City Personnel Policy

SEXUAL AND OTHER DISCRIMINATORY HARASSMENT PROHIBITED

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POLICY:

The City is committed to providing a workplace that is free from sexual and other discriminatory harassment. Employees are strictly prohibited from harassing anyone because of their sex, race, color, age, national origin, religion, creed, physical or mental disability, sexual orientation or gender identity. Employees also must not harass someone for opposing discrimination or for participating in the discrimination complaint process. Acts of sexual and other discriminatory harassment will not be tolerated by the City.

All employees are expected to take appropriate measures to prevent sexual and other discriminatory harassment. Employees who believe they are being harassed for one of the reasons listed above or who witness potential harassment must report the offending conduct so that it can be stopped before it becomes severe or pervasive and rises to a possible violation of law.

APPLICABILITY:

All employees, as well as those serving on appointed boards and commissions, whether compensated or uncompensated; and, any one representing the City in any and all interactions with the public.

The conduct prohibited by this policy is unacceptable in the work place and in any work related setting outside of the work place, such as during business trips, business meetings, and business-related social events.

PROCEDURE:

SEXUAL HARASSMENT

1. The term "sexual harassment" refers to unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature or based on an individual's sex when:

   A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or,

B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or;

C. The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment. .

2. Examples of conduct which may constitute sexual harassment: (These are merely examples and are not exhaustive of all types and forms of sexual harassment.)

A. Requesting or offering sexual favors (express or implied) in return for providing job benefits.

B. Threatening (express or implied) to terminate, demote, not promote or alter duties (or causing same to occur) if sexual favors are not provided.

C. Unnecessary touching including cornering or brushing up against another person's body.

D. Open speculation or inquiries about a person's sex life.

E. Jokes, remarks, or innuendos that are sexual in nature about another person or such comments about women and men in general which result in an intimidating, hostile or offensive work environment.

F. Sabotaging the victim's work.

G. Engaging in hostile physical conduct.

H. Using crude and offensive language or gestures.

I. Presenting, promoting, or failing to discourage the presence in the work place or by electronic means of art, humor, conduct, conversation, or literature of a sexual nature, particularly if it is vulgar, offensive, demeaning or insensitive in tone.

J. Display of sexually-explicit material in the workplace.

3. Sexual harassment may occur even if it leads to no tangible or economic job consequences or the offender lacks the authority to carry out the threat or benefit.

4. Sexual harassment can be physical or verbal in nature. A series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

5. Sexual harassment can involve males or females being harassed by members of either sex.

6. Sexual harassment typically involves a person in a greater position of authority However, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

7. The victim of harassment does not have to be the person harassed but could be anyone affected by the offensive conduct.

8. Sexual harassment may exist when the conduct that occurred is because of the gender of the harassed employee and is not sexual in nature.

OTHER TYPES OF DISCRIMINATORY HARASSMENT.

1. The term "discriminatory harassment" refers to verbal or physical conduct that denigrates or shows hostility toward an individual because of his/her race, color, age, disability, national origin, religion, creed, sexual orientation, gender identity, or having filed a discrimination complaint or cooperated in an investigation of a discrimination complaint.

2. Examples of conduct that may constitute discriminatory harassment: (These are merely examples and are not exhaustive of all types of and forms of discriminatory harassment.)

   A. Abusing the dignity of an employee through insulting or degrading remarks or conduct.

   B. Subjecting an employee to demeaning and/or degrading activities in order to gain co-worker acceptance, e.g., hazing.

   C. Threats, demands, or suggestions that an employee's work status is contingent on the employee's tolerance of the behavior described in A. and B.

   D. Disciplining or terminating an employee because of worker incompatibility which is caused by prohibited behavior, e.g., prejudiced or biased behavior.

   E. Epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and the display or circulation in the work place of written or graphic material that denigrates or shows hostility or aversion toward an individual or a group (including through e-mail).

3. Discriminatory harassment is not necessarily limited to the loss of a job or some other economic benefit. Harassment that impairs an employee's working ability or emotional well-being at work violates this policy and will not be tolerated by the City.

4. Harassment based on the perception that anyone has any of the protected characteristics listed above, or is associated with a person who has or is perceived as having any of those characteristics is also prohibited.

REPORTING SEXUAL OR OTHER DISCRIMINATORY HARASSMENT

1. Any employee who believes that he or she has been subjected to sexual harassment or discriminatory harassment is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop.

2. If the employee does not wish to communicate directly with the offending person, or if such communication has not been effective, the employee has multiple avenues for reporting allegations of sexual or discriminatory harassment and pursuing resolution:

    A. The employee should report the incident(s) to someone in a management capacity with whom they are comfortable. This could be someone in the supervisory chain of command above the employee, the Human Resources Department, or the City Attorney's Office.

    B. A supervisor or other management official who is informed of an incident of possible sexual or discriminatory harassment, witnesses such conduct or has a reasonable suspicion concerning the same shall immediately report this information to the City Attorney's Office.

    C. Failure to report employee complaints, personal observations or reasonable suspicions concerning sexual or discriminatory harassment incidents will be considered a violation of this policy and may result in disciplinary action.

3. The City Attorney's Office shall make a prompt and thorough investigation of all complaints.

    A. All employees, supervisory, and management representatives must cooperate fully with the investigation of a sexual harassment or discriminatory harassment complaint.

    B. Absolute confidentiality cannot be guaranteed. However, every effort will be made to handle all complaints and investigations with as much discretion and confidentiality as circumstances permit with the concerns of the complaining employee being paramount.

4. The City shall take appropriate action based on the results of the investigation with the goal of immediately eliminating any discriminatory conduct and making sure that such conduct does not take place in the future.

5. The City will not tolerate any retaliation against any employee for making a complaint, bringing inappropriate conduct to the City's attention, or for participating in an investigation of an alleged act of harassment.

PENALTIES FOR VIOLATION OF DISCRIMINATORY HARASSMENT POLICY

The following individuals will be subject to disciplinary action up to and including termination of employment:

1. Any individual covered by this policy who engages in any form of harassment prohibited by this policy; or,

2. Any individual covered by this policy who retaliates against an individual who has complained of harassment; or, someone who cooperates in an investigation of harassment; or, one who investigates a complaint of harassment; or,

3. Any Department Head or supervisor who fails to act on an employee complaint or on direct or indirect personal knowledge of harassment.

TRAINING - SEXUAL AND OTHER DISCRIMINATORY HARASSMENT POLICY

The City shall provide all employees with Sexual and Discriminatory Harassment training which will include a discussion of the employee's rights and responsibilities under this policy and the consequences of policy violations.

1. A copy of this policy shall be given to every employee at the time it is adopted.

2. New employees shall receive a copy of this policy and undergo sexual/discriminatory harassment training within 90 days of employment.

3. All employees will be provided with a copy of this policy and undergo sexual/discriminatory harassment training at least once every three (3)~~four (4)~~ years.

4. Additional copies of this policy are available at any time through the Human Resources office and~~. This policy shall also be available on the City's web site at www.councilbluffs-ia.gov (link to Human Resources/Policy).~~ through the City's intranet.

5. Other information about civil rights and redress is available on the City's web site in the Legal Department Section under "Civil Rights Commission".

POSTING

This policy shall be posted in conspicuous places throughout each department; and shall be distributed to all individuals covered by this policy, unions representing individuals covered by this policy, City used recruiting sources and City vendors.