

<b>CITY OF GREEN BAY POLICY</b>	<b>TITLE: HARASSMENT &amp; DISCRIMINATION IN THE WORK PLACE</b>	
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**I. PURPOSE**

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination. Federal and state law provides for the protection of classes of persons discriminated against based on race, color, sex, religion, age (over 40), disability, marital status, and national origin. Not protected by federal law but also protected by this policy are persons discriminated against based upon their sexual orientation. Harassment on the basis of any of the aforementioned is illegal under Section 111.31-111.39, Wisconsin Statutes.

**II. POLICY**

It is the policy of the City of Green Bay that all employees have the right to work in an environment free of all forms of harassment. The City of Green Bay will not tolerate, condone, or allow harassment by any employee or other non-employees who conduct business with the City. The City of Green Bay considers harassment and discrimination of others to be forms of serious employee misconduct. Therefore, the City shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this City policy will result in discipline up to and including termination, with repeated violations, even if "minor," resulting in greater levels of discipline as appropriate.

**A. Prohibited Activity (Sexual Harassment and Harassment)**

1. Harassment is any verbal, written, visual or physical act that creates a hostile, intimidating or offensive work environment or interferes with an individual's job performance.
2. No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person.
3. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, sexual orientation, marital status or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the City of Green Bay.

4. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made either explicitly or implicitly a term of condition of employment; or
  - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
5. Individuals covered under this policy include all employees and elected officials. Any unwelcome conduct that originates from a non-employee or elected official (Examples: customers, citizens, temporary employees, volunteers, contractors, etc.) will be investigated in accordance with this policy.
6. This policy covers any incident that occurs as an extension of the workplace (i.e. City sponsored event). (See definition). All conduct, whether before, during, or after the event, will be considered under this policy.

**B. Supervisory Responsibilities**

1. Each supervisor shall be responsible for preventing prohibited activities as defined above.
  - a. Monitoring the work environment for signs of harassment;
  - b. Informing employees of the types of behavior prohibited, and the City procedures for reporting and resolving complaints of harassment;
  - c. Stopping any observed behavior that may be considered harassment, and taking appropriate steps to intervene and report behavior, whether or not the involved employees are within his/her line of supervision; and
  - d. Taking immediate action to prevent retaliation towards the complaining party or witnesses and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be reviewed with Human Resources prior to the move and the transfer or reassignment should be voluntary if possible. If it must be non-voluntary, the transfer should be temporary pending the outcome of the investigation.
2. Each supervisor has the responsibility to assist any employee of the City who comes to that supervisor with a complaint of harassment by documenting and filing a complaint with the Human Resources Department or other reporting authority as designated by the City.
3. Failure to carry out these responsibilities may be grounds for discipline.

### **C. Employee Responsibilities**

1. Each employee, including elected officials and supervisors of the City, is responsible for assisting in the prevention of harassment by the following acts:
  - a. Refraining from participation in, or encouragement of actions that could be perceived as harassment;
  - b. Reporting acts of harassment to a supervisor; and
  - c. Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
2. Employees are expected to cooperate fully in any investigation, whether or not they are directly involved in the incident.

### **III. PROCEDURES**

- A. Any employee encountering harassment is encouraged but not required to inform the person that his or her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment in order to provide the fullest basis for investigation.
- B. Any employee who believes that he or she is being harassed shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee should file the complaint with the Human Resources Manager, Human Resources Analyst, or the City Attorney.
  1. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the date(s) on which it occurred.
- C. The Human Resources Department shall be responsible for investigating any complaint alleging harassment or discrimination.
  1. The Human Resources Department shall immediately notify the City Attorney if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.
  2. The investigation shall include a determination as to whether the person is harassing other employees, and whether other City employees participated in or encouraged the harassment. Human Resources will maintain appropriate records of all investigations.
  3. Human Resources shall inform the appropriate parties involved of the outcome of the investigation.
  4. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint.

5. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
6. Complaints of employees accused of harassment may file a grievance/appeal in accordance with City policy/procedures when they disagree with the investigation or disposition of a harassment claim.

D. Retaliation

1. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by the City of Green Bay and by federal statutes.
2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints. Retaliation may subject an individual to additional discipline up to and including dismissal.
3. Monitoring to ensure that retaliation does not occur is the responsibility of the supervisors.

IV. **DEFINITIONS**

- A. ***Verbal Harassment:*** Sexual innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.
- B. ***Non-Verbal Harassment:*** Sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet or other such sources as a means to express or obtain sexual material, comments etc., printed or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls or obscene gestures. Any material, which inappropriately raises the issues of sex or discrimination. Treating an employee differently than other employees when they have refused an offer of sexual relations.
- C. ***Physical Harassment:*** Unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting, or regularly brushing against the body of another person.
- D. ***Other Forms of Harassment/Discrimination:*** Persistent and unwelcome conduct or actions on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, membership in the military reserve, or use or nonuse of lawful products away from work is prohibited under this policy and s.111.31-111.39, Wisconsin Statutes.

- E. ***Harassment/Discrimination on any basis (race, sex, age, disability etc.) exists whenever:*** Submission to harassing conduct is made, either explicit or implicit, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; the conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment. Such conduct is prohibited under this policy and §111.31-111.39, Wisconsin Statutes.
  
- F. ***Unwelcome:*** Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. The conduct may be unwelcome even though the victim voluntarily engages in it to avoid adverse treatment.
  
- G. ***Extension of the Workplace:*** Includes, but is not limited to retirement parties, golf outings or any other social gatherings.