**SECTION: HARASSMENT, DISCRIMINATION & RETALIATION PREVENTION**

**POLICY:** Nondiscrimination/Anti-Harassment **EFFECTIVE DATE:** insert date adopted

**STATEMENT OF PURPOSE:**

The City 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 City expects that all relationships among persons in the office will be business-like and free of explicit bias, prejudice, and harassment.

**DEFINITIONS:**

1. Harassment: Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA), Pregnancy Discrimination Act of 1978

Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, transgender status, or pregnancy), national origin, older age (beginning at age 40), disability, veteran status, or genetic information (including family medical history). Harassment becomes unlawful where 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.

1. Sexual Harassment: Sexual harassment is a form of sex discrimination, including sex, sexual orientation, transgender status, or pregnancy, that violates [Title VII of the Civil Rights Act of 1964](https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964). Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

1. Retaliation: Retaliation is an adverse employment action taken against an employee because they engaged in, or are perceived to have engaged in, a protected activity.
2. [Protected Activities](https://www.google.com/search?sca_esv=393159a26b253a41&hl=en&sxsrf=AHTn8zpcFjpxoNRWSKuuZwvih0A7nI3OzA%3A1744296668511&q=Protected+Activities&sa=X&ved=2ahUKEwiA37y6282MAxW3L0QIHd10HREQxccNegQIIBAB&mstk=AUtExfD1iXTPH_zAPlTaQPYG0dhEbbVa-rsKJMc6dlNSsLDWXDFF7kQEFGPHPU82WIU_ZEiOIsZmcK3weZVwNCAE_WnBAzkaBaEmEvBy-Ep6kla0PvoRrrGOpjANZu8NnjAl477fHg59iAuGRBONJnKWea203IzlDlgSLvb5WvsQN8Fx-_AeA21d2ftG04aalfFY0t_0B8RLbC0dpFx4Z6I-9QeYrcp0miOBxy7dNn4KX08w7xxiyW1qltcOW2AHM2CHiNkbjiAJTw_oReZix7XfrTiE3gdZQaliIYqygT73v_uGnSnAJUfdHHk8lwazVINd-w&csui=3): These activities include, but are not limited to:
   1. Filing a complaint about discrimination, harassment, or other workplace violations.
   2. Participating in an investigation of such complaints.
   3. Opposing discriminatory practices.
   4. Refusing to participate in illegal activities.

1. [Adverse Employment Actions](https://www.google.com/search?sca_esv=393159a26b253a41&hl=en&sxsrf=AHTn8zpcFjpxoNRWSKuuZwvih0A7nI3OzA%3A1744296668511&q=Adverse+Employment+Actions&sa=X&ved=2ahUKEwiA37y6282MAxW3L0QIHd10HREQxccNegUIgAEQAQ&mstk=AUtExfD1iXTPH_zAPlTaQPYG0dhEbbVa-rsKJMc6dlNSsLDWXDFF7kQEFGPHPU82WIU_ZEiOIsZmcK3weZVwNCAE_WnBAzkaBaEmEvBy-Ep6kla0PvoRrrGOpjANZu8NnjAl477fHg59iAuGRBONJnKWea203IzlDlgSLvb5WvsQN8Fx-_AeA21d2ftG04aalfFY0t_0B8RLbC0dpFx4Z6I-9QeYrcp0miOBxy7dNn4KX08w7xxiyW1qltcOW2AHM2CHiNkbjiAJTw_oReZix7XfrTiE3gdZQaliIYqygT73v_uGnSnAJUfdHHk8lwazVINd-w&csui=3): Retaliation can take many forms including, but not limited to:
2. Termination or firing.
3. Demotion.
4. Suspension.
5. Reduction in pay or hours.
6. Unfavorable job reassignment.
7. Increased scrutiny or negative performance reviews.
8. Creation of a hostile work environment.

**APPLICABILITY:**

This policy applies to all applicants, employees of the City, the City Council, Advisory Committee Members, Contractors, Vendors, and citizens of the City.

**POLICY:**

1. The City has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination, and retaliation. The City will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.
2. Any employee who has questions or concerns about these policies should talk with their director or Director of Human Resources.
3. These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and the policies of the City prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges, and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.
4. This policy is inclusive of the City’s Equal employment opportunity (EEO) policy to ensure equal employment opportunity without discrimination or harassment on the basis of race (including hairstyle/texture), 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. The City prohibits any such discrimination or harassment.
5. The City encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the City to promptly and thoroughly investigate such reports. Retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports is prohibited.
6. Sexual harassment constitutes discrimination and is illegal under federal, state, and local 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.
   1. Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment:
      1. Quid pro quo, and
      2. 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.
7. 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:
   1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment
   2. Has the purpose or effect of unreasonably interfering with an individual’s work performance, or
   3. Otherwise adversely affects an individual’s employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion 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.

1. Conduct prohibited by these policies is unacceptable in the workplace and in any

work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

1. Reporting an Incident of Harassment, Discrimination or Retaliation. The City 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 their immediate supervisor, director, or human resources, . See the complaint procedure described below.

In addition, the City encourages individuals who believe they are subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. The City recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

1. Complaint Procedure:
2. 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 their immediate supervisor, director, or human resources.
3. The City encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.
4. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly by human resources. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
5. The City will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.
6. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.
7. Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the City believes appropriate under the circumstances.
8. If a party to a complaint does not agree with its resolution, that party may appeal to the City Manager through human resources.
9. 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.