

# CITY OF FRISCO PERSONNEL POLICIES

## SEXUAL AND OTHER UNLAWFUL HARASSMENT

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**Subject:** SEXUAL AND OTHER UNLAWFUL HARASSMENT

**Date:** 01/01/99

**Approved by:** Ordinance No. 2020-12-77

**Revision Date:** 12/01/2020

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### I. **STATEMENT OF PURPOSE:**

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
- 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.

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

- Unwelcome sexual advances or repeated flirtations.
- Asking unwelcome questions or making unwelcome comments about another person's sexual activities, dating, personal or intimate relationships, or appearance.
- Unwelcome conduct or remarks that are sexually suggestive or that demean or show hostility to a person because of the person's gender (including jokes, pranks, teasing, obscenities, obscene or rude gestures or noises, slurs, epithets, taunts, negative stereotyping, threats, blocking of physical movement, etc.).

**Other Prohibited Harassment** - In addition to the City's prohibition against sexual harassment, harassment based on any other legally protected characteristics is also strictly prohibited. This means that verbal or physical conduct that singles 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 and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes 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.

## II. **PROCEDURES:**

**Employee Responsibility** - An employee who believes that a supervisor's, employee's, or nonemployee's actions or words constitute sexual harassment or other unlawful harassment must report the situation to any supervisor in any department or the Human Resources Director as soon as possible.

**Supervisor Responsibility** - Each supervisor has the responsibility to maintain a workplace free of any form of unlawful harassment. The responsibility to maintain a workplace free of harassment includes a duty to report any instance of unlawful harassment including but not limited to sexual harassment through the chain of command or directly to the Human Resources Director. All complaints received by a supervisor must be immediately referred to the Human Resources Director.

Supervisors must use a great deal of discretion in their social relationships with other subordinates. This is to avoid compromising their ability to function as an impartial supervisor who can treat all employees fairly. Supervisors should avoid social relationships with their subordinates which may lead to an impression of partiality or bias.

**Department Director Responsibility** - The Department Director of the involved department will cooperate with any investigation conducted. The Director or designated representative may participate in the investigation if determined appropriate by the Human Resources Director or designee.

**Filing a Complaint** - An employee must file a complaint alleging harassment with any supervisor in any department. All complaints will be referred to the Human Resources Director or designee for investigation. If the complaint is filed by or against an employee in the Human Resources Department, the City Manager or designated representative will conduct the investigation and render a decision.

**Investigation** - The Human Resources Director or designee or City Manager or designee, will contact the employee to obtain the facts of the alleged harassment. The Human Resources Director or designee or City Manager or designee will conduct an investigation and render a written decision to the employee and appropriate management staff within a reasonable amount of time after meeting with the employee. The City Manager and Department Director will review the findings with the Human Resources Director to consider any proposed action.

If the investigation reveals that the complaint is valid, prompt disciplinary action, as approved by the appropriate individuals, will be taken. The immediate supervisor will ensure that the harassing conduct is immediately stopped.

**Confidentiality** - All information concerning a harassment complaint will be treated as confidential, to the extent permitted by law. Content of a harassment complaint, whether verbal or written, will not be disclosed except as part of the investigative process, to those who have a need to know or as otherwise required by law.

**Appeal to the City Manager** - If the employee is not satisfied with the decision of the Human Resources Director, he/she may appeal the decision to the City Manager in writing within fifteen (15) working days of receipt of the decision. The City Manager or designee will review the investigation and render a decision. The decision of the City Manager completes the internal process for sexual harassment complaints.

**Prohibited Retaliation** - No employee will retaliate against another employee who files a harassment complaint or cooperates with a harassment investigation. Any employee retaliating against another employee will be subject to disciplinary action, up to and including, dismissal. Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a City investigation regarding harassment or discrimination is subject to appropriate discipline.