



# ADMINISTRATIVE REGULATION (AR)

AR-00037 Harassment

Effective: 04/07/2009

## I. SCOPE:

This Administrative Regulation applies to all City of Loveland departments and all City of Loveland employees including: Regular, Temporary, and Seasonal and non-employees such as, but not limited to, City customers, Council members, Board members, volunteers or vendors.

## II. PURPOSE:

The Administrative Regulation ensures that all City of Loveland departments and employees comply with the anti-harassment policy and understand the reporting mechanisms.

## III. DEFINITIONS:

- Not applicable.

## IV. POLICY:

The City of Loveland strongly disapproves of and **does not tolerate** harassment of any kind that violates federal, state or local law, or City policy, including, but not limited to, harassment related to an individual's race, religion, color, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, handicap, or disability. Such harassment is a violation of this policy and is grounds for discipline, up to and including termination. It is the responsibility of every employee to avoid offensive or inappropriate behavior at work and to assure that the workplace is free from harassment at all times.

Harassment and related conduct by an on-duty employee toward another employee, by an on-duty employee toward a non-employee such as, but not limited to, City customers, Council members, Board members, volunteers or vendors is covered by and subject to enforcement under this policy. An on-duty employee's conduct that is observed by, and offensive to, another employee may also constitute harassment. The City will take appropriate action to protect its employees, customers, Board and Commission members, volunteers and vendors from such conduct from on-duty employees.

Harassment and related conduct toward an on-duty employee by a non-employee such as, but not limited to, City customers, Council members, Board members, volunteers or vendors is covered by and subject to enforcement under this policy. A non-employee's conduct that is observed by, and offensive to, an employee may also constitute harassment. The City will take appropriate action to protect its on-duty employees from such conduct from non-employees.

### Definition of Sexual Harassment

While this policy specifically defines sexual harassment, other forms of harassment and related conduct are also subject to this policy.

For the purposes of this policy, and with regard to sexual harassment in particular, the term *sexual harassment* refers to any unwelcome sexual attention, sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or



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- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
- such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

## Behaviors Which Can Constitute Sexual Harassment

Sexual harassment can take many forms and can include, but is not limited to:

- Verbal behaviors such as slurs, comments, jokes, innuendoes, unwelcome compliments or requests for sexual favors;
- Non-verbal behavior such as cartoons, pranks, suggestive looks or leering;
- Any unwanted touching or physical behavior such as pats, squeezes, shoulder or neck rubs or brushing against someone's body.

Some specific examples of inappropriate behaviors include, but are not limited to:

- Negative or offensive comments, jokes about another employee's gender, sexual orientation or sexuality;
- Obscene or lewd sexual comments, jokes, or innuendoes; slang, names or labels such as "honey," "sweetie," "boy," "girl," that others may find offensive;
- Talking about or calling attention to another employee's body or sexual characteristics in an inappropriate or embarrassing way;
- Laughing at, ignoring or not taking seriously an employee whom experiences harassment;
- Blaming the victims of harassment for causing the problem;
- Continuing unwanted attention after a co-worker has objected to that behavior;
- Displaying nude, sexual or suggestive pictures, cartoons or calendars on any City property.

## Other Inappropriate Conduct

Not every incident of inappropriate conduct constitutes harassment in violation of this policy or federal or state law. Isolated incidents of offensive conduct are not necessarily harassment. For example, random words that offend a particular employee may not be sufficient to constitute harassment. However, the City of Loveland is committed to correcting inappropriate workplace conduct regardless of whether or not such conduct constitutes harassment in violation of federal or state law. If an employee is offended by such behavior, he or she must report it to a supervisor or manager.

## Anti-Retaliation Policy



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The City of Loveland *will not permit* employment-based ridicule or retaliation against anyone, even an individual who is not the victim of harassment, who brings a complaint of harassment, or anyone who provides support or who speaks as a witness in the investigation of a complaint of harassment. Retaliation in any form against anyone who exercises his/her rights under this policy, or assists in the investigation of a complaint of harassment, is strictly prohibited, and will itself be cause for appropriate disciplinary action.

## **Basis For Mandate:**

- Title VII of the Civil Rights Act of 1964
- Colorado Anti-Discrimination Act

## **V. PROCEDURE:**

### **Sexual Harassment Training**

Regular full-time and Regular part-time employees working at least 20 hours per week. All Regular City of Loveland employees working at least 20 hours per week will participate in required sexual harassment training on a periodic basis, as determined by Human Resources, as a condition of employment. In addition, all supervisory personnel have the following responsibilities:

1. Upon accepting a position, new employees are responsible for reviewing this harassment policy. Supervisors must ensure that new employees receive training approved by the Human Resources Department within one year of employment or as soon as practical. Supervisors who fail to ensure that new employees receive such training about sexual harassment will be subject to disciplinary action up to and including termination.
2. Supervisors must ensure that all employees they supervise participate in sexual harassment training on a periodic basis, as determined by Human Resources. Supervisors who fail to ensure that employees they supervise participate in such sexual harassment training will be subject to disciplinary action up to and including termination.

If an employee is unable to participate in required sexual harassment training due to extenuating circumstances, it is the employee's responsibility to consult with the Human Resources Department in a timely manner regarding completion of the required training.

Part Year, Seasonal, Temporary, and Regular part-time employees working less than 20 hours per week will be notified of this harassment policy at the time of hire and will be responsible for reviewing and acknowledging its receipt. Employees should direct questions to their supervisor or the Human Resources Department.

### **Reporting Mechanism**

The City will take an affirmative role in protecting its employees from harassment. Should an instance of inappropriate behavior occur, the offended employee should bring his/her concerns to the attention of management. This includes employees who think they are the recipient of harassment, as well as those who believe they have witnessed another employee being harassed.

If you believe you are being harassed or you have witnessed harassment, take action immediately:



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1. Identify the offensive behavior to the harasser, if appropriate, and request that it stop; **and**
2. Employees **must** discuss their concern **immediately** with a supervisor not involved in the incident, division head, any department director or the Human Resources Director.

Employees **must** report any concerns regarding harassment. If for any reason you need assistance in following steps one or two above, contact the City's Employee Assistance Program. Employees are required to cooperate with the investigation of complaints under this policy. Although the City cannot assure confidentiality of employees who report incidents of inappropriate conduct, every effort will be made to protect the rights and feelings of all parties concerned.

## Management Responsibilities

When a supervisor, division head or department director is notified of alleged harassment, s/he will immediately advise the Human Resources Director. Complaints of harassment will be investigated as soon as possible. The Human Resources Director will decide the appropriate level of the investigation for the complaint. The investigation may include interviews with the directly-involved parties, other individuals who may have relevant information, employees who may have observed the alleged harassment, and where necessary, employees who may also be recipients of harassment, and who may be able to share information about their experiences with the accused employee. During the investigation, information about complaints, complainants and witnesses will only be given to those individuals with a need to have such information.

If the complaint alleges misconduct on the part of the City Manager, City Attorney, Municipal Court Judge, a City Council member or an employee within the Human Resources Department, a qualified external third party will undertake the investigation. In such circumstances, the supervisor, division head or department director must advise the City Manager. The City Manager will ensure that the investigation is conducted by a qualified external third party. If the alleged misconduct is on the part of the City Manager, the supervisor, division head or department director must advise the Assistant City Manager. The Assistant City Manager will ensure that the investigation is conducted by a qualified external third party. In all cases, the qualified external third party will recommend appropriate corrective action as needed.

Supervisory personnel have additional responsibilities with regard to harassment. Supervisory personnel are responsible for educating and sensitizing employees in their units about harassment issues, and they are also directed to take all appropriate steps to prevent and stop harassment in their areas of responsibility.

## Disciplinary Action

Following investigation, the complainant and the accused will be notified of whether a violation of this policy was found to have occurred. An employee who is found to have violated this policy will be disciplined. Employees who fail to cooperate with the investigation of complaints under this policy will also be subject to disciplinary action up to and including termination.

The Human Resources Director is responsible for determining the level of discipline unless the complaint alleged misconduct on the part of the City Manager, City Attorney,



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Municipal Court Judge, a City Council member, an employee within the Human Resources Department or a non-employee:

- Alleged misconduct on the part of a non-employee, other than a City Council member: The Human Resources Director will forward a copy of the results of the investigation to the City Manager along with a recommendation for corrective action. The City Manager will review the report and implement appropriate corrective action.
- Alleged misconduct on the part of an employee within the Human Resources Department: The City Manager will determine the level of discipline, after reviewing the recommendation of the external third party.
- Alleged misconduct on the part of a City Council member: The Human Resources Director or the Human Resources Director's designee will submit a copy of the results of the investigation conducted by the external third party, along with the third party's recommendation for corrective action, to the City Manager; the City Manager will take appropriate corrective action.
- Alleged misconduct on the part of the City Manager, City Attorney or Municipal Court Judge: The Human Resources Director or the Human Resources Director's designee will submit a copy of the results of the investigation by the external third party, along with the third party's recommendation for corrective action, to the City Council; the City Council will take appropriate corrective action.

## VI. OTHER RELATED REGULATIONS & PROCEDURES:

Not applicable.

## VII. CITY MANAGER SIGNATURE:

Don F. Williams, City Manager