

## **CHAPTER 13 – HARASSMENT IN THE WORK PLACE**

### **13.1 Policy.**

- 13.1.1 It is the policy of Cedar City that no employee shall harass any other employee based on such personal characteristics as race, religion, color, sex, national origin, age, pregnancy, childbirth, pregnancy-related conditions, or physical or mental disability. Violations of this policy are not tolerated. Every report of harassment shall be investigated as set forth herein, and if harassment is established, the offender will be subject to discipline, which may include termination.

Amended by Resolution Number 13-1023-1

### **13.2 Definitions.**

- 13.2.1 “Harassment” shall mean any unwelcome, written or oral slur, vulgar joke, derogatory statement or action directed at an individual’s race, color, religion, national origin, age, or mental or physical disability shall be considered harassment.
- 13.2.2 “Sexual Harassment” shall mean unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:
- A. Submission to such conduct is made either explicitly or implicitly the term or condition of an individual’s employment;
  - B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - C. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

### **13.3 Procedures and Responsibilities.**

- 13.3.1 Any employee who feels he or she has been treated in a way not consistent with this policy from another employee or anyone doing business with the City, or who observes such behavior by or from a City employee shall report the matter to his or her supervisor, Department Head, Human Resources, City Attorney, or City Manager.

Amended by Resolution Number 13-1023-1

13.3.2 Every report of harassment shall be investigated. If harassment is established, the offender shall be subject to discipline, which may include termination.

13.3.3 Employees who are victims, or are otherwise aware, of harassment by or against a city employee are encouraged to report such harassment. If an employee has attempted unsuccessfully to discourage such conduct, or believes formal action should be taken, a complaint shall be initiated in the following manner:

- A. Employees may make a report of harassment to any of the following individuals:
  - i. The employee's immediate supervisor, unless the employee fails to receive action at this level, or if the supervisor is the source of the problem; or
  - ii. Any Department Head, the City Manager, Mayor, City Attorney, Human Resources Specialist, or a member of the City Council.

Amended by Resolution No. 11-0309-1.

13.3.4 Employees may bring good faith complaints without fear or reprisal, intimidation, coercion, or retaliation. Confidentiality will be protected to the extent practical.

13.3.5 Anyone receiving a report of harassment shall investigate the allegations with the help of appropriate supervisory personnel and will take care to protect the rights of both the complaining employee and the accused.

13.3.6 Determination of whether or not a particular action constitutes harassment, the supervisor or other appropriate officials shall look at the totality of the circumstances and the context in which the alleged incidents occurred. A written report of the findings of the investigation shall be submitted to the Department Head or next individual in the chain of command for the purpose of determining appropriate action.

13.3.7 If the investigation determines that harassment as described in this policy has occurred, appropriate disciplinary action must be taken, which may include termination of employment.

Amended by Resolution Number 13-1023-1