

Harassment Policy

1.0 POLICY STATEMENT: The City will not tolerate the harassment of any of its employees, and will take immediate, positive steps to stop it when it occurs.

2.0 PROCEDURES: Sexual harassment or any form of unlawful harassment of any employee of the City of Johnson City by any other employee or non-employee is demeaning to both the victim of the harassment and to the city. It can result in high turnover, absenteeism, low morale, and an uncomfortable work environment. Some forms of sexual harassment, including certain kinds of unwelcome physical contact, may also be criminal offenses.

2.1 *Sexual Harassment Defined*

Sexual harassment is behavior with sexual content or overtones that is unwelcome and personally offensive. It can consist of sexually oriented “kidding” or jokes; physical contact such as patting, pinching or purposely rubbing up against another person’s body; demands or requests for sexual favors tied to promises of better treatment or threats concerning employment; discriminating against an employee for refusing to “give in” to demands or requests for sexual favors; or rewarding or granting favors to one who submits to demands or requests for sexual favors.

2.2 *Workplace Harassment Defined*

Workplace harassment is defined as conduct that has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment. This definition of sexual and/or workplace harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women. This definition provides illustrative examples and should not be perceived as all-inclusive.

2.3 *Coverage and Distribution Policy*

This sexual and workplace harassment policy applies to all officers and employees of the City of Johnson City, including, but not limited to, full and part-time employees, elected officials, temporary employees, employees covered or exempted from personnel rules or regulations, and employees working under contract for the city. The Department of Human Resources will work with Department Heads and supervisors to insure that all employees under their direction are familiar with this policy.

2.4 *Sexual Harassment is Illegal*

Sexual harassment is a violation of, Title VII of the Civil Rights Act of 1964. In some cases it has been found to be a violation of the victims U.S. Constitutional Rights.

2.5 *Making Sexual Harassment Claims*

Any employee who feels he or she is being subjected to sexual harassment or has witnessed sexual harassment of others should immediately contact one of the persons listed with whom the employee feels the most comfortable. To determine if there is a valid complaint of sexual harassment, complaints may be made orally or in writing to the:

- 2.5.1 employee's immediate supervisor,
- 2.5.2 employee's Department Head,
- 2.5.3 Director of Human Resources, or
- 2.5.4 City Manager.

2.6 The employee should be prepared to provide the following information:

- 2.6.1 The employee's name, department and position title The name of the person or persons committing the sexual harassment, including their title if known.
- 2.6.2 The specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken as a part of the harassment, or any other threats made as a part of the harassment.
- 2.6.3 Witnesses to the harassment.
- 2.6.4 Whether you have previously reported such harassment and, if so, when and to whom.

2.7 *Reporting and Investigation of Sexual Harassment Claims*

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the Director of Human Resources or the City Manager. (attached Form HR 166-01 may be used). During the investigation of the sexual harassment complaint, the following steps will be taken:

- 2.7.1 Question and obtain written statements from the person complaining of sexual harassment.
- 2.7.2 Question and obtain written statements from witnesses which provide a report of the nature of the conduct witnessed.
- 2.7.3 Question and obtain a written statement from the person against whom the complaint of sexual harassment has been made.

- 2.7.4 Prepare a report of the investigation, which includes the original written statement of complaint, the statements of witnesses, a written statement of the person against whom the complaint is made, and all notes connected to the investigation, and submit the report to the City Manager.
- 2.7.5 Upon receipt of the report of the investigation of a complaint of sexual harassment, the City Manager shall immediately review the report.
- 2.7.6 If the City Manager determines that the complaint of sexual harassment is founded, he/she shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment, consistent with his/her authority under the municipal charter, ordinances, rules or regulations pertaining to employee discipline.
- 2.7.7 The disciplinary action will be consistent with the nature and severity of the offense. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. A written record of disciplinary action shall be maintained.
- 2.7.8 In all events, an employee suspected of sexual harassment shall be warned not to retaliate in any way against the person making the complaint of sexual harassment, witnesses, or any other person connected with the investigation of the complaint.

2.8 *Sexual Harassment Committed by Non-Employees*

In cases of sexual harassment committed by a non-employee against a city employee in the workplace, the City Manager shall take all lawful steps to insure that the sexual harassment is brought to an immediate end.

2.9 *Obligation of Employees*

Employees are obligated to report instances of sexual harassment that they witness, whether those instances are directed toward the employee himself/herself, or toward others. Sexual harassment exposes the city to potential liability, and a part of every employee's job is to reduce the city's exposure to liability.

2.10 *Other Forms of Unlawful Harassment*

2.10.1 Besides sexual harassment, other forms of unlawful harassment can create offensive working conditions for the victim, or detrimentally affect the victim's psychological well being. This conduct can unreasonably interfere with an employee's work performance, often resulting in negative effects within the organization.

2.10.2 Unlawful harassment is defined as conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Harassment on the basis of race, color, religion, sex, national origin, disability, or age violates Title VII of the Civil Rights Act of 1964. Slurs, "jokes", offensive or derogatory comments, or other verbal or physical conduct based on these characteristics constitute unlawful harassment if

the conduct creates an intimidating, hostile, or offensive working environment, or interferes with the individual's work performance. Unlawful harassment is also constituted when slurs, "jokes", offensive or derogatory comments or other verbal or physical conduct of themselves create an intimidating, hostile, or offensive working environment, or interfere with the individual's work performance.

2.10.3 Procedures for the reporting and investigation of unlawful harassment complaints shall follow the same guidelines described in this policy for the reporting and investigation of sexual harassment complaints.

3.0 RESPONSIBILITY: The Human Resources Director is responsible for the administration and communication of this policy.

APPROVED:

M. Denis Peterson
City Manager

Original:
Revisions: 07/30/2002

Harassment Complaint Form

Name _____ Job Title _____

Department _____

Name of Immediate Supervisor _____

Statement of Complaint

(Please read the attached Harassment Policy before completing the rest of this form.)

Date(s) of Incident(s) _____

Names of Person(s) Accused of Harassment _____

Name(s) of Witnesses, if any _____

Description of Incident(s) (Describe actions and statements of all persons involved, including yourself. Be Specific!) How long has it been going on and previous reports of harassment that have been filed.

Adjustment or Remedy Requested: _____

Employee Signature _____ Date _____

Complaint Submitted to: (Check One) _____ Human Resources Director

_____ City Manager

_____ Immediate Supervisor

_____ Department Head

Do not write below this line.

Received

Initials

Date