



APPENDIX G:
(Cross-reference Policy No. 4.2)
ANTI-HARASSMENT AND DISCRIMINATION POLICY

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

Sexual Harassment:

All types of sexual harassment are prohibited. Unwelcome Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or engagement.
- Submission to or rejection of such conduct by an individual is used as a basis for employment decision 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.

Examples of conduct prohibited by this directive include but are not limited to:

- Unwelcome sexual advances
- Requests for sexual favors and lewd, vulgar or obscene remarks, jokes, posters or cartoons
- Any unwelcome touching, pinching or other physical contact.
- Spreading false rumors or teasing about a subordinate or co-worker's supposed attempt to trade sex for workplace advancement is forbidden.

Other Prohibited Harassment:

In addition to the City's prohibition against sexual harassment, harassment based on any other legal protected characteristics is also strictly prohibited. This means:

- Verbal or Physical conduct that sings out, or
- Denigrates, or
- Shows Hostility or Aversion toward someone because of race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), age, national origin (including citizenship) veteran status, disability and genetic information as designated by all relevant laws and regulations.

Prohibited conduct includes, but is not limited to

- Epithets, slurs



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- Negative stereotyping, threatening, intimidating, or hostile conduct.
- Denigrating jokes and comments; and
- Writing or pictures that single out, denigrate, or show hostility or aversion toward someone based on a protected characteristic. Conduct, comments, or innuendos that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited

This policy also prohibits sending, showing, sharing, or distributing in any form inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone, or other electronic devices, social media, and/or the internet, such as YouTube, and Facebook. Harassment of any nature, when based on race, color, religion, sex (Including pregnancy, sexual orientation, and gender identity), age, national origin, (including citizenship), veteran status, disability, and genetic information as designated by all relevant laws and regulations.

This policy applies to City Employees, citizens, vendors and other visitors to the workplace. Please respect your co-workers, customers, or vendor's personal space.

Responding To Conduct Violation Of Policy:

Employees:

If an employee feels that he or she is being subjected to sexual harassment, he or she may immediately inform the harasser that the conduct is unwelcome and needs to stop. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he or she should report the incident to his or her own supervisor or to the human resource (HR) director. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report all concerns of sexual harassment or inappropriate sexual conduct to the HR director or a supervisor/manager as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

Managers and Supervisors:

Managers and supervisors must deal expeditiously and fairly when they have any knowledge of sexual harassment within their departments, whether or not there has been written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment seriously no matter how minor or who is involved.
- Report all incidents to HR immediately so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.



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Managers and supervisors who knowingly allow or tolerate sexual harassment or retaliation, including the failure to immediately report such misconduct to HR, are in violation of this policy and subject to discipline.

Human Resources:

The HR Manager is responsible for:

- Ensuring that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a sexual harassment complaint.
- Explaining City's sexual harassment policy and investigation procedures to all parties involved.
- Exploring informal means of resolving sexual harassment complaints.
- Notifying the police if criminal activities are alleged.
- Arranging for an investigation of the alleged harassment and the preparation of a written report.
- Submitting a written report summarizing the results of the investigation and making recommendations to designated company officials.
- Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions in writing.
- The City Manager and HR will determine if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation.

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Complaint Resolution Procedures:

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The HR Manager may assist the complainant in completing a written statement. (Refer to Policy 4.3 Harassment Complaint Procedure).

To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

- The name, department and position of the person or persons allegedly committing harassment.
- A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
- The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
- The names of other individuals who might have been subject to the same or similar



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harassment.

- What, if any, steps the complainant has taken to try to stop the harassment.
- **Any other information the complainant believes to be relevant to the harassment complaint.**

DISCIPLINE:

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

CONFIDENTIALITY:

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation and the HR Manager takes adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained in secure files within the HR department.