



**CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL**

<b>POLICY TITLE</b>	<b>Harassment-Free Workplace</b>
<b>INITIAL EFFECTIVE DATE</b>	<b>January 23, 2017</b>
<b>LAST REVISION DATE</b>	<b>Replaces <i>Section 13.13</i> of the Personnel, Administration and Financial Policies and Procedures Manual approved on February 24, 2014 and City Manager’s Administrative Order Number 1 covering Anti-Nepotism established on December 18, 2002.</b>
<b>POLICY NUMBER</b>	<b>10.08</b>

**OBJECTIVE** The purpose of this policy is to establish a harassment-free workplace and set forth the procedures by which the City will address and process harassment complaints. The City of Watauga prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy.

**SCOPE** This policy applies to all employees.

**POLICY**

**A. Definitions**

1. Harassment: Objectionable conduct, comment or display that demeans, belittles, or causes personal humiliation based on a person’s race, national or ethnic origin, color, religion, sexual orientation, age, sex, gender identity, genetic information, disability or veteran status. This includes physical contact (e.g., touching, pushing), comments (e.g., slurs, jokes, name-calling), or displays (e.g., posters, cartoons).

Behavior or conduct can rise to the level of harassment if it results in one of the following:

- a. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- b. Has the purpose or effect of interfering with an employee’s work performance; or
- c. Adversely affects an employee’s employment opportunities.

2. Sexual Harassment: 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:

- 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 individuals; 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.

Under Title VII of the Civil Rights Act of 1964, there are two types of sexual harassment: a) quid pro quo and 2) hostile work environment. Sexual harassment can be physical and psychological in nature.

"Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions.

"Hostile work environment," where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers.

## **B. Policies and Procedures**

The City of Watauga prohibits all forms of harassment and maintains a policy that all employees shall be treated with respect. Allegations of any type of harassment identified below will be taken seriously and, if substantiated, will be addressed through appropriate disciplinary actions.

### **1. Workplace Duties and Responsibilities**

- a. It is the responsibility of each employee of the City of Watauga to engage in and promote workplace behaviors that create and maintain an environment of respect.
- b. Any employee who believes that he or she has been harassed based on race, national or ethnic origin, color, religious beliefs, sexual orientation, age, sex, gender identity, genetic information, disability or veteran status should file a formal or informal complaint as discussed under Section 3 below.
- c. Any employee who observes behavior that appears to violate another employee's race, national or ethnic origin, color, religious beliefs, sexual orientation, age, sex, gender identity, genetic information, disability or veteran status should immediately notify their supervisor.
- d. All employees have a responsibility to cooperate in the investigation of a harassment complaint.

## 2. Employer's Duty to Correct

All Supervisors, Managers, Department Directors and Administrators are expected to prevent and correct harassment in the workplace. Any employee with management responsibility who becomes aware of harassment in their work area must take corrective steps whether or not a formal complaint has been filed. For areas not within their immediate workplace, managers must notify their next level supervisor. Managers who fail to properly address harassment in their workplace may be disciplined up to and including termination of employment. This policy is not intended nor should it be applied to limit a manager's ability to manage the workplace. It will be the ongoing responsibility of the Department Director or their designee to monitor work areas for inappropriate action, comments or display and take necessary action.

## 3. Complaint Review Procedures

### a. Informal Complaint Procedure

If an employee feels that they are being harassed based on the areas noted in this policy, they are encouraged to resolve the matter as soon as possible by addressing the issue(s) with the offending party. If unable to resolve the issue(s) directly with the offending party, the harassed employee shall report the matter to their supervisor or manager. If still unresolved, the employee may speak with their Department Director.

### b. Formal Complaint Procedure

If the informal process is not successful or is not pursued, the harassed employee may file a formal complaint with the Human Resources Department.

Investigations will be conducted by the Human Resources Director.

The Human Resources Department is responsible for processing harassment complaints. Formal complaints submitted to Human Resources must be in writing and specific as to the facts and date(s) to allow effective and thorough investigation by the City. **See Appendix A for the Harassment-Free Workplace Complaint Form.**

Each formal harassment complaint will be investigated. Upon request by the complaining party, a representative of the same sex may be assigned to follow-up with the complainant in cases involving allegations of sexual harassment. At the discretion of the investigator, interviews may be recorded in written, audio, and/or video format.

To the extent possible, all information concerning a harassment complaint will be treated as confidential. The content of a harassment complaint will not be disclosed except as a part of the investigative process, to those who have a need to know or as required by law.

The alleged offending party may provide a written response to the allegation(s) within ten (10) business days of receiving the complaint.

After consulting with Human Resources, the Department Director may place the alleged offending party and/or complaining party on administrative leave with pay pending the completion of the investigation.

Within fourteen (14) business days of concluding the investigation, Human Resources will provide the City Manager and Department Director a report as to the validity of the complaint.

Withdrawal of a complaint will not necessarily end an investigation. The City may pursue an investigation with or without a pending complaint.

Within ten (10) business days of receiving the Human Resources Department's report of harassment, the Department Director will take appropriate disciplinary action with approval of the City Manager. Human Resources may extend the ten (10) day deadline if necessary.

The complaining party and the alleged offending party will be provided a written notification of the Department Head's decision.

### **C. False or Frivolous Complaints**

Complaints found to be fabricated, frivolous, or made in bad faith will not be tolerated and subsequent disciplinary action up to and including termination may result.

### **D. Retaliation**

Every employee has the right to report, in good faith, incidents of discrimination/harassment or inappropriate behavior without fear of retaliation. Retaliation by any person against anyone involved in the informal or formal complaint process will not be tolerated and may result in discipline, up to and including dismissal.

### **E. Workplace Relationships**

Employees who desire to have a relationship outside of the workplace must maintain a professional work environment. Relationships involving personnel in different levels of the chain of command must be reported to the Department Director. Because of potential issues regarding quid pro quo harassment, The City of Watauga has made reporting mandatory. The City Manager and Human Resources Director will determine if any action is needed to maintain a sound professional work environment.



CITY OF WATAUGA

HARASSMENT-FREE WORKPLACE COMPLAINT FORM

The information you provide is essential to the City's investigation. Please be as specific and thorough as you can in your statements.

TYPE(S) OF HARASSMENT:

- Checkboxes for RACE, NATIONAL/ ETHNIC ORIGIN, COLOR, SEX, RELIGION, SEXUAL ORIENTATION, AGE, GENDER IDENTITY, VETERAN, DISABILITY, GENETIC INFORMATION

1. Where did the incident occur?

Two horizontal lines for text entry.

2. On what date(s) did it occur?

Two horizontal lines for text entry.

3. As accurately and specifically as possible, describe the circumstances (including actions, comments and/or display of behavior) which is (are) the basis for this complaint and identify the person(s) involved.

Five horizontal lines for text entry.

4. Was this the first such incident? [ ] Yes [ ] No If "No," where did the previous incident(s) occur and who was involved?

Five horizontal lines for text entry.

5. Were there any witnesses?  Yes  No If "Yes", who?

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6. Have you mentioned your concern/complaint to others?  Yes  No If so, to whom and when?

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7. Do(es) the person(s) you are complaining about know you are filing this formal complaint?  Yes  No If "Yes," how does he/she know?

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8. Did your supervisor or other member of management know about your concern/complaint prior to your filing of this complaint?  Yes  No If so, who and when?

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9. What is your desired outcome?

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To the best of my knowledge, the information provided above is true and correct.

Name (Print & Sign) \_\_\_\_\_ Date \_\_\_\_\_

Received by (Print & Sign) \_\_\_\_\_ Date \_\_\_\_\_