

# STANDARD PROCEDURE

## CITY OF WILSON

## PERSONNEL MANUAL

SUBJECT	NUMBER	REV	EFFECTIVE DATE	SUPERSEDES	PAGE
Harassment	A-4	2	June 1, 2009		1 of 3

Prepared By: Management Services

Approved By: Grant Goings, City Manager

### 1.0 Purpose

To inform all employees that harassment based on race, color, religion, sex, disability, national origin, protected activity (i.e. opposition prohibited discrimination), or other legally protected status, is unacceptable conduct and to provide alternatives for addressing and resolving complaints of harassment by supervisors, fellow employees or non-employees.

### 2.0 Policy

The City of Wilson prohibits any form of sexual or other unlawful harassment involving any of its employees in the employment relationship. Harassment, retaliation, coercion, interference or intimidation of an employee due to his or her race, color, religion, sex, disability, national origin, protected activity (i.e. opposition prohibited discrimination), or other legally protected status, or that of an employees' relatives, friends, associates, is strictly prohibited.

### 3.0 Scope

All employees are covered by this policy.

### 4.0 Definitions

4.1 Sexual Harassment: Sexual Harassment does not require physical contact but instead can be any type of unwelcome conduct. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to the conduct is made a term or condition of an individual's employment (either explicitly or implicitly), when submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual, or when the conduct is sufficiently severe, persistent, or pervasive to interfere with the individual's work performance or to create an intimidating, hostile, or offensive working environment. Occasional compliments of a socially acceptable nature do not constitute sexual harassment.

4.2 Other Unlawful Harassment: Other unlawful harassment may consist of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, age national origin, disability, protected activity (i.e. opposition to prohibited discrimination), or other legally protected status, or that of his or her relatives, friends, or associates, and that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of interfering unreasonably with an individual's work; or otherwise adversely affects an individual's employment opportunities.

4.3 Prohibitions: Any act, comment or behavior that constitutes sexual or other unlawful harassment is strictly forbidden and will not be tolerated of any employee, either on or off City of Wilson owned property. For purposes of this policy, this includes but is not limited to slurs, jokes, or other verbal graphic, or physical conduct relating to an individual's race, color, religion, sex, age, national origin, disability, protected activity (i.e. opposition to prohibited discrimination), or other legally protected status. This prohibition covers not only the relationships between employees of the City of Wilson, but also each employee's relationship with the residents of the City of Wilson, and with employees of other entities encountered in the course of performing the duties of his or her job.

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## 5.0 Resolving Harassment Complaints

5.1 Several alternatives are available to employees for resolving harassment complaints. An employee who feels that he/she is being harassed by another employee, their supervisor, or a non-employee may use any of the alternatives shown below.

### 5.1.1 Alternative One

Tell the individual that the conduct is offensive and unwelcome and to stop the behavior.

### 5.1.2 Alternative Two

Notify the supervisor of the situation. The supervisor is responsible for investigating or securing the assistance of an investigator to review the situation and recommend corrective action. If an employee feels that he/she cannot talk to the supervisor about the problem, or if the harassment is coming from the supervisor, the employee may take one of the other alternatives contained herein.

### 5.1.3 Alternative Three

Report the problem to the department head or division head to discuss and resolve the problem.

### 5.1.4 Alternative Four

Report the problem to the Human Resources Director, who will investigate the situation and take appropriate action.

5.2 Reports and Investigations: Employees without any fear of reprisal, have the responsibility immediately to bring any form of sexual or other unlawful harassment (whether by a coworker, a customer, or someone else encountered while performing their job duties, to the attention of their supervisor so that a prompt investigation may be begun into the circumstances of the incident and the alleged harassment. The Supervisor, in turn, should notify Human Resources immediately. If an employee is uncomfortable with reporting harassment to his or her supervisor, the employee should talk directly to Human Resources. Any person, who becomes aware of an incident of sexual or other prohibited harassment, whether by witnessing the incident or being told of it, should report it immediately to Human Resources.

The City of Wilson will keep all information relating to harassment allegations and investigations as confidential as possible under the circumstances.

5.3 Corrective and/or Disciplinary Action: Following the City's investigation, a review of the results of the investigation with the person(s) involved will be conducted and the appropriate corrective and/or disciplinary action will be taken, which may result in an unpaid suspension or immediate termination of employment for individuals who are determined to have engaged in sexual or other unlawful harassment, conduct approaching sexual or other unlawful harassment, or other conduct that violates the City's policy. Be advised that disciplinary action, up to and including an unpaid suspension or termination, will be taken against any employee engaging in sexual or other unlawful harassment.

## 6.0 Protection Against Retaliation

The City will not in any way retaliate against an individual who makes a report of harassment in good faith or who assists in an investigation. Retaliation is a serious violation of this harassment policy and should be reported immediately to Human Resources. Any employee found to have retaliated against another employee in violation of this policy will be subject to disciplinary action, up to and including unpaid suspension or termination.

