy applies to all GWA employees.

GWAHR
Effective: 1/2026
Rev: 0

Workplace Harassment and Discrimination Prevention

Attachment 2: Complaint Form

COMPLAINT FORM DISCRIMINATION & HARASSMENT

The Guam Waterworks Authority (GWA) is committed to addressing all complaints related to discrimination and harassment, unethical conduct, unfair treatment, or unprofessional behavior with the utmost seriousness. Any information provided on this form will be kept confidential; only names and other identifying details will be disclosed when necessary for the purpose of an investigation. Please complete and submit this form to your respective Assistant General Manager (AGM), Chief Financial Officer (CFO), supervisor, manager, or the Human Resources Manager. Submissions can be made electronically via email or in person. Participation in filing a written complaint is voluntary.

Part I: Employee Information – (To be completed by the employee)

Employee's Name:		Employee ID No.:	
Position Title:		Contact No.:	
Business Unit No.:		Work Location:	
Supervisor's Name:			

Part II: Why Type of complaint are you filing? (Choose all that apply, definitions are at the end of the form).

☐ Discrimination	☐ Harassment	☐ Hostile Work Environment
☐ Retaliation	☐ Sexual Harassment	☐ Protected Class
☐ Other (Please describe):		

Part III: Please identify the person(s) against whom/which you are filing this complaint

Name of Accused	Relationship of the Accused to the Complainant (administrator, manager, supervisor co-worker, etc.):
1.	
2.	
3.	
4.	
5.	

Part IV: Please identify any Witnesses who witnessed the conduct or incident

Name of Witness	Relationship of the Witness to the Complainant (administrator, manager, supervisor co-worker, etc.):
1.	
2.	
3.	
4.	
5.	

Part V: Please answer the following questions pertaining to your complaint. (Attach additional pages as necessary)

Summary of complaint. What action was taken against you, or what action did you observe/learn about? (If you are not sure of exact dates, please provide approximate time periods (e.g. month, semester, three or four weeks ago, ongoing since last year). Please provide details such as dates, locations, persons involved or present, behaviors, comments, other incidents, etc. Use additional paper if needed.):

FMR-CF
REV:0
EFF: 1/2026

Workplace Harassment and Discrimination Prevention

Attachment 2: Complaint Form (cont.)

COMPLAINT FORM: DISCRIMINATION & HARASSMENT

Part V: Please answer the following questions pertaining to your complaint. (Attach additional pages as necessary)

How did this adversely/negatively impact you? (professionally, personally, financially)?

Is there any physical, digital or documentary evidence that supports your complaint? If so, please describe or attach copy of evidence.

Have you made any attempts to resolve this complaint? If so, please describe in detail.

Please identify the **relief or remedy** that you would like GWA to provide in order to resolve this complaint

Part VI: EMPLOYEE CERTIFICATION

I certify to the best of my knowledge the information that I provided is accurate and the events and circumstances are as I have described them. I am willing to cooperate fully in the investigation and provide whatever evidence GWA, HR deems relevant. I further understand that making a complaint pursuant to Government of Guam policy will not extend the time frames by which any person must file a formal complaint through the Merit Rules, the Guam Department Labor's Office Fair Employment Division, the Equal Employment Opportunity Commission (EEOC), a Collective Bargaining Agreement, to the extent that any of the foregoing are or may be applicable, or any court or regulatory body. Completion of this form also does not constitute filing of a Merit grievance, charge of discrimination with GDOL or the EEOC, or other complaint with applicable regulatory agencies. I understand that as a complainant, I am protected from being intimidated, threatened, coerced, retaliated, or discriminated against because I have made a complaint, testified, assisted, or participated in any manner in mediation, investigation, hearing, proceedings, or any other part of this investigation.

I would like this report: ☐ To be investigated ☐ To be used for information purposes only ☐ I am not sure

EMPLOYEE'S SIGNATURE:		TODAY'S DATE:	
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Please be aware that the information you provide is considered confidential and will be shared only with those persons who are considered essential to the investigation and disposition of this complaint. It is the expectation of GWA that those who file a complaint will cooperate in the investigation process. Title VII of the Civil Rights Act prohibits retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices.

Part VII: Human Resources Use Only

Received By:		Date Received:	
Complaints Received by:	☐ Electronically (E-mail)	☐ Hand delivered	
HR Manager Review Date:		HR Manager Signature:	
Specialist Assigned:		Date Assigned	

Workplace Harassment and Discrimination Prevention

Attachment 3: Conflict-of-Interest Declaration Form

CONFLICT OF INTEREST DECLARATION FORM DRAFT

The primary objective of this disclosure form is to facilitate the assurance that the investigation undertaken by the Lead Specialist is executed with the utmost diligence, integrity, and adherence to principles of fairness and objectivity. It aims to underscore the importance of conducting a comprehensive and expeditious inquiry into the allegations, grounded solely in factual evidence, thereby safeguarding the impartiality of the investigator and upholding the standards of procedural fairness throughout the investigative process. **Please read and complete this form honestly. If you have any potential conflicts of interest related to this investigation, disclose them below**

PART I: CASE INFORMATION			
TODAY'S DATE:		CASE NUMBER:	
LEAD SPECIALIST NAME:			
ASSISTANT SPECIALIST NAME:			
PART II: COMPLAINANT'S NAME			
EMPLOYEE NAME:		EMPLOYEE ID NO.:	
POSITION TITLE		BUSINESS UNIT NO.:	
EMAIL ADDRESS:		CONTACT NO.:	
SUPERVISOR'S NAME:		SUPERVISOR'S EMPLOYEE ID NO.:	
POSITION TITLE:			
EMAIL ADDRESS:		CONTACT NO:	
PART III: RESPONDENT INFORMATION			
EMPLOYEE NAME:		EMPLOYEE ID NO.:	
POSITION TITLE		BUSINESS UNIT NO.:	
EMAIL ADDRESS:		CONTACT NO.:	
PART IV: WITNESS INFORMATION			
EMPLOYEE NAME:		EMPLOYEE ID NO.:	
POSITION TITLE		BUSINESS UNIT NO.:	
EMAIL ADDRESS:		CONTACT NO.:	
EMPLOYEE NAME:		EMPLOYEE ID NO.:	
POSITION TITLE		BUSINESS UNIT NO.:	
EMAIL ADDRESS:		CONTACT NO.:	
EMPLOYEE NAME:		EMPLOYEE ID NO.:	
POSITION TITLE		BUSINESS UNIT NO.:	
EMAIL ADDRESS:		CONTACT NO.:	
EMPLOYEE NAME:		EMPLOYEE ID NO.:	
POSITION TITLE		BUSINESS UNIT NO.:	
EMAIL ADDRESS:		CONTACT NO.:	

Workplace Harassment and Discrimination Prevention

Attachment 3: Conflict-of-Interest Declaration Form (cont.)

CONFLICT OF INTEREST DECLARATION FORM:

PART V: INVESTIGATOR SELF-EVALUATION QUESTIONNAIRE

While serving in this capacity, you will interview the following individuals (Complainant, Accused, and Witnesses). The process includes the investigator asking questions, listening, and documenting responses while formulating appropriate follow-up questions to produce a full and complete understanding of the facts, evaluating the interviewee's responses in the interview, and producing a complete report of the facts collected. You are expected to keep all information gained during the process confidential. In order to ensure the integrity of the interview and investigation process, we are asking potential investigators to evaluate their professional and personal relationship with the

QUESTIONS		
Independence: I am not a party to the allegations, nor do I have a personal or professional relationship with the complainant(s), respondent(s), or potential witnesses that would impair my objectivity.	☐ YES	☐ NO
No Direct Reporting Line: I am not under the direct supervision or control of any respondent involved in this case.	☐ YES	☐ NO
Financial Disclosure: Have you received any financial gain, such as donations, received and/or donated leave, loans, or other benefits, from the complainant(s), respondent(s), or potential witnesses that would impair my objectivity?	☐ YES	☐ NO
Duty to Disclose: Should a conflict of interest or a perception of bias arise during the investigation, I will immediately disclose it to the Personnel Services Administrator and the Assistant General Manager, Administration & Support, and withdraw from the case if necessary.	☐ YES	☐ NO
Familial Relations: Are you related by blood, marriage, or guardianship to any of the individuals involved in or connected to this matter (e.g., the complainant, respondent, witnesses, or other related persons)? If yes, please specify the nature of the relationship	☐ YES	☐ NO
Do you have any prior knowledge or involvement that could impair your impartiality regarding this investigation (e.g., the complainant, respondent, witnesses, or other related persons)? If yes, please explain	☐ YES	☐ NO
3. Are there any other circumstances or factors that could be perceived as a conflict of interest (e.g., the complainant, respondent, witnesses, or other related persons)? If yes, please explain	☐ YES	☐ NO

I affirm that all information contained in this form is true to the best of my knowledge. If at any time following the submission of this form, I become aware of any *actual* or *potential* conflicts of interest or if the information provided becomes inaccurate or incomplete, I will promptly notify the Personnel Services Administrator and the Assistant General Manager, Administration & Support, and withdraw from the case if necessary. I acknowledge that this investigation is a highly sensitive matter requiring the utmost discretion to protect all parties and the integrity of the process as follows:

- Limited Disclosure:** I will only share information on a "need-to-know" basis with individuals directly involved in the resolution or oversight of this case.
- Non-Guarantee of Absolute Anonymity:** I understand that while I will protect identities to the extent possible, certain disclosures may be legally required or necessary to provide the respondent with a fair opportunity to respond to specific allegations.
- Secure Records:** I will maintain all investigation notes, evidence, and reports in a secure, confidential file separate from regular personnel records.
- Commitment to Non-Retaliation**
- Protection of Participants:** I will inform all participants that retaliation against any individual for reporting harassment or participating in this investigation is strictly prohibited.
- Monitoring:** I will remain vigilant for signs of retaliation throughout the process and report any suspected retaliatory behavior to the Personnel Services Administrator and the Assistant General Manager, Administration & Support immediately.

Workplace Harassment and Discrimination Prevention

Attachment 3: Conflict-of-Interest Declaration Form (cont.)

CONFLICT OF INTEREST DECLARATION FORM:

g. Compliance and Professionalism: I have a regulatory duty and acknowledge my duty to conduct this investigation in compliance with the Personnel Rules and Regulations, Code of Conduct, Ethical standards, including the requirement to take "all reasonable steps" to ensure a fair and thorough process.

I agree to the terms and conditions of this assignment as stated above.

Personnel Specialist's signature & Date

Workplace Harassment and Discrimination Prevention

Attachment 4: Employee Confidentiality Agreement



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EMPLOYEE CONFIDENTIALITY AGREEMENT

I, _____, understand that I am a participant of an Employee Investigation or Grievance Process being conducted by **Guam Waterworks Authority (GWA)** and that all information disclosed as a part of this Employee Investigation or Employee Grievance Process in any manner OR form to and by me is considered confidential. I agree that I will not disclose said confidential information to any party outside of this process to protect my personal privacy rights and the same rights of others.

I acknowledge that non-public confidentiality is necessary to permit the Employee Investigation or Grievance Process to continue with integrity and to prevent false accusations and/or unprivileged information among GWA employees that may cause personal, financial, or professional injury. While this process is ongoing and at any time reasonably thereafter, I am responsible, under Chapter 3, Code of Conduct of the GWA's Personnel Rules, to maintain my ethical conduct and fulfill all responsibilities of a government employee.

I understand that if I make an unauthorized disclosure of information relating to this investigation during my employment with **GWA** to any party, outside of law enforcement or a recognized medical professional, in breach of this agreement, I may be subject to disciplinary action, including and up to dismissal.

Acknowledged by: _____
(Signature of Employee)

Date: _____

Workplace Harassment and Discrimination Prevention

Attachment 5: Employee's Acknowledgment Receipt



Gloria B. Nelson Public Service Building
688 Route 15
Mangilao, Guam 96913

WORKPLACE HARASSMENT AND DISCRIMINATION PREVENTION EMPLOYEE'S ACKNOWLEDGMENT RECEIPT

I, the undersigned, an employee of the Guam Waterworks Authority, hereby acknowledge receipt of **SOP-1200-HR-00** entitled "*Workplace Harassment and Discrimination Prevention*" this _____ day of _____, 20____.

Employee's Name/Badge No.:

Employee's Signature:

Date: