

## **SECTION 4: Employee Relations**

### **III. Discrimination/Harassment**

#### **A. General Information**

1. 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 an atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment.
2. The City of Celina is committed to ensure equal employment opportunity, without discrimination or harassment on the basis of race, color, religion, gender, age, disability, national origin, or any other characteristic protected by law. The City will not tolerate any discrimination or harassment of another based on any of the above, nor will it tolerate reprisals or retaliation against any employee who makes a harassment complaint or participates in the investigation of a complaint. No employee shall discriminate against or favor any individual on the basis of the above areas with regard to any employment decisions.
3. Conduct prohibited by this directive is unacceptable in the workplace or in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.
4. Employees are expressly prohibited from displaying any form of conduct, verbal or non-verbal, which has the purpose or effect of interfering with another individual's work performance or which creates a hostile, offensive or intimidating work environment

#### **B. Scope**

1. This directive applies to applicants and employees, as well as those employees who work with but who are not directly connected to the City (e.g., outside vendor, consultant, or customer) but whom are on city premises or interact with employees for city related business.

#### **C. Policies**

1. Human Resources shall provide information to employees and supervisors in the City regarding policies of the City and prohibited conduct under this policy.
2. The City encourages immediate reporting of all perceived incidents of discrimination or harassment so that there is an opportunity to address and/or stop the behavior. It is the policy of the City to investigate such reports.
3. Managers and supervisors in the City are responsible to ensure their employees work in an environment free from harassment/discrimination and are responsible to immediately correct any such prohibited behavior that is found to occur.
4. All information disclosed in a review of a complaint of discrimination or harassment will be held in strictest confidence and only disclosed on a need-to-know basis in order to fully investigate and address the matters. Any employee who violates this confidentiality is subject to discipline up to and including termination.

#### **D. Harassment/Discrimination Defined**

1. Harassment includes implicit or explicit verbal or physical conduct that degrades or shows hostility or aversion toward an individual and that:
  - a) Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;

- b) Unreasonably interferes with an individual's work performance; or
    - c) Adversely affects an individual's employment opportunities.
  - 2. Examples of prohibited general harassing conduct includes but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes, or written or graphic material placed on walls or elsewhere on the employer's premises, or circulated in the workplace.
- E. Sexual Harassment Defined
  - 1. Sexual harassment is defined 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 as 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.
  - 2. Examples of prohibited conduct including, but not limited to:
    - a) Un-welcomed or offensive sexual flirtation, advances, propositions, touching and/or hugging;
    - b) Graphic/suggestive comments of a sexual nature and/or suggestive or insulting sounds, leering, whistling or obscene gestures; or
    - c) Display, possession or forwarding of sexually suggestive objects or pictures in the workplace or during working hours.
- F. Retaliation
  - 1. Employees are prohibited from any form of retaliation against an individual for reporting discrimination or harassment, or for participating in an investigation of a claim of discrimination or harassment.
  - 2. Acts of retaliation should be reported immediately to Human Resources for review of the facts and to consider appropriate action.
- G. Complaint Procedure
  - 1. Individuals being subjected to harassing conduct or perceived discrimination are encouraged to advise the offender that the behavior is unwelcome and ask that it be stopped. This alone may resolve the problem as often a person may offend without knowing or realizing what they have done.
  - 2. Immediate reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of prohibited conduct.
  - 3. If not comfortable addressing the person, the employee should discuss concerns with the immediate supervisor, Department Head, or Human Resources.
  - 4. A written statement may be requested to detail the facts, dates/times, and/or any witnesses to the events. Once requested, an employee must provide the requested document. If the employee fails to provide this, the person advised of the complainant's concerns may document what they were told by the individual.
  - 5. Any person notified of a complaint of harassment or discrimination has an obligation by law to advise someone in the capacity to address the concern. For the City, you must advise your department head and/or Human Resources, then the City Manager's Office.

6. Allegations of prohibited conduct under this directive will be investigated by a person designated by the City Manager in a prompt, fair, and thorough manner. This may include an outside consultant/attorney.
7. Each person interviewed is expected to maintain confidentiality. Employees who violate this restriction subject themselves to disciplinary action.
8. Employees involved in the investigation, including the complainant, are not allowed to bring any person with them to sit in on any interview conducted.
9. False or malicious allegations will be considered a serious offense. Any individual determined to have made a false or malicious complaint will be subject to disciplinary action up to and including termination.
10. A complainant may withdraw a complaint at any time. However, once made aware of the allegations, the City may still pursue the investigation to conclusion if enough information and/or facts were provided to raise concern of potential prohibited conduct. Generalized or anonymous complaints may not necessarily be investigated unless detailed facts and/or incidents are provided to substantiate such a complaint.
11. Misconduct found to occur relating to harassment, discrimination, or retaliation will be dealt with appropriately by the City. Responsive action may include training, counseling, or disciplinary action relative to each case.