

	City of Cedar Park Human Resources Policy Manual		
	Unlawful Workplace Harassment, Including Sexual Harassment		
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1.0 Policy and Prohibition

The law prohibits harassment of employees on the basis of race, color, religion, sex, national origin, disability, age, or any other classification protected by law. The City further prohibits bullying of employees. The City will not tolerate unlawful harassment or bullying of its employees, whether committed by a fellow employee, a member of management, a vendor or even a citizen. All employees, including supervisors and managers, will be subject to disciplinary action, up to and including termination, for any act of unlawful harassment or bullying they commit.

If an employee believes he/she is subject to or is aware of unlawful workplace harassment or bullying, he/she shall follow the procedures listed in this policy.

2.0 Definitions/Examples

2.1 Sexual Harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

2.1.1 Submission to such conduct is made either explicitly or implicitly a term or condition of employment;

2.1.2 Submission to or rejection of such conduct is used as the basis for employment or the continuation of employment; or

2.1.3 Such conduct has the purpose of substantially interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

2.2 Sexual harassment may involve individuals of the same or different genders and may include a range of subtle and/or overt behaviors. Sexual harassment includes, but is not limited to:

2.2.1 sexual advances and requests for sexual favors;

2.2.2 sexual jokes and innuendo;

2.2.3 comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies;

2.2.4 leering, whistling, or touching;

2.2.5 verbal abuse of a sexual nature, including insulting or obscene comments or gestures;

2.2.6 display in the workplace of sexually suggestive objects or pictures, including nudity and pornography; and

2.2.7 any conduct of a sexual nature.

2.3 The vehicle and method of sexual harassment is irrelevant. It may be physical, verbal or visual conduct, including the use of electronic means such as cell phones, computers, email and social media to conduct sexual harassment.

2.4 Other Prohibited Harassment. Harassment based on race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law. This includes verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone based on a protected status. Methods of prohibited harassment include but are not limited to:

2.4.1 epithets, slurs and negative stereotyping;

2.4.2 threatening, intimidating, or hostile conduct;

2.4.3 cyber-harassment;

2.4.4 denigrating jokes and comments; and

2.4.5 writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic.

2.5 Bullying. Bullying is unwelcome or unreasonable behavior directed towards an individual or a group that a reasonable person would find demeaning, intimidating or humiliating people as the targeted individual or as a member of the targeted group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. This may take, but is not limited to, the following forms:

2.5.1 Verbal bullying: Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks;

2.5.2 Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property;

2.5.3 Gesture bullying: Nonverbal threatening gestures such as “giving someone the finger” or mimicking hitting someone with a fist, etc.;

2.5.4 Cyber-bullying: Use of email, instant messaging, derogatory websites, social media, and other electronic forms of communication to bully an individual or group through personal attacks;

2.5.5 Other: Activities carried out for the sole or primary purpose of harming and/or hurting an individual or group.

2.5.6 Examples: The following are for illustration purposes only and are not intended to be all-inclusive:

- Persistent singling out of one person;
- Shouting or raising voice at an individual in public or in private;
- Using verbal or obscene gestures;
- Personal insults and use of offensive nicknames;
- Public humiliation in any form;
- Constant criticism on matters unrelated to the person’s job performance or description;
- Belittling or repetitive interrupting of an individual at meetings;
- Public reprimands;
- Repeatedly accusing someone of errors that cannot be documented;
- Spreading rumors and gossip regarding individuals;
- Intentionally manipulating the ability of someone to do his or her work in bad faith (e.g., withholding necessary information, assigning meaningless tasks, setting deadlines that cannot be met even with exercise of due diligence, giving deliberately ambiguous instructions, inflicting menial tasks not in keeping with the normal responsibilities of the job); and
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual’s property (defacing or marking up property.)

3.0 Harassment Complaint Process and Disciplinary Action.

3.1 An employee who believes he/she has been subject to, or is aware of, harassment shall report it immediately to his/her supervisor, the Department Head, Human Resources representative or Assistant City Manager. Each harassment complaint shall be investigated, regardless of when it is reported;

however a complainant is encouraged to report any incident of harassment as soon as possible in order to assist in an effective investigation.

3.2 Any supervisor, Department Head or Assistant City Manager who is notified of harassment shall immediately report the incident to Human Resources so that the City can promptly investigate all reports of harassment and take appropriate action.

3.3. The Human Resources Director or designee is responsible for the review of harassment complaints. A trained investigator from the employee's department or another department or an investigator from outside the organization may conduct and/or assist Human Resources with a harassment complaint investigation, upon request of the Human Resources Department.

3.4 When allegations of harassment are reported, the accused harasser (respondent) shall be contacted and given a summary of the complaint. If the respondent cannot be reached by telephone, a written summary of the complaint shall be mailed via certified mail to the most recent personnel file address.

3.5 The respondent shall be given the opportunity to respond to the complaint and allegations during the investigation. The respondent also may respond to other significant new information/allegations arising during the investigation.

3.6 The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.

3.7 When warranted, the Department Head may place the respondent and/or complainant on leave, with or without pay, pending complete investigation.

3.8 Misconduct constituting harassment is prohibited. If an investigation results in a finding that this policy has been violated the offending employee will be subject to disciplinary action up to and including termination of employment.

4.0 Retaliation Prohibited.

Retaliation is adverse treatment, which occurs because of opposition to unlawful workplace harassment. No employee shall take or threaten to take, any act of reprisal against another employee because of exercising or expressing an intention to exercise the right to pursue a complaint of harassment or cooperate in an investigation. Disciplinary action shall not be taken against an employee for filling a complaint in good faith.