

## **CITY OF RICHARDSON INTERDEPARTMENTAL POLICY AND PROCEDURE**

### **SEXUAL AND OTHER UNLAWFUL HARASSMENT**

#### **POLICY**

It is the policy of the City of Richardson to provide a work environment for all applicants and employees that is free from all forms of sexual and other unlawful harassment. Additionally, no employee will be subject to unlawful adverse employment action relating to filing a harassment complaint. This policy is consistent with federal and state laws, and with the City's objectives of maintaining the highest standards of health, safety, and productivity. **Employment discrimination and/or harassment based on age, citizenship, color, disability, national origin, pregnancy, race, religion, sex, veteran status, or any other legally protected characteristic is strictly prohibited.**

It is the policy of the City that all reports or complaints of sexual and other unlawful harassment, or unlawful adverse employment action for such, will be acted upon promptly. If a report or complaint is made to a Department Head (or City Manager or designee), or to a sworn law enforcement officer in a specialized unit in a department created to investigate misconduct within that department, the Director or Assistant Director of Human Resources must immediately be advised of the allegations. If the report or complaint is made to the Director or Assistant Director of Human Resources, the proper Department Head (or City Manager or designee) will be immediately notified. The Director/Assistant Director of Human Resources will normally coordinate the investigative effort.

This policy applies to conduct in and/or related to the workplace and to any work-related settings outside the workplace, e.g., business trips, business meetings, and business-related social events. This policy applies to all employees of the City, and to citizens, vendors, and visitors in the workplace. City employees who violate this policy are subject to disciplinary action, up to and including termination of employment. [Civil Service employees, refer to Civil Service Rules, Section 69 (w).]

#### **SEXUAL HARASSMENT**

**Sexual harassment is specifically prohibited.** Unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- 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.

Prohibited conduct includes unwelcome physical contact such as touching, kissing, and blocking an employee's movement. Other examples of prohibited conduct include, but are not necessarily limited to, unwelcome discussion of sexual activities, prolonged staring (leering), display of sexually explicit pictures or drawings, use of sexually suggestive gestures, sexual propositions, slurs, insults, jokes, and/or sexual remarks about physical attributes. This policy also prohibits sending, showing, sharing, and/or

distributing in any form inappropriate jokes, pictures, comics, stories, etc., via facsimile, electronic mail, instant message, text, and/or the Internet (including but not limited to YouTube, MySpace, Facebook, etc.).

## **OTHER UNLAWFUL HARASSMENT**

Harassment of employees on the basis of age, citizenship, color, disability, national origin, pregnancy, race, religion, sex, veteran status, or any other legally protected characteristic, is also prohibited. Slurs, epithets, and/or jokes based on these characteristics have no place in the workplace and will not be tolerated. Conduct, comments, and/or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, and/or distributing in any form inappropriate jokes, pictures, comics, stories, etc., via facsimile, electronic mail, instant message, text, and/or the Internet (including but not limited to YouTube, MySpace, Facebook, etc.). Harassment of any nature, when based on age, citizenship, color, disability, national origin, pregnancy, race, religion, sex, veteran status, or any other legally protected characteristic will not be tolerated.

## **PROCEDURE**

### **A. MANDATORY REPORTING REQUIRED**

The City takes very seriously every complaint of unlawful harassment and/or complaints of unlawful adverse employment action relating to filing harassment complaints. The City requires that all such complaints be investigated promptly and completely.

Any employee who thinks that he/she has been subjected to conduct prohibited by this policy has an obligation to take advantage of this complaint procedure and **must** report it immediately. Any retaliation an employee believes to have been taken against him/her as a result of filing a harassment complaint **must** also be reported immediately. These reports must be made to one of the following:

- the Director or Assistant Director of Human Resources, or;
- the Department Head of the employee's department, or;
- a sworn law enforcement officer in a specialized departmental unit created to investigate misconduct within that department.

It may also be appropriate for the offended employee to tell the offender to stop the unwelcome behavior(s) before filing a complaint, but this is not required if the employee is uncomfortable doing so.

Preserving a workplace free of unlawful harassment is the responsibility of all employees. If an employee observes or is otherwise made aware of a potential violation of this policy, he/she is to report this immediately to one of the persons described in Section A above. **Any supervisor/manager made aware of a potential violation of this policy must report the complaint immediately to one of the following:**

- the Director or Assistant Director of Human Resources, or;
- the Department Head of the employee's department, or;
- a sworn law enforcement officer in a specialized departmental unit created to investigate misconduct within that department.

Any employee who reports a potential violation of this policy and thinks that his/her report was not adequately or timely addressed must then put his/her report in writing and submit it to the Director or Assistant Director of Human Resources.

#### **B. NO RETALIATION OR REPRISAL**

No reprisal, retaliation, or other adverse action will be taken against any employee for making in good faith a report or complaint of unlawful harassment, or for assisting in good faith in the investigation of any such report or complaint. Any suspected retaliation or intimidation must be reported immediately to one of the positions named above.

#### **C. INVESTIGATIVE RESPONSIBILITIES**

All allegations of violations of this policy will be acted upon promptly. **If the report or complaint is made to a Department Head (or City Manager or designee), or to a sworn law enforcement officer in a specialized unit in a department created to investigate misconduct within that department, the Director or Assistant Director of Human Resources must immediately be advised of the allegations. If the report or complaint is made to the Director or Assistant Director of Human Resources, the proper Department Head (or City Manager or designee) will be immediately notified.** The Director/Assistant Director of Human Resources will normally coordinate the investigative effort. (Exception: a sworn law enforcement officer in a specialized unit in a department created to investigate misconduct within that department may conduct the investigative effort.)

All City employees are required to cooperate with the investigation. Confidentiality will be preserved to the fullest extent possible, but cannot be guaranteed. A thorough investigation can take several weeks in some cases. An employee who reports or complains of a violation of this policy may at any time ask the appropriate Department Head (or Director/Assistant Director of Human Resources) about the status of the investigation. The employee may be apprised of the investigative progress, but only to the extent that it will not interfere with the investigation.

As soon as a determination is made that action needs to be taken, the Department Head (or City Manager or designee) will take appropriate steps to see that any inappropriate behavior ceases.

#### **D. ACTION AFTER INVESTIGATION**

When investigation substantiates a violation of this policy, appropriate corrective measures will be taken. The Department Head (or City Manager or designee) will normally review proposed corrective action with the Director or Assistant Director of Human Resources. The Department Head (or City Manager or designee) will review the investigative findings and implement the appropriate corrective action.

#### **E. DISCIPLINARY ACTION**

Appropriate disciplinary action for the offending employee(s) may include: training and/or retraining, reprimand (oral and/or written), transfer to another position or to another department (when appropriate and feasible), and/or suspension without pay, demotion, or termination.

**F. UNTRUTHFUL REPORTS OR COMPLAINTS**

A report or complaint that this policy has been violated is a serious matter. Untruthful or exaggerated reports or complaints are also a violation of this policy. Appropriate corrective and/or disciplinary action will be taken if an investigation shows that deliberately untruthful or bad faith accusations have been made.

**G. CONTACTING HUMAN RESOURCES**

Contact the Director of Human Resources by calling 972-744-4002 or the Assistant Director of Human Resources by calling 972-744-4003. Send e-mail messages to: [jose.moreno@cor.gov](mailto:jose.moreno@cor.gov) or to [cheree.bontrager@cor.gov](mailto:cheree.bontrager@cor.gov). E-mail and voice mail messages may be left at any time.

Any questions about this policy and procedure may be addressed to the Director or Assistant Director of Human Resources.

Original Signed by Bill Keffler

12-23-99 (06-10)

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City Manager

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Date