

GENERAL EMPLOYMENT MATTERS

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E. DISCRIMINATION, HARASSMENT & RETALIATION

The City of Redlands strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The environment of the City should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Employees should be able to work and learn in a safe environment. For that reason, the City will not tolerate unlawful discrimination or harassment of any kind. The City has zero tolerance for conduct that violates this policy. Conduct need not arise to the level of a violation of the law to violate this policy. Through enforcement of this policy and by education of employees, the City will seek to prevent, correct, and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and ensure that prohibited conduct does not occur. This includes applicants, elected City officials, City officers, City employees, and those who work on City contracts. Disciplinary action, up

to and including termination, will be taken against any employee or officer who is found to have violated this policy. Any elected official or contractor who has been found to have violated this policy will be subject to appropriate sanctions.

The City of Redlands, in compliance with all applicable federal, state, and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

1. Discrimination

It is a violation of policy to discriminate in the provision of employment opportunities, benefits, or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of the discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability, gender, sexual orientation, gender identity, genetic information, veteran status, marital status, or any other protected classification under state and federal law.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state, and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions states in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

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2. Harassment

The City prohibits harassment, including sexual harassment, of any kind and will take appropriate and immediate action in response to complaints or knowledge of the violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate, or coerce an employee, co-worker, or any person working for or on behalf of the City. The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability, or any other protected status, including epithets, slurs, and negative stereotyping;
- Nonverbal harassment includes distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion, or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, disability, gender identity, marital status, veteran status, or any other protected status.
- Physical harassment includes assault, impeding or blocking movement, physically interfering with normal work or movement, pinching, grabbing, patting, propositioning, leering, making expressed or implied job threats or promises in return for submission of physical acts, or stalking.

3. Sexual Harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under the City's harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment."

There are two types of sexual harassment: (1) quid pro quo and (2) hostile work environment. Sexual harassment can be physical and psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on employer premises and whether or not the incidents occur during working hours.

Examples of prohibited conduct:

Though sexual harassment encompasses a wide range of conduct, some examples of

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specifically prohibited conduct include the following:

- Physical assaults of a sexual nature, such as rape, sexual batter, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.

Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.

- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that person's sex.

4. Retaliation

No hardship, loss, benefit, threat or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment;
- Appearing as a witness in the investigation of a complaint of discrimination or harassment;
- Serving as an investigator of a complaint of discrimination or harassment;
- Refusing to follow an order or directive that is discriminatory or harassing in nature.

5. Complaint Procedure:

If an applicant, employee, officer, official, or contractor feels he/she has been discriminated against, harassed or retaliated against in violation of these rules should report the conduct immediately and according to the following procedure so that the complaint can be resolved quickly and fairly.

- a. Report to Management: Inappropriate conduct should be reported to any supervisor, department head, the City Manager, or the HR/Risk Management Director. The individual should provide all details of the incident or incidents, names of individuals involved, and the names of any witnesses. The supervisor or manager must take all complaints of alleged or possible harassment or discrimination seriously, ensure that harassment or inappropriate sexually oriented conduct is immediately report to Human Resources so that a prompt investigation may occur, and take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints. Managers and supervisors who knowingly allow or

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tolerate harassment or retaliation including the failure to immediately report such misconduct to Human Resources are in violation of this policy and subject to discipline.

- b. Investigation: The City Manager or his/her designee will immediately undertake an effective, discrete, thorough, and objective investigation of the allegations at issue. All complaints will be investigated to the extent that the City deems appropriate. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of the interview, and that retaliation against those who report alleged conduct or participate in the complaint procedure is prohibited.
- c. Investigation of Unreported Potential Violations: The city takes a proactive approach to the problem of discriminatory, harassing, or retaliatory conduct and will conduct an investigation if its officers, officials, supervisors or managers become aware that harassment may be occurring, regardless of whether the recipient or a third party reports a potential violation.
- d. Remedial and Disciplinary Action: If the investigation concludes that conduct in violation of this policy has occurred, the City will notify the offended and offending parties of the general conclusions of the investigation and will take effective remedial action that is designed to end the violation. Any employee or officer determined to be responsible for violating this policy will be subject to appropriate disciplinary action up to and including termination. Any official or contractor found to be responsible for violating this policy will be subject to appropriate sanctions.

6. Confidentiality

The City recognizes that confidentiality is important to all parties involved in an investigation. Complete confidentiality cannot occur due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.

An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the HR/Risk Management Director. Any individual who discusses the content of an investigatory interview will be subject to discipline.

The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.