

# EMPLOYEE SERVICES

## Directive - 0528



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## ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE

The City of Jacksonville is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that prohibits unlawful discriminatory practices including harassment. Therefore, the City of Jacksonville expects that all relationships among persons in the office remain professional and free of harassment, discrimination, and bias.

The City of Jacksonville encourages reporting of all perceived incidents of harassment. It is the policy of the City of Jacksonville to promptly and thoroughly investigate such reports. The City of Jacksonville prohibits retaliation against any individual who reports harassment or participates in an investigation of such reports.

### **Types/Definitions of Harassment**

Harassment is a form of employment discrimination that may violate employment laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and/or the Americans with Disabilities Act (ADA).

1. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined in the Equal Employment Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (1) submission to such conduct is made either explicitly or implicitly as 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 and/or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle or explicit behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

2. Harassment on the basis of any other protected characteristic also is strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by email, phone (including voice messages), text messages, social networking sites, etc.

#### **Individuals and Conduct Covered**

These policies apply to all applicants, employees (regardless of employment category or status), or anyone representing the City of Jacksonville on business such as a volunteer, contract worker, or vendor.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

#### **The City's Responsibilities Under This Policy**

If the City of Jacksonville receives an allegation of harassment, or has reason to believe that harassment is occurring, it will take the necessary steps to ensure that the matter is promptly investigated and addressed. If the allegation is determined to be credible, the City will take immediate and effective measures to end the unwelcomed behavior. The City is committed to take action if it learns of possible harassment, even if the individual does not wish to file a formal complaint.

Supervisors and other responsible City officials who observe, are informed of, or reasonably suspect incidents of possible harassment must immediately report such incidents. Incidents will be investigated promptly. The City will also take the necessary steps to protect from retaliation those employees who in good faith report incidents of potential harassment. It is a violation of this policy to retaliate against someone who has reported harassment. Violators will be subject to discipline.

#### **Reporting an Incident of Harassment, Discrimination or Retaliation**

The City of Jacksonville encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, any member of the Employee Services

Department or directly to the Office of Equal Opportunity/Equal Access. See the complaint procedure described below.

In addition, the City of Jacksonville encourages individuals who believe they are being subjected to such conduct promptly to advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. If the individual does not wish to communicate directly with the offending person, or if such communication has been ineffective, the individual should report the allegations of harassment using the complaint procedure outlined in this directive.

### **Complaint Procedure**

Individuals who believe they have been the victims of conduct prohibited by this policy statement or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, Employee Services, or directly to the Office of Equal Opportunity/Equal Access located at City Hall, Suite 350 or by telephone (904) 630-1121. If the immediate supervisor is the alleged harasser, individuals may discuss their concerns with a manager, division chief, or department director within the department.

The City of Jacksonville encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as a reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as the City of Jacksonville believes appropriate under the circumstances.

**Conclusion**

The City of Jacksonville has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. The City of Jacksonville will make every reasonable effort through training to ensure that all concerned are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately.

This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and the policies of the City of Jacksonville prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

Any employee who has any questions or concerns about these policies should talk with their HR Business Partner.