1. **GENERAL POLICY.** It is the policy of the City that:

   A. The giving or withholding of tangible job benefits based on the granting or refusal of sexual favors ("*quid pro quo*") and any behavior or conduct of a sexual/gender based nature which is demeaning, ridiculing or derisive and results in a hostile, abusive or unwelcome work environment constitutes sexual harassment.

   B. Unlawful discrimination/harassment of employees of any type, on or off duty, based on sex/gender, whether subtle or overt, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.

   C. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, or has testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.

   D. False or bad faith claims regarding sexual or gender harassment shall result in disciplinary action against the accuser, up to and including termination.

   E. Employees accused of sexual harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before any disciplinary action may be taken.

   F. Records and proceedings of sexual harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.

   G. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy and grievance procedures during orientation and in-service training.

2. **PROHIBITED CONDUCT.**

   A. Any deliberate, unwanted, or unwelcome behavior of a sexual or gender based nature, whether verbal, non-verbal, or physical is prohibited.

   B. Two major categories of sexual/gender harassment are:

      (1) *Quid pro quo,* or the granting or conditioning of job benefits for the granting of sexual favors or retaliation for the refusal of sexual favors.

      (2) Creating a hostile or unwelcome work environment, which can occur through any or all of the following general means:

         (a) Level One: Sex role stereotyping.

            (i) Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that a specific gender may/should perform.

            (ii) Comments or written material reinforcing traditional historic perceptions regarding gender.

         (b) Level Two: Gender harassment/discrimination.
i) Behavior or conduct of a visual or verbal nature directed at a specific gender which is demeaning, ridiculing, or derisive.

(ii) Creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender.

(c) Level Three: Targeted or individual harassment.

(i) Intentional behavior predicated on gender or expressing sexuality which is directed at a specific group or individual.

(ii) Offensive conduct may be verbal, visual, or physical, including unwanted touching of a non-criminal nature.

(d) Level Four: Criminal touching.

(i) The intentional unwanted touching of the breasts, buttocks, or genitals of another.

(ii) Forcible sexual abuse.

3. TYPES OF CORRECTIVE ACTION. Any employee who is being sexually harassed or who has personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below:

A. Informal Action.

(1) Employees who are experiencing an unwelcome or hostile work environment at Level One, Level Two, or Level Three as described above may, if they desire, choose to address that unwelcome behavior/conduct informally by notifying the individual responsible for the behavior of the behavior that is objectionable, that the conduct/behavior is unwelcome, and that future similar behavior will result in a formal complaint. Employees experiencing sexual harassment at this level are not, however, required to use the informal process, and instead may file a formal complaint if desired.

(2) This notification may be through a supervisor or HR Manager (or higher-level supervisor, if a supervisor is the employee engaging in the offensive behavior), verbally or in writing. The victim may:

(a) Ask a supervisor for assistance in determining what to say and how to approach the offending employee.

(b) Request a supervisor to accompany the victim when the victim gives the offending employee notice.

(c) Ask a supervisor to give notice to the offending employee, accompanied by the victim.

(d) Ask a supervisor to give notice to the offending employee, not accompanied by the victim.

B. Formal Action.

(1) Employees who are experiencing an unwelcome or hostile work environment which is clearly offensive or at Level Four as described above, or who have been subjected to quid pro quo type sexual harassment, should address that unwelcome behavior/conduct through the formal remedial process.
(2) Formal complaints should be in writing and specify:

(a) The identity of the victim.
(b) The identity of the offending employee.
(c) The offensive behavior that the employee engaged in.
(d) The frequency of the offensive behavior.
(e) Damage the victim suffered as a result of the offensive behavior.

(3) The victim will be allowed a reasonable amount of work time to prepare a formal complaint.

(4) The victim should submit the formal written complaint to the victim’s immediate supervisor or HR Manager. If the immediate supervisor is the employee engaging in the offensive behavior, the formal complaint should be submitted to the next higher supervisor, the City Manager, or, if necessary, the City Attorney.

4. DISCIPLINARY ACTION. Employees found to have engaged in sexual harassment may face disciplinary action up to, and including, termination based on all the circumstances of the case, as well as the offending employee’s work history.

5. MAINTAINING COMPLAINT FILES.

A. Information related to any sexual harassment complaint, proceeding or resolution shall be maintained in a separate and confidential sexual harassment complaint file. This information shall not be placed or maintained in an employee’s personnel file.

B. Information contained in the sexual harassment complaint files shall be released only with the written authorization of the victim and the City Manager, or pursuant to subpoena or court order, in consultation with the City Attorney.

C. Participants in any sexual/gender harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.

6. VICTIM PROTECTION.

A. Individual complaints, either verbal or written, are confidential.

B. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding.

C. The accused shall be prohibited from privately contacting the victim regarding the alleged harassment.

D. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.

(1) Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action, up to and including termination.
(2) Retaliation is an additional and separate disciplinary offense.

(3) Retaliation may consist of, but is not limited to, any of the following:

(a) Open hostility.

(b) Exclusion or ostracism.

(c) Special or more closely monitored attention to work performance.

(d) Assignment to demeaning duties not otherwise performed during the regular course of the employee’s duties.

7. **DATING, SEXUAL RELATIONSHIPS, AND/OR ROMANTIC RELATIONSHIPS BETWEEN OR AMONG EMPLOYEES.**
Dating, sexual relationships and/or romantic relationships between or among employees are discouraged. Any such relationship must not interfere with an employee’s work. The City expects employees who become involved in such relationships to exercise discretion and maturity in the manner in which they relate to each other at work. Dating, sexual relationships, and/or romantic relationships between or among employees of different levels of authority within the City may affect the morale of co-workers by creating actual or perceived favoritism and may create potential claims of discrimination or harassment. For these reasons, any party to such a relationship should not participate in formal or informal supervision, review or evaluation of the other employee(s) in such relationship. The City reserves the right to alter work assignments of parties engaged in such relationships in order to limit their professional contact, or in extreme cases where perception of prejudice is unavoidable, terminations or suspensions may of necessity be considered or required. If an employee is or becomes involved in such a relationship, all employees involved in the relationship must immediately notify the City Manager in writing of such relationship, and the writing must be signed by all employees intending to be involved in the relationship. For purposes of this subsection, email is not adequate written notice.