

CITY OF DENTON

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 108.10
SUBJECT: STANDARDS OF CONDUCT FOR EMPLOYEES	INITIAL EFFECTIVE DATE: 12/01/87
TITLE: HARASSMENT PREVENTION/WORKPLACE ABUSE	LAST REVISION DATE: 10/13/2020

POLICY STATEMENT:

The City of Denton's employees and others acting on the City's behalf are entitled to respectful treatment in the City of Denton's workplace. A respectful workplace is about more than compliance with the law. It is a working environment that is free of inappropriate behavior of all kinds, including all forms of harassment.

It is the policy of the City of Denton to prohibit any form of sexual, racial, ethnic, disability, age, sex/gender, sexual orientation, gender identity, pregnancy, national origin, genetic, or religious harassment of its employees, volunteers, applicants, and other applicable parties. The City of Denton recognizes that any form of harassment may be a violation of federal and state laws. The City maintains a strict policy that any harassment in the workplace or after hours outside the workplace, is not acceptable and will not be tolerated.

It is also the policy of the City of Denton to prohibit any form of workplace abuse, including but not limited to, a persistent treatment that is humiliating, embarrassing, undignified, or bullying.

All employees, including managers, supervisors, and representatives of the City, are expected to refrain from being disrespectful, exhibiting any unwelcome behavior, or displaying conduct toward any other individual which could be interpreted as harassment or workplace abuse.

DEFINITIONS:

- I. **Discriminatory harassment** is unwelcome conduct toward an individual because of his or her genetics, age, disability, marital status, national origin, ethnicity, race or color, religion, sex/gender, sexual orientation, or gender identity when the conduct creates an intimidating, hostile, or offensive work environment that:
 - Causes work performance to suffer; or
 - Negatively affects job opportunities.

Harassment is against the law in the United States. Examples of harassment that may violate the law and will violate this policy include, but are not limited to:

- A. Oral or written communications that contain offensive name-calling, jokes, slurs, negative stereotyping, or threats. This includes comments or jokes that are distasteful or targeted at individuals or groups based on genetics, age, disability, marital status, national origin, race or

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color, religion, sex/gender, sexual orientation, or gender identity.

- B. Nonverbal conduct, such as staring, leering, and giving inappropriate gifts.
- C. Visual images, such as derogatory or offensive pictures, cartoons, drawings, or gestures. Such prohibited images include those in hard copy or electronic form.

NOTE: Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual, as such term is defined in the Americans with Disabilities Act, 42 USC 12102; a record of such an impairment; or being regarded as having such an impairment. This would include, but not be limited to, an individual with a loss of limb, visual impairment, mobile impairment (wheelchair-bound, artificial limb, etc.), sight impairment (blindness), hearing impairment (deafness), medical conditions such as heart disease, epilepsy, muscular dystrophy, cancer, mental illness, alcoholism, HIV disease, and other physical and mental medical conditions which are protected by Federal law.

- II. **Sexual harassment** is a form of harassment that is based on a person's sex or that is sex-based behavior. It is also sexual harassment for anyone in a position of authority to tie hiring, promotion, termination, or any other condition of employment to a request or demand for sexual favors.

Sexual Harassment includes but is not limited to unsolicited and unwelcome sexual advances, requests for sexual favors, and other verbal (slurs, jokes), non-verbal, electronic, written, or physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- C. Such conduct has the purpose or effect of interfering with an individual's performance or creates or maintains an intimidating, hostile, abusive, or offensive working environment.

NOTE: Sexual harassment takes many forms – subtle and indirect or blatant and overt. Examples include, but are not limited to:

1. Unwelcome sex-oriented verbal "kidding;"
2. Unwelcome teasing or jokes;
3. Unwelcome sex-oriented texts, emails, or other electronic communication;
4. The distribution, display, or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive, or shows hostility

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toward an individual or group because of sex;

5. Suggestive or insulting sounds; leering; staring; whistling; obscene gestures;
6. Subtle pressure for sexual activity;
7. Physical contact such as patting, pinching or constant brushing against another's body; or
8. Demands for sexual favors.

III. **Workplace abuse** refers to **repeated**, unreasonable actions of individuals (or a group) directed towards an employee (or a group of employees), which is intended to intimidate and/or create a risk to the health and safety of the employee(s).

Workplace abuse takes one or more of the following forms:

- Verbal abuse;
- Offensive conduct/behaviors (including nonverbal) which are threatening, humiliating, or intimidating; or
- Work interference — sabotage — which prevents work from getting done.

Workplace abuse would not include:

- The normal exercise of supervisory responsibilities, including performance reviews, direction, counseling, and disciplinary action where necessary, provided they are conducted in a respectful, professional manner, in accordance with City policies and procedures.
- Social interactions, jokes, and bantering, which are mutually acceptable, provided the interactions are respectful and there is no negative impact for others in the work environment.
- Disagreements, misunderstandings, miscommunication, and/or conflict situations, provided the behavior of the individuals involved remains professional and respectful.

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ADMINISTRATIVE PROCEDURES:

- I. Employees are always responsible for ensuring their behavior is respectful and professional, no matter the situation. If approached with concerns by another employee, employees should be open to understanding another's perspective and apologize as needed.
- II. Under no circumstances should employees engage in behavior that has the purpose or effect of harassing or abusing others. Employees need to be sensitive to how others may perceive their actions and remember that their actions not only reflect upon them but may reflect on the City as well.
- III. Supervisors are responsible for maintaining their workplace free of abuse and harassment of any kind. This duty includes discussing and enforcing this policy and procedure with all employees and assuring them that they are not required to endure insulting, degrading, or exploitative treatment.
- IV. Individuals who feel they experience abuse or harassment should make it clear that such behavior is offensive to them. Any employee who feels that he or she has been the victim of any form of abuse or harassment should immediately report the facts of the incident or incidents and the names of the individuals involved to his or her supervisor and the Director of Human Resources or designee. Should the immediate supervisor be the offending party, the employee must report the alleged act to the next level of management and the Director of the Human Resources or designee. In situations where the employee is not comfortable reporting the allegation to his/her immediate supervisor or the next level of management, he/she has the option to report his/her complaint only to the Director of Human Resources or designee. The Director of Human Resources and the manager/supervisor are mutually responsible for notifying each other when an allegation is reported.
- V. All allegations of abuse or harassment observed by or reported to a supervisor must be investigated immediately by the Human Resources Director or designee. All findings, decisions, and recommendations will be made on an individual basis considering the entire record on the totality of the circumstances, such as the nature of the behavior and the context in which the alleged incidents occurred. If abuse or harassment is found to exist, appropriate management and supervisory personnel shall take prompt corrective action. Any time that sexual harassment becomes an issue of an alleged act of sexual assault, the investigation must be coordinated with the City of Denton Police Department.
- VI. An individual's intentions and motives are not the decisive factors in considering alleged harassment behavior. The effect of one employee's behavior upon another employee is the decisive factor. If an individual's behavior is reasonably offensive to another individual or if it has an intimidating effect upon another individual, harassment may be present.

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VII. Appropriate disciplinary action will be taken when the findings warrant such action. Such disciplinary action should be determined by the nature of the wrongful act or acts and may result in immediate dismissal.

VIII. Disclosure of any investigation conducted under this policy shall be made only to those City employees and others with a right to know.

PROTECTION AGAINST RETALIATION:

The City's Problem-Solving Policy #115.02 encourages employees to report any alleged infraction without fear of retaliation. The City of Denton supports the State of Texas Retaliation Act, Policy #108.06, which protects a public employee who files or responds to a bona fide complaint of discrimination or harassment; appears as a witness in the investigation of a complaint; or serves as an investigator. Retaliation and/or reprisals against an individual who in good faith reports or provides information about behavior that may violate this policy are against the law, against the City's policy, and will not be tolerated. However, making a false report or providing false information is grounds for discipline.

CONSENSUAL ROMANTIC RELATIONSHIPS:

- I. An employee who is involved in a personal relationship with another employee may not occupy a position in the same chain of command as, work directly for or supervise the employee with whom he or she is involved. A consensual *romantic relationship* is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The City of Denton reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions.
- II. When a conflict or the potential for conflict arises because of a personal relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or dismissed from employment. If such a personal relationship is established after employment, it is the responsibility and obligation of the employees involved to immediately disclose the existence of the relationship to their manager and/or department head. When a conflict or a potential for conflict arises because of the relationship affecting employment, the individuals concerned will be given the opportunity to decide who is to apply for another position or resign if no position is available. If the decision is not made within 30 calendar days, management will decide who is to apply for another position or, if necessary, be dismissed from employment. Factors to be considered by management include, but are not limited to, length of service, work performance, and/or criticality of the position to the operation.