



## **MIAMI-DADE EXPRESSWAY AUTHORITY (MDX) NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

### **PURPOSE**

It is the policy of the Miami-Dade Expressway Authority to foster a work environment in which all individuals are treated with respect and dignity and which promotes mutual respect and equal opportunities. The Authority requires that all relationships among persons engaged in MDX business will be professional and free of discrimination, bias, prejudice, and harassment. All MDX employees and persons acting in furtherance of MDX interests must comply with all applicable laws prohibiting Discrimination and Harassment based on race, color, gender, religion, ancestry, national origin, age, pregnancy, physical or mental disability, marital status, family status, medical condition, sexual orientation, citizenship, political affiliation, veteran or military status, or any other bias protected by applicable federal or state laws.

Engagement in harassment or discrimination of any kind by an Authority officer, employee, consultant, customer, contractor or visitor to MDX work sites is unacceptable conduct. Reports of harassment or discrimination of any sort will be promptly and thoroughly investigated and prompt and appropriate action will be taken should the Authority conclude that harassment or discrimination has taken place.

### **SPECIFIC REQUIREMENTS**

#### 1. Definitions

Disability means: (i) a physical or mental impairment that substantially limits one or more of an individual's major life activities, such as caring for oneself, performing normal tasks, walking, seeing, hearing, speaking, breathing, learning and working; (ii) a record of such impairment (history of a substantially limiting impairment or of a misclassification as having a substantially limiting impairment; (iii) being regarded as having such an impairment; (iv) or having a developmental disability as defined in section 393.063(12), Florida Statutes.

Discrimination means the unfair treatment of a person or group on the basis of a discriminatory classification and without regard to individual merit, and also includes any difference, distinction or preference in treatment, access or impact of a discriminatory classification.

Harassment means any deliberate, repeated, unsolicited or unwelcome verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of discriminatory classification and that (i) has the purpose or effect of creating an intimidating, hostile or offensive working environment (ii) has the purpose or effect of unreasonably interfering with an individual's work performance or (iii) otherwise adversely affects and individual's employment opportunities. Harassment also includes sexual harassment. Examples of harassment prohibited by this Policy include, but are not limited to:

- a) Slurs, jokes, comments, epithets, graffiti, cartoons, physical advances, physical or verbal aggression or any other unwelcome, derogatory or vulgar verbal, written, or physical conduct related to a discriminatory classification;
- b) The posting or showing of symbols, photographs, cartoons, e-mails or other literature which may be considered derogatory, including any and all computer based inappropriate materials of an offensive nature; and
- c) Unwelcome physical violence such as hitting, pushing, touching or other aggressive physical contact or threats of physical harm because of a discriminatory classification.

Marital Status means the state of being married, unmarried, single, divorced, separated or widowed and the conditions that may be associated therewith, including pregnancy or parenthood.

National Origin means citizenship status, ancestry, place of birth or physical, cultural or linguistic characteristics thereof.

Religion means any belief protected by the free exercise of the First Amendment of the United States Constitution.

Sexual Harassment means any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that may constitute sexual harassment when (i) submission is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to, or rejection of such conduct by an employee is used as a basis for employment decisions affective the employee; and (iii) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or otherwise offensive work environment. Examples of sexual harassment prohibited by this Policy include, but are not limited to:

- a) Letters, telephone calls, e-mails, printed materials or objects of a sexual nature that are objectionable or unwelcome;
- b) Deliberate and unwelcome touching, patting, hugging, pinching or caressing;
- c) Sexually suggestive leering or gestures;
- d) Unwelcome pressure for sexual favors, propositions; or dates;
- e) Sexual jokes, remarks, questions or discussion;
- f) Lewd or suggestive pictures or magazines left or posted in work areas; and
- g) Statements that appear to exclude or discriminate against persons based on their sex.

Sexual Orientation means heterosexuality, homosexuality, bisexuality, or transgender, whether such orientation is real or perceived.

## 2. Equal Employment Opportunity

Employment opportunities with the Authority will be afforded to persons without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, age, disability, marital status, citizenship, or any other legally protected status or group.

## 3. Equal Business Opportunity

Procurement decisions made by the Authority will be made without discrimination on the basis of race, color, religion, sex, sexual orientation, age, disability, marital status, citizenship or any other legally protected status or group. The following language, substantially similar text shall be included in all procurement solicitations issued by MDX and in all contracts resulting from such solicitations:

In accord with the provisions of Title VI of the Civil Rights Act of 1964, as amended 42 U.S.C. §2000e *et seq.*, section 760.10, *et seq.*, Florida Statutes, the Florida Civil Rights Act of 1992, as amended, and other federal and state statutes, MDX prohibits and requires the [successful proposer/contractor] to prohibit discrimination and harassment on the basis of race, color, gender, religion, ancestry, national origin, age, pregnancy, physical or mental disability, marital status, family status, medical condition, sexual orientation, citizenship, political affiliation, veteran or military status, or any other basis protected by applicable federal and state laws. This provision applies to employment, contracting, and subcontracting.

## 4. Protection from retaliation

Retaliation of any kind against an employee of business partner who reports discrimination or harassment or participates in an investigation of such reports is strictly prohibited. Anyone found to have retaliated against a complainant or against anyone who serves as a witness in harassment or discrimination investigations will be subject to appropriate action. Any person who believes that he or she has been the victim of discrimination or harassment in violation of this Policy should report it immediately to the Executive Director or General Counsel. To the greatest extent reasonably practicable and legally possible MDX will afford a complainant confidentiality, discretion, and sensitivity when investigating complaints of discrimination or harassment.

Nothing in this policy shall be construed to limit MDX's ability to take corrective actions when a provision of this Policy is violated.

This Policy shall be effective on the date which it is adopted by the Governing Board and at such time this Policy rescinds and supplants all prior Non-Discrimination and Anti-Harassment Policies.

Adopted by the Governing Board on the 21<sup>st</sup> day of April 2015.