

TITLE: WORKPLACE HARASSMENT AND DISCRIMINATION

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PURPOSE

The purpose of this directive is to maintain an environment in the workplace that is free of harassment because of race, color, religion, gender, sexual orientation, age, national origin, and disability.

DISCUSSION

Actionable workplace harassment, which includes opposite sex or same sex harassment, discrimination, or hostile working environment harassment in the workplace, are unlawful employment practices. Sexual harassment and discrimination are violations of Title VII of the Civil Rights Act of 1964 and as amended in 1980 by the Equal Employment Opportunity Commission.

POLICY

To provide a work environment that is free of all forms of harassment based on race, color, religion, gender, sexual orientation, age, national origin, or disability. Harassment is prohibited in any location that can reasonably be regarded as an extension of the workplace, such as off-site social business function, or any other non city facility where city business is being conducted and discussed. The city is committed to complying with all state and federal equal employment opportunity laws.

DEFINITIONS

70.1.01 "Harassment" means verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender (with or without sexual conduct), sexual orientation, age of 40 or older, national origin, or disability that:

- A. Has the purpose of creating an intimidating, hostile or offensive work environment; or
- B. Has the purpose or effect of unreasonably interfering with an individual's work performance; and
- C. Otherwise adversely affects the individual's terms and conditions of employment.

70.1.02 Harassment may include, but is not limited to, racial slurs, graffiti, and jokes which are unreasonably offensive or abusive.

70.1.03 Sexual harassment in the form of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of the 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 work environment.

70.1.04 Sexually harassing behavior may include, but is not limited to:

- A. Sexual or offensive photographs or media displayed or circulated in an area that can be viewed by others;
- B. jokes or comments of a sexual nature;

- C. eye contact or body language that may be of sexual a nature;
- D. unwelcome insults, innuendoes, propositions, touching, gestures, cornering or double entendres that are of a sexual nature; acts of gender based animosity; requests for sexual favors;
- E. persistent requests for a date; or
- F. terms of endearment, such as calling a co-worker, “honey”, “dear”, “sweetheart”, or similar expressions (the effect is the primary issue rather than the intent). Even if a person “means nothing to you” or you have “used the term for years,” you should be aware that these expressions are inappropriate

PROCEDURE

70.1.05 Harassment in any form should be reported immediately to one of the following: the harassed employee’s Supervisor; Division Director, Department Director, City Human Resources Department, or the City Manager. Reports may be verbal or written. Reports received from a third party will also be investigated.

70.1.06 The complainant may complete a Report of Harassment form. If the complainant does not complete the form, the person to whom the alleged harassment is reported shall immediately complete the form.

70.1.07 Report of harassment forms must include the following information:

- A. The complaint’s name, department, and position title;
- B. The name of the alleged victim, and that person’s department, and position title
- C. The name of the person alleged to have committed harassment, and that person’s department and position title;
- D. The specific nature of the harassment; and

- E. The names of any witnesses and their departments and position titles.

70.1.08 The City is committed, and required by law, to take action if it learns of possible harassment, even if the alleged victim does not wish to formally file a complaint.

70.1.09 Reports of harassment are taken seriously and will be dealt with promptly. Every supervisor is responsible for promptly responding to any report of harassment. Failure by a supervisor to follow the procedures outlined in this Policy shall be considered to be a violation of this policy, and the supervisor may be subject to disciplinary action for failure to perform job duties.

70.1.10 Immediately upon receipt of a report of harassment, the supervisor will notify the alleged harasser in writing that he/she is to have no further contact of any kind with the alleged victim until the facts and circumstances surrounding the allegations can be determined.

70.1.11 All reports of Harassment forms must be promptly forwarded to the Human Resources Department.

70.1.12 The specific action taken in any particular case depends on the nature and gravity of the conduct reported, and may include mediation, or formal investigation. If significant facts are contested, a fact finding investigation will be undertaken. If a fact finding investigation is necessary, it will be launched expeditiously.

70.1.13 Depending on the circumstances, an investigation may include the following:

- Interview the complaining party
- Interview the alleged victim(s)
- Interview witnesses, if any
- Interview the alleged harasser
- Determine the relationship of the parties

- Determine the context in which the conduct occurred
- Determine the effect of the conduct on the complaining party or victim
- Obtain copies of any documentation
- Evaluate the evidence
- Evaluate the alleged harasser’s conduct
- Complete a written report with any relevant documentation attached.

70.1.14 Employees are required to fully and truthfully cooperate in any investigation of harassment. Intentionally providing false information to the investigator is grounds for discipline.

70.1.15 Where harassment is found to have occurred, the city will take disciplinary action that is reasonably calculated to end the harassment and prevent its recurrence.

70.1.16 Disciplinary action may include transfer, written reprimand, suspension, demotion, or termination of employment. Disciplinary action against the harasser will be conducted in accordance with applicable Personnel Rules, administrative policies, and any applicable collective bargaining agreement.

70.1.17 The disciplined employee may appeal the disciplinary action in accordance with the Personnel Rules, administrative policies, and applicable collective bargaining agreement.

70.1.18 Care will be taken to protect the confidentiality of the harassment allegations to the extent possible. The City cannot guarantee complete confidentiality since it cannot conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses. However, interviews about the allegation of harassment will be shared only with those who need to know. Records relating to the harassment will be kept confidential on the same basis except that the victim shall be informed of the results of the

investigation and the nature of any disciplinary action taken against the harasser.

70.1.19 It is unlawful to retaliate against an employee for filing a complaint for harassment or for cooperating in an investigation of such complaint. The City will not tolerate such retaliation. Retaliation shall be reported immediately to any one of those individuals as described in 70.1.05 of this policy.

DRAFTED (awm) 06/04

APPROVED: 
 BEVERLY K. LENNEN
 Chief of Police

DATE: 07-23-04