

CITY OF UKIAH
POLICY AGAINST HARASSMENT IN THE WORKPLACE

A. POLICY STATEMENT

It is the City's policy to provide a work environment in which employees are treated with respect and dignity and which is free from discrimination and harassment. The City does not condone and will not tolerate any harassment because of race, sex, sexual orientation, national origin, color, age, religion, marital status, physical or mental handicap, or medical condition. Disciplinary action up to and including dismissal will be taken promptly against any employee engaging in harassment practices. In addition we will endeavor to protect employees to the extent possible from reported harassment by non-employees in the work place. Each Department Head and Supervisor is responsible for implementing this policy within their areas of responsibility.

B. DEFINITION OF HARASSMENT

Harassment includes but is not limited to:

1. Verbal harassment: derogatory comments, slurs, jokes, ridicule.
2. Written harassment: suggestive or obscene letters, notes, invitations.
3. Physical harassment: assault, offensive touching, impeding or blocking movements, or any physical interference with normal work or movement when directed at an individual on the basis of those characteristics or conditions listed above.
4. Visual harassment: leering, derogatory posters, objects pictures or cartoons.
5. Sexual harassment: may include all harassment listed above but specifically is defined as unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of the sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or;
 - b. Submission to or refection of such conduct by an individual is used as a basis for employment decisions effecting such individual or;
 - c. Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The City recognizes the seriousness of a charge of sexual harassment and the impact it can have on innocent men or women. Therefore, making an allegation of sexual harassment knowing the allegation to be false is subject to disciplinary action.

C. PROCEDURES

Prevention is the best tool for the elimination of harassment. The City of Ukiah will take all steps necessary to prevent harassment from occurring. These steps include affirmatively raising the subject through training and this written policy, expressing strong disapproval, developing appropriate sanctions and informing all employees of their rights to an environment free of harassment. Each Department Head shall be responsible for following these steps. The City will respond to complaints of harassment or violations of this policy in accordance with the following procedures:

1. Employees

- a. Employees encountering harassment should tell the person that their actions are unwelcome and offensive or inappropriate. The employee should document all incidents of harassment in order to provide the fullest basis for investigation.
- b. Any employee who believes that he or she is being harassed should notify his/her supervisor within 30 days of the incident so that steps may be taken to protect the employee from further harassment and appropriate disciplinary measures may be initiated. Where this is not practical or if the employee may consult their employee representative at any time for assistance.
- c. Every employee is responsible for and shall assist in the prevention of harassment by:
 1. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
 2. Reporting acts of harassment to a supervisor;
 3. Assisting any employee who confides that he or she is being harassed by encouraging him or her to report it to a supervisor.

2. Supervisor

- a. Each supervisor will be responsible and accountable for preventing acts of harassment. This includes monitoring the working environment on a daily basis for signs of harassment; counseling employees on the types of behavior prohibited and the complaint procedures; stopping any observed acts of harassment and taking appropriate steps; and taking immediate action to limit the work contact between the two employees where there has been a complaint of harassment pending investigation.
- b. Each supervisor has the responsibility to assist any employee who comes to that supervisor with a complaint of harassment in documenting and filing a complaint under the correct procedures.

- c. Upon receiving a complaint, the supervisor shall meet with the employee and document the incidents complained of, the persons doing or participating in the harassment, and the dates on which they occurred
- d. The supervisor will notify the Department Head of all harassment complaints.
- e. A formal harassment complaint will be a signed written account of what has occurred including a description of the incidents and the names of all persons who were present. All such information will be kept in a strict confidence as possible between the parties. "Strict confidence" means that no information concerning the complaint, the investigation, or the disciplinary process shall be disclosed to any person who does not need the information. Any knowing or reckless breach of confidentiality by an employee shall constitute grounds for disciplinary action.

3. Investigation and Determination

- a. The Department Head, in consultation with and subject to the approval of the Personnel Director, shall determine whether sufficient grounds exist to further investigate. If warranted, an investigation of the complaint will be held within 30 days. This will include a thorough review of the circumstances under which the alleged act of harassment occurred, questioning the complainant thoroughly to get his/her side of the story, and interviewing witnesses as confidentially as possible.
- b. After conducting the investigation a determination regarding what occurred shall be made. Both the complainant and the accused shall be informed of the results after a conclusion is reached. There are three (3) possible conclusions: The evidence showed no violation of the harassment policy occurred; the evidence is inconclusive; or the evidence shows that harassment did occur.

1. No Harassment Found:

If the conclusion is that the complaint lacks merit both parties shall be informed in writing. The complainant will also be informed that he/she may provide any additional information to support the accusation. An investigation of any further evidence will be conducted and the initial conclusion may be altered if appropriate.

2. Inconclusive Findings:

If the result of the Investigation is inconclusive, both parties should be informed in writing. This harassment policy will be reviewed with the accused and the complainant will be informed that this has been done. Depending on the severity of the charges, counseling and training regarding the harassment policy may be considered.

3. Harassment Found:

If it is the conclusion that a violation occurred several options should be considered depending on the nature and seriousness of the harassment. These options include: corrective counseling, disciplinary actions, leave of absence and reassignment or termination of employment.

- c. Complainants or employees accused of harassment may file a grievance appeal directly to the City Manager in accordance with the last step of the grievance procedures when they disagree with the investigation or disposition of a harassment claim.
- d. This policy does not preclude any employees from filing a complaint or grievance with an appropriate outside agency.

The keys to proper handling of harassment complaints include: objectivity, procedural fairness, prompt investigation, confidentiality, documentation, and thoroughness. DO NOT ignore any complaint. There will be no retaliation against any employee for filing a harassment complaint or assisting, testifying or participating in the investigation of such a complaint.

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