

HARASSMENT IN THE WORKPLACE

PURPOSE: The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination.

POLICY: It is the policy of the City of Stoughton that all employees have the right to work in an environment free of all forms of harassment. The City of Stoughton will not tolerate, condone, or allow harassment by any employee or other non-employees that conducts business with the City. The City of Stoughton considers harassment and discrimination of others to be forms of serious employee misconduct. Therefore, the City of Stoughton shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this policy can lead to discipline up to and including termination, with repeated violations, even if “minor”, resulting in greater levels of discipline as appropriate.

DEFINITIONS:

Verbal Harassment: Sexual innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

Non-verbal Harassment: Sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet, or other such sources as means to express or obtain sexual material, comments etc., printed or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls, or obscene gestures. Any material which inappropriately raises the issues of sex or discrimination. Treating an employee differently than other employees when they have refused an offer of sexual relations.

Physical: Unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting, or regularly brushing against the body of another person.

Other Forms of Harassment: Persistent and unwelcome conduct or actions on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, membership in the military reserve, or use or nonuse of lawful products away from work is prohibited under this policy and s.111.31-111.39, Wis. Stats.

Harassment on any basis (race, sex, age, disability, etc.) exists whenever: Submission to harassing conduct is made, either explicit or implicit, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; the conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment. Such conduct is prohibited under this policy and SS.111.31-111.39 Wis. Stats.

Unwelcome: Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. The conduct may be unwelcome even though the victim voluntarily engages in it to avoid adverse treatment.

PROCEDURES

Prohibited Activity (Sexual Harassment and 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 either explicitly or implicitly a term of condition of employment; or
- Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment is any verbal, written, visual or physical act that creates a hostile, intimidating or offensive work environment or interferes with an individual's job performance.

- No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any Person.
- Employees shall not make offensive or derogatory comments to any person, either directly or indirectly based on race, color, sex, religion, age, disability, sexual orientation, or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the city.

Covered individuals

Individuals covered under this policy include employees and applicants for employment, volunteers, elected officials, appointed members of committees, commissions and boards, contractors, vendors, and members of the public.

Each Supervisor shall be responsible for:

- Preventing prohibited activities as defined above.
- Monitoring the unit work environment on a daily basis for signs that harassment may be occurring;
- Training and counseling all employees on what constitutes harassment and sexual harassment, on the types of behavior prohibited, the City's policy and procedures for reporting and resolving complaints of harassment;
- Stopping any observation that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
- Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation. If a situation requires separation of parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.

- Failing to carry out these responsibilities will be considered in any evaluation or promotional decisions and may be grounds for discipline.

Every Supervisor has the responsibility to assist any employee of the City who comes to that supervisor with a complaint of harassment in documenting and filing a complaint with the internal investigation authority as designated by the City.

Each employee of the City is responsible for assisting in the prevention of harassment through the following acts:

- Refraining from participation in or encouragement of actions that could be perceived as harassment;
- Reporting acts of harassment to a supervisor; and
- Encouraging any employee who confides that he or she is being harassed or discriminate against to report these acts to a supervisor.

Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for discipline.

Complaint Procedures

Any employee encountering harassment is encouraged but not required to inform another employee that his or her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment to provide the fullest basis for investigation.

Any employee who has unsuccessfully attempted to terminate the harassment and who believes that he or she is being harassed shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, the Personnel Director for the City (City Clerk), the City Attorney, or Mayor.

The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the date(s) on which it occurred.

Any employee who does not feel it is practical to file their complaint with the above listed people may file the complaint with either or both of the following:

Wisconsin Department of Work Force Development-Equal Rights Division
1 S. Pinckney Street
Madison WI

United States Equal Opportunities Commission
1-800-669-4000

If the employee exercises the reporting options of either of the above two listed agencies, they must file a copy of the complaint with the City Attorney within 24 hours of filing of the complaint.

The internal investigation authority shall be responsible for investigating any complaint alleging harassment or discrimination.

- The internal investigative authority shall immediately notify the chief executive officer and the City Attorney if the complaint contains evidence of criminal activity, such as battery, rape, or attempted rape.
- The investigation shall include a determination as to whether other employees are being harassed by the person, and whether other city employees participated in or encourages the harassment.
- The internal investigative authority shall inform the parties involved of the outcome of the investigation.
- A file of harassment and discrimination complaints shall be maintained in a secure location. The Mayor shall be provided with an annual summary of these complaints.

There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint.

The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

Complainants or employees accused of harassment may file a grievance/appeal in accordance with City procedures when they disagree with the investigation or disposition of an harassment claim.

This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

Retaliation

Retaliating against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by this City and by federal statutes.

Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.

Monitoring to ensure that retaliation does not occur is the responsibility of the chief, supervisors, and the appropriate internal investigative authority.