

## 1-11 Discrimination and Harassment

### 11.0 Purpose:

The purpose of this policy is to establish clearly and unequivocally that the City of Fairfield prohibits discrimination and harassment, as defined herein, and to establish a procedure for filing complaints of such actions.

### 11.1 Policy:

Discrimination on the basis of race, color, religion, sex (including pregnancy), national origin, age, disability or genetic information is a violation of federal law. The City of Fairfield prohibits any conduct, intentional or unintentional, which results in any form of discrimination of its employees by supervisors, fellow employees and non-employees.

### 11.2 Management's Philosophy of Human Dignity and Mutual Respect

The City of Fairfield believes in human dignity and the need for mutual respect among employees and between employees and citizens. It is the policy of the City that an environment of mutual respect should be affirmed and encouraged. The City strives to maintain a workplace which is consistently non-hostile and which fosters an affirming environment grounded in the belief of human dignity and mutual respect for each employee and all citizens. In a culture of mutual respect, civility is ever present. People listen to each other considerately and are mannerly. Those behaviors which are found not to comply with this policy will be considered harassment.

### 11.3 Definitions:

Harassment is behavior by an individual which has the effect of creating an intimidating, hostile, or offensive working environment in which management determines that the performance of a reasonable person is or would be adversely affected. Harassment can be found whether the offending person is a supervisor, co-worker, or non-employee regardless of the victim's gender. Examples of harassment include, but are not limited to:

- Profanity or off-color language in speech or writing;
- Staring, glaring or other nonverbal demonstrations of hostility;
- Personal attacks (angry outbursts, excessive use of profanity or name-calling which demeans a person);
- Encouragement of others to turn against a targeted person;
- Using obscene gestures;
- Personal insults and use of offensive nicknames;
- Spreading rumors and gossip regarding individuals; or
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing a person's property).

Harassment does not include the conduct or actions of supervisors which are intended to provide employee counseling, discipline or correct problems through oral warnings, reprimands, performance evaluations or other supervisory actions to promote positive performance.

Unlawful Discrimination – When employment decisions or other actions are taken based on a “protected category” and these actions interfere with equal employment opportunities.

Protected Categories – Race, color, religion, sex (including pregnancy), national origin, age, disability or genetic information are considered protected categories under federal law.

Sexual Harassment is a form of sex discrimination and consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature. These actions 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.

Examples of prohibited sexual harassment include, but are not limited to:

- Sexual comments of a provocative or suggestive nature;
- Comments repeatedly emphasizing the sexuality or sexual identity of an individual;
- Sexual jokes or innuendoes intended for and directed to another employee;
- Suggestive or demeaning facial expressions, looks, leering, or similar gestures;
- Persistent requests for social or sexual encounters and favors;
- Display or circulation of pictures, drawings, or other depictions of a sexually explicit, demeaning, or offensive nature;
- Unwelcome physical contact including touching, pinching, brushing the body, sexual contact, or assault;
- Conduct that creates an intimidating, hostile, or offensive working environment for persons of the opposite or same sex; or
- Explicit or implicit promise of reward or threats of punishment for non-cooperation with sexual conduct or advances which may affect hire, promotion, pay increase, evaluation, assignment or continued employment.

### **11.3 Complaint and Investigation Procedures:**

The City of Fairfield will promptly and diligently investigate charges of discrimination or harassment in accordance with the following procedures:

All complaints will be handled in a confidential manner, subject to public records disclosure requirements. Generally, information concerning a complaint will not be released to anyone who is not directly involved in the investigation (witnesses are considered to be directly involved). Anyone involved in an investigation will be advised against discussing the subject outside the investigation. To the extent possible, confidentiality will be maintained to protect the employee who files a complaint, to encourage reporting incidents of discrimination or harassment, and to protect the reputation of anyone mistakenly or wrongfully charged with discrimination or harassment.

1. Any employee who believes he or she has been the victim of discrimination or harassment, as defined herein, should report the alleged act immediately to his or her supervisor. If the complaint involves a supervisor, or if the employee prefers to report to someone other than his or her supervisor, the complaint may be filed with the Human Resources Manager, the Assistant City Manager, or others as designated by the City Manager.
2. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Employee complaints will receive a fair and impartial investigation. In general, complaints will be investigated by the Human Resources Manager and/or his/her designee.
3. Employees who are found to have engaged in discrimination and/or harassment in violation of this policy may be subject to appropriate disciplinary action, up to and including termination of employment.

4. All employees shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation. Any employee who engages in such retaliation may be subject to disciplinary action, up to and including termination of employment, regardless of the outcome of the investigation of the complaint.
5. Any disciplinary action taken pursuant to this policy will be implemented in accordance with the Corrective and Disciplinary Action policy of the City of Fairfield.

#### **11.4 False Reports**


False accusations of discrimination, harassment or retaliation have the potential to destroy careers, families and lives. An employee found to have knowingly submitted a false accusation or to have lied in the course of any investigation may be subject to disciplinary action, up to and including termination of employment.

#### **11.5 Retaliation**

Retaliation is adverse action taken against a person who has filed a complaint (or complained) about discrimination or harassment or some other violation of City policy. It also includes adverse action taken against a person who participated in the investigation of an alleged policy violation. The City is committed to prohibiting retaliation. Any complaints of retaliation will be taken seriously, investigated promptly, kept confidential to the extent possible and corrective action will be taken if warranted

#### **Review & Questions:**

Questions on the application of this policy should be addressed to the Human Resources Manager or the Assistant City Manager.

  
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City Manager  
  
4/4/2016 \_\_\_\_\_ Date

*Supersedes # 1-11 Issued 2/19/08 and #1-22 Issued 1/19/06*