

## **2 - EMPLOYMENT**

### **2.13 - Harassment Prevention Policy**

Revised: July 1, 2007

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It is the policy of the City of Marshalltown, Iowa to prohibit harassment and to maintain a professional and quality working environment for all employees.

#### **I. DEFINITION**

- A. Sexual Harassment is a violation of the Civil Rights Act of 1964. Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
  - (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
  - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- B. Other Prohibited Harassment encompasses harassment of subordinates or co-workers based on race, color, national origin, age, religion, sexual orientation, gender identity, marital status or disability.
- C. Examples of prohibited behavior:
  - (1) threats;
  - (2) offensive jokes;
  - (3) subjecting employees to ridicule, slurs, or derogatory actions;
  - (4) basing employment decisions or practices on submission to harassment; and
  - (5) refusal to cooperate with employees in performing work assignments.

Each of the above examples relates to all of the protected classes.

#### **II. CITY'S DUTY TO PREVENT:**

The City provides employee training to prevent harassment.

#### **III. EMPLOYEE'S DUTY TO PREVENT AND REPORT**

- A. Every employee is responsible for eliminating harassment and unwanted conduct. Every supervisor is responsible for preventing harassment from occurring within his or her work jurisdiction.

B. Any employee who feels that he/she has been a victim of harassment should report the incident in writing within five (5) working days to his/her supervisor or any other supervisor. If an employee feels that a Department Director has harassed him or her, the incident should be reported in writing to the City Administrator within five working days.

The report should clearly state what occurred, when it occurred, by whom, and if anyone witnessed it. Working days mean City Hall business days.

C. Upon receipt of a harassment complaint the supervisor shall immediately notify the complainant's Department Director and the Human Resources Department so an internal investigation can be conducted.

If the investigation determines that the complaint is substantiated appropriate disciplinary action will be taken against the responsible party or parties. This disciplinary action may include an oral or written reprimand, suspension, or termination of employment. The complainant will be advised of the results of the investigation.

#### **IV. EMPLOYER'S DUTY TO PROTECT:**

A. Every harassment complaint shall receive the immediate attention of the supervisor, Department Director, and Human Resources Department. Failure to initiate immediate action shall result in disciplinary action being taken against that supervisor or Director.

B. Investigation of a complaint will usually include conferring with the parties and witnesses named by the complaining employee.

C. Because of the sensitive nature, complaints of harassment will be investigated with particular care and will remain confidential to the extent that it is possible.

D. Unless required by other laws or circumstances information concerning a harassment complaint will not be released to third parties or anyone not involved with the investigation. The purpose of this provision is to encourage the reporting of harassment and protect the reputation of any wrongfully charged individual.

E. If the investigation reveals that the complaint is valid prompt disciplinary action designed to immediately stop the harassment and prevent its recurrence will be taken.

F. The City will not tolerate any retaliatory action against an employee who reports harassment. Any such conduct will be grounds for disciplinary action up to and including termination of employment with the City.

G. Disciplinary action up to and including termination will be taken against any employee knowingly or intentionally filing a false report.

G. Applicants and employees are advised that this policy is in addition to any rights they may have under the Code of Iowa or any federal statute.