

CITY OF PAGE

Discrimination Harassment and Sexual Harassment Policy

Revised October 10, 2002

DISCRIMINATION HARASSMENT AND SEXUAL HARASSMENT POLICY

PURPOSE:

The purpose of this Policy is to affirm the City of Page's commitment to provide a work environment free from all forms of harassment, including sexual harassment and harassment on the basis of race, color, religion, sex, national origin, age, disability, veteran's status or any other protected category. This Policy shall set forth the definition of discrimination harassment and sexual harassment, outline departments' and employee's obligations, and establish complaint and investigation procedures.

The City of Page prohibits and will not tolerate discrimination harassment or sexual harassment by any employee at any level. The City maintains a "zero tolerance" standard with regard to inappropriate harassment or the creation of a hostile work environment. All employees, including supervisors, shall be subject to severe disciplinary action, up to and including immediate termination of employment, for any acts of discrimination harassment and/or sexual harassment they commit or for failure to report any violations of this Policy.

DEFINITIONS:

Discrimination harassment is verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of his/her race, color, religion, sex, national origin, age, disability, veteran's status or protected characteristics, or that of his/her relatives, friends or associates and that:

1. creates an intimidating, hostile or offensive working environment;
2. unreasonably interferes with an individual's work performance; or
3. otherwise adversely affects an individual's employment opportunities.

Discrimination harassment includes, but is not limited to:

- epithets;
- slurs, unsolicited remarks;
- negative stereotyping;
- threatening, intimidating or hostile acts that relate to the above characteristics;
- gestures, physical contact, written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the above characteristics, and that is placed on walls, bulletin boards, or elsewhere on City premises, or circulated in the workplace on paper or electronically; or
- sexual harassment (see below definition).

Sexual harassment is any unwelcomed sexual advance, request for sexual favors and other verbal or physical conduct of a sexual nature, when:

- submission to the conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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.

Sexual harassment includes, but is not limited to:

- requests for sexual favors, whether in a serious or joking manner, when submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly as a basis for employment decisions such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;
- sexual advances or propositions, whether physical touching is involved or not, when the alleged harasser has indicated, by his/her conduct, that such advances or propositions are unwelcome (reciprocal attraction between peers is not considered sexual harassment);
- inappropriate comments regarding physical or personality characteristics of a sexual nature; sexually-oriented "kidding," "teasing," and double entendres; suggestive, obscene or sexual letters, notes, invitations, derogatory comments, slurs, jokes or epithets;
- displaying or circulating sexually suggestive objects, written materials, pictures, posters, drawings, cartoons, calendars or other materials that are sexual in nature or pornographic;
- unwelcome leering, whistling, brushing against the body, sexual gestures, initiations, suggestive or insulting comments; inappropriate advances, pinching, impeding or blocking movements;
- inquiries into one's sexual experiences;
- discussion or comments about an individual's sexual activity, deficiencies, or prowess;
- coercive sexual behavior used to control, influence or affect the career, salary and/or work environment of another employee;

- offering or granting favors or employment benefits such as promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, in exchange for sexual favors; or
- physical assaults on another employee, including rape, sexual battery, molestation, or attempts to commit these acts.

Sexual harassment may apply to conduct of men toward women, women toward men, men toward men, women toward women, an employee toward a non-employee, and a non-employee toward an employee. The victim of sexual harassment may also be someone who is affected by the conduct, even though the conduct may be directed toward another person. For example, the sexual harassment of one employee may create an intimidating, hostile or offensive working environment for another employee.

REPORTING COMPLAINTS:

All employees are encouraged to and should promptly report incidents of discrimination harassment or sexual harassment. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcomed in order for any subsequent conduct to be deemed unwelcomed.

Any employee who believes he or she has experienced discrimination harassment or sexual harassment should report such incident or incidents to their immediate supervisor. If the immediate supervisor is unavailable or if the employee believes it would be inappropriate to contact that person, the employee should immediately contact any supervisor within the chain of command including the Department Head or City Human Resources Director or, if necessary, the City Manager.

Upon receiving an oral complaint, the employee who received the oral report shall immediately have the complainant fill out a Complaint Form or fill out a Complaint Form for the complainant. The employee who received the report shall forward the completed Complaint Form to the City Human Resources Director.

If the alleged harasser is the City Manager or a City Council member, then the City Human Resources Director shall report the incident to the Mayor. If the alleged harasser is the Mayor, then the City Human Resources Director shall report the incident to the City Council.

When filing a complaint, the Complaint Form shall contain the following information:

- his or her name, department, and position title;
- the name of the individual(s) accused of discrimination harassment or sexual harassment, department and position title;

- The incident of the alleged discrimination harassment or sexual harassment, the length of time the alleged harassment has occurred, specific dates, times and location the alleged harassment occurred and any actions or threats against the employee resulting from the alleged harassment;
- any witnesses to the alleged harassment who could provide more information; and
- a projected solution indicating what should be done to solve the problem.

INVESTIGATION:

All allegations of discrimination harassment or sexual harassment shall be investigated. The investigation shall be conducted in such a way as to maintain confidentiality to the greatest extent possible under the circumstances. In determining whether alleged conduct constitutes discrimination harassment or sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred shall be investigated.

The City Human Resources Director shall have the responsibility of investigating all complaints of discrimination harassment and sexual harassment, unless otherwise designated by the City Manager, in a fair and expeditious manner.

If it is determined during or after the preliminary review that circumstances warrant, then the individual accused of harassment may be placed on paid leave until the matter is resolved, or, if circumstances warrant, both the accused and the accuser may be placed on paid leave until the completion of the investigation or the matter has been resolved. Such determination shall be made on a case-by-case basis and shall not be considered disciplinary action.

The investigator shall privately interview the person filing the complaint of harassment, the person alleged to have committed the harassment, witnesses, anyone who could provide more information and the written or verbal responses of any other persons contacted in the course of the investigation. The investigator shall keep a written record of the investigation. Such written record shall include:

1. verbal and/or written responses by the person filing the complaint of harassment;
2. verbal and/or written responses by the person alleged to have committed the harassment;
3. verbal and/or written responses of anyone who could provide more information (witnesses); and
4. verbal and/or written responses of any other persons contacted in the course of the investigation.

Upon completion of the investigation, the investigator shall deliver the investigation report and findings of facts and conclusions to the City Manager. The City Manager shall contact the City Attorney's office for legal advice.

Employees are required to cooperate and not interfere with the investigation. Disciplinary action may be taken against any employee who fails or refuses to cooperate with the investigation.

Upon completion of the investigation, to the extent appropriate, the City Human Resources Director shall inform the complainant and the person alleged to have committed the conduct of the results of the investigation.

If it has been determined that inappropriate conduct has occurred, the City Manager shall act to promptly eliminate the offending conduct and, where appropriate, impose disciplinary action, up to and including termination of employment.

NON-RETALIATION:

Any charge of discrimination harassment or sexual harassment may be brought without fear of retaliation. Retaliation against an individual who has complained about discrimination harassment or sexual harassment, and retaliation against individuals for cooperating with an investigation of a discrimination harassment or sexual harassment complaint is unlawful and shall not be tolerated by the City of Page. If an employee believes that he or she is being retaliated against in connection with a discrimination harassment or sexual harassment complaint or investigation, then he/she should report such conduct immediately to his/her immediate supervisor or to the City Human Resources Director or, if necessary, the City Manager. Any employee who retaliates against another employee for making an allegation of discrimination harassment or sexual harassment or cooperating with an investigation of such harassment shall be subject to disciplinary action, up to and including terminations.

NO EXPECTATION OF PRIVACY:

Personal use of communication via e-mail, telephone, facsimile and other City of Page owned communication systems are not private and employees should not consider them private. If there is a reasonable suspicion that an employee is violating this Policy, then the City Manager or designee may inspect, monitor and/or search City property at any time, with or without notice. Searches shall include, but are not limited to, examining an employee's office, desk, computer, file cabinet, files, briefcase, locker or other City owned property used by employees or items that are brought to the workplace.

DISCRIMINATION HARASSMENT
AND
SEXUAL HARASSMENT

COMPLAINT FORM

Please print:

Name: _____ Date: _____

Position Title: _____ Department: _____

Address: _____

Telephone: (____) _____ Another phone where you can be reached(____) _____

During the hours of: _____

I wish to complain against:

Name of person, position title and department (program or activity): _____

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, location, and any attempts you have made to solve the problem. Describe any actions or threats against you resulting from the alleged harassment and the length of time the alleged harassment has occurred. Be sure to note specific relevant dates, times, and places.

Date of the action against which you are complaining: _____

If there is anyone who could provide more information, please list name(s), address(es), and telephone number(s).

NAME	ADDRESS	TELEPHONE NUMBER
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The projected solutions:

Indicate what you think can and should be done to solve the problem. Be as specific as possible. Attach additional pages as needed.

I certify that this information is correct to the best of my knowledge.

Signature of Complainant

The Supervisor shall give one copy to the Complainant, one copy to the City Human Resources Director and the City Manager and shall retain one copy for the file.

Discrimination Harassment and Sexual Harassment Employee Acknowledgment

This is to acknowledge receipt of the City of Page's policy concerning Discrimination Harassment and Sexual Harassment. I have carefully read and understand the policy and procedure contained in the policy concerning Discrimination Harassment and Sexual Harassment and acknowledge that it applies to me both in my present capacity and in any future position I may hold with the City. I will comply with all said policies and procedures as set forth in the policy concerning Discrimination Harassment and Sexual Harassment. I understand that I should immediately report any discrimination and/or sexual harassment.

I understand this will be filed in my Official Personnel Folder.

Signature

Date