

CHAPTER 14 SEXUAL HARASSMENT POLICY AND PROCEDURE

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14-1 Prohibition Against Sexual Harassment

All employees of the City have the legal right (Title VII of the Civil Rights Act of 1964) to work in an environment free from sexual harassment. In addition, all individuals making application for employment with the City have the right to expect an environment free from sexual harassment.

Sexual harassment is an unlawful activity which violates City policy and is prohibited as a form of sex discrimination. Both sexual harassment and inappropriate sexual conduct, whether legally sexual harassment or not, are unacceptable behavior. Any employee who engages in any form of sexual harassment shall be subject to disciplinary action.

Sexual harassment, according to the federal Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature or sex based nature where:

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

An employment decision is based on an individual's acceptance or rejection of such conduct.

Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has filed a complaint about sexual harassment or inappropriate sexual conduct.

The City and its supervisors, employees and agents are under a duty to investigate or eradicate any form of sexual harassment or inappropriate sexual conduct or complaints about such conduct. In addition to prohibiting sexual harassment and inappropriate sexual conduct by its employees, the City prohibits sexual harassment towards its employees by its citizens, contractors and/or vendors.

The City's management is committed to vigorously enforcing this prohibition of Sexual Harassment at all levels of the organization. This prohibition against Sexual Harassment is in effect at all times and in all places.

14-2 Statement of Penalties for Misconduct

An employee's commission of acts of sexual harassment, inappropriate sexual conduct, and/or retaliation will result in disciplinary action up to and including termination.

14-3 Reporting Violations of Sexual Harassment

Employees are required to report all incidents of what they believe to be inappropriate sexual conduct or violations of the City's Sexual Harassment Policy. These reports shall be made at the time when the employee first feels they or someone else has been sexually harassed or subjected to inappropriate sexual conduct. The following procedure will guide the investigation of these claims:

Employees must file a sexual harassment complaint either verbally or in writing with one of the following individuals: the City Recorder, the Mayor, or the City Attorney.

All such complaints will be investigated by the Mayor or Mayor Pro Temp. If the investigation indicates that harassment or inappropriate sexual conduct has occurred, appropriate action will be taken. Confidentiality will, to the extent practical, be protected. The City will make every reasonable effort to keep the identity of the reporting person confidential, but confidentiality cannot be guaranteed.

Any employee of the City who is accused of sexual harassment or inappropriate sexual conduct shall not question, coerce, intimidate, or retaliate in any way against the employee who has filed a complaint of sexual harassment or inappropriate sexual conduct or against employees that have provided information concerning the complaint.

All employees shall cooperate fully in any investigation of sexual harassment, inappropriate sexual conduct, or retaliation. Disciplinary action will be taken against any employee that obstructs or does not fully cooperate with any such investigation.