



City of  
Golden

## **HARASSMENT POLICY**

(Rev. 1/1/2015)

### **Purpose**

The City is committed to maintaining a positive working environment free of unlawful harassment of any kind and which is sensitive to the diversity of its employees. We prohibit harassment based on age 40 years and older, race, sex, color, religion, national origin, disability, marital status, sexual orientation, genetic information, transgender status, or any other status protected by applicable federal, state, or local law.

Harassment includes verbal or physical conduct which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Prohibited behavior includes but is not limited to the following:

- Written form such as cartoons, e-mail, posters, drawings or photographs;
- Offensive, demeaning or hostile jokes or pranks;
- Threats, intimidation or hostile acts;
- Verbal conduct such as epithets, derogatory comments, slurs or jokes;
- Transmitting or posting sexually suggestive graphic, insulting or hostile materials electronically or via City's voicemail system; or
- Physical conduct such as assault, or blocking an individual's movements.

This policy applies to all employees, including managers, supervisors, co-workers, and non-employees, including for example, volunteers, customers, clients, vendors and consultants.

### **Sexual Harassment**

Because sexual harassment raises issues that are to some extent unique in comparison to other harassment, the City believes it warrants separate emphasis.

The City strongly opposes 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:

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

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

All employees shall conduct themselves in a professional and businesslike manner at all times. Conduct that may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters or e-mail; or
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping, questions about another's sex life or repeated unwanted requests for dates; or
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging or brushing up against another's body.

### **Harassment Complaint Procedure**

The following procedure is to be used if you believe that you or any other employee has been subject to conduct or acts which constitute harassment of any form, including sexual harassment.

The City expects employees to promptly bring the complaint to the attention of the City so that we may promptly investigate and correct any behavior that may be in violation of this policy. Be advised that as federal, state and local discrimination laws have specific time frames for initiating legal proceedings failure to timely bring forth a complaint may affect your ability to pursue legal action.

An employee if comfortable in doing so, should immediately identify the offensive behavior to the person committing such act(s) and demand that it stop immediately.

If an employee is uncomfortable addressing the matter directly with the individual or after being advised the individual continues such behavior then it should be immediately reported to the employee's immediate supervisor, Department Director, or the Human Resources Director who will take appropriate action to promptly investigate the matter and take corrective action when appropriate.

The City shall strive to keep complaints as confidential as practicable. If an employee prefers not to go to any of these individuals with a complaint, they should report the incident to the City Manager.

If the City determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including dismissal from employment.

The City prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. If an employee believes there has been a violation of our EEO policy or retaliation standard, a complaint should be brought forward in accordance with the procedure set forth above. The situation will be promptly investigated and corrective action taken when appropriate.

Any employee who has any questions concerning this Policy is responsible for contacting his or her supervisor, Department Director, or a Human Resources representative for clarification.

**Supervisory Personnel's Responsibility**

All supervisory personnel are responsible for reporting instances of harassment to their Department Director or Human Resources. Supervisors failing to report incidents shall be subject to disciplinary action. All supervisory personnel shall take immediate action to prohibit unauthorized or unnecessary contact or communication among employees involved.

No supervisory personnel shall condone, directly or indirectly, any act of harassment or retaliation.