

Harassment Policy

City of Dunedin, Florida

PURPOSE:

All employees are entitled to work in a safe environment that is free of conduct that can be considered harassing or abusive. The purpose of this policy is to define and forbid harassing conduct, to prohibit the condoning or perpetuating of such conduct and provide a means for reporting and resolving harassment complaints.

POLICY:

The City of Dunedin does not condone any conduct or practice by its employees, which may be construed as harassment. It is the policy of the City of Dunedin that harassment of any kind, including but not limited to sex, race, religion, color, national origin, age, marital status, sexual orientation, or disability in the work place, is unacceptable behavior that **will not be tolerated**. In recognition of the high standards of conduct the City has set for all of its employees, this policy shall act to prohibit any harassing behavior or conduct, regardless of whether the conduct in question rises to the level of a violation of law. No employee of the City shall intentionally or knowingly engage in any type of harassment. A standard of reasonableness will be applied to all decisions concerning issues of alleged harassment under this policy.

Sexual Harassment:

Sexual harassment is a type of behavior that would be in violation of the City's harassment policy. Sexual harassment is a gender-neutral term, applicable to male and female individuals and includes unwelcome and unsolicited sexual advances, request for sexual favors and other verbal, non-verbal or physical conduct of a sexual nature whenever:

- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, or
- 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 creating an intimidating, hostile, or offensive working environment. Hostile work environment refers to a condition where an employee cannot do their job without feeling harassed or threatened. It must be sufficiently severe or pervasive to alter the conditions of the individual's employment and create an abusive working environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

Other Types of Prohibited Harassment:

Harassment against an individual based on race, religion, color, national origin, age, disability, marital status or sexual orientation is defined as any type of behavior including but not limited to verbal (including racial slurs), non-verbal or physical abuse or threat of bodily harm which has the potential to create a hostile work environment. Hostile work environment refers to a condition where an employee cannot do his or her job without feeling harassed or threatened. It must be sufficiently severe or pervasive and exceeding commonly acceptable social and workplace norms sufficient to alter the conditions of the individual's employment and create an abusive working environment. A standard of reasonableness will be applied to all decisions concerning issues of alleged harassment under this policy.

The City of Dunedin is an Equal Opportunity Employer and will not tolerate the behavior of any City employee or non-employee, which can be construed as harassment based on an individual's sex, race, religion, color, national origin, age, marital status, sexual orientation, or disability.

Any employee found to be in violation of this policy governing harassment will be subject to severe disciplinary action up to and including termination in accordance with the City's Progressive Discipline Policy.

COMPLAINT PROCEDURE:

Employees are encouraged to report incidents involving conduct which may be construed as harassment. Although an incident may not be of an open nature, it may be perceived by the reporting employee as harassment. Employees should, if reasonably possible, ask the "harasser" to stop the harassing behavior before filing a formal complaint.

In the event that an individual wishes to submit a harassment complaint, the following steps will be taken to resolve the complaint:

1. Complainant completes a Harassment Complaint form and forwards to their supervisor.
2. Upon receipt of the harassment complaint, the supervisor shall immediately forward the form, through the chain-of-command to the Division Director of Human Resources. **If the complaint involves an employee's Supervisor, Department Director, Division Director, or Section Leader, the complaint may be routed directly to the Division Director of Human Resources.**
3. Department Directors, Division Directors, Section Leaders and other employees who are in a position of supervising other employees, will immediately investigate the allegations in coordination with the Division of Human Resources. This shall include interviewing witnesses or gathering relevant documentation as appropriate.
4. Department Directors, Division Directors, Section Leaders and other employees who are in a position of supervising other employees, will take steps to insure immediate cessation of any harassment which they know or reasonably should know is occurring and notify Human Resources immediately.
5. Upon completion of the investigation, appropriate discipline will be issued, if necessary, in accordance with the City's Progressive Discipline Policy.
6. The complainant will be notified by the Division of Human Resources that the complaint has been resolved. If the complainant is not satisfied with the final resolution, he/she may appeal in writing to the City Manager within five (5) calendar days of such notification.
7. The City Manager will render an appeal decision within ten (10) working days after receipt of the appeal. The City Manager's decision will be final.

In order to ensure the highest degree and opportunity for reporting complaints, the affected employee may submit a written or oral complaint directly to the Division Director of Human Resources in lieu of following the chain of command.

PROTECTION:

The City of Dunedin will not retaliate against any employee who files a harassment complaint. Retaliation may include, but is not limited to, such acts as refusing to recommend an employee for a salary increase or benefit for which he/she qualifies, spreading rumors about the employee, encouraging hostility from co-workers, escalating the harassment or refusing to consider the individual for promotion and/or transfer to another position.

Any employee who falsely and/or maliciously in bad faith accuses another individual of harassment will be subject to disciplinary action up to and including termination in accordance with the City's Progressive Discipline Policy.

Any supervisor who ignores a complaint or harassing behavior or fails to notify Human Resources will be subject to disciplinary action.

CONFIDENTIALITY:

Complaints made under this policy shall be maintained confidentially to the extent permitted by law. The City acknowledges, however, that by virtue of the Public Records Act, documentation surrounding complaints may become public by operation of law and be available for inspection and review in the manner provided by Statute.

PREVENTION:

All reasonable steps will be taken to ensure that this Harassment Policy is followed by all employees, supervisors, and others who have contact with City employees. Periodic training will be conducted for all City employees when necessary.

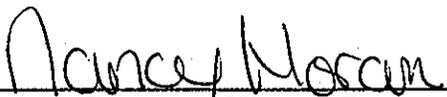
All persons in a supervisory role are responsible for appropriately monitoring the work environment for compliance with this policy. In the event that a harassment complaint is received, the Complaint Procedures described above will be followed.

Failure to comply with this policy will be handled in accordance with the City's Progressive Discipline Policy.

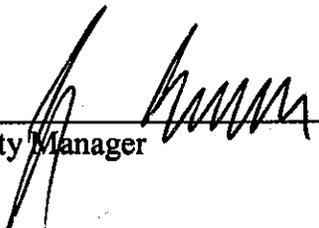
Effective Date of Policy: March 1987

Revision Date: March 2002

Approved:



Division Director of Human Resources
and Risk/Safety



City Manager



Assistant City Manager

Harassment Complaint
City of Dunedin, Florida

Human Resources Use Only
Date/Time Received

Complainant: _____ Job Title: _____
Department: _____ Division: _____
Supervisor's Name: _____

Date(s) of incident(s): _____ Time(s) of incident(s): _____

Place(s) of incident(s): _____

Name(s) of offender(s)/harasser(s): _____

Describe the incident giving complete details (attach additional sheets): _____

Please list the name(s) of any eyewitness(es) to the incident(s): _____

Have you ever asked the offender to stop this behavior? Yes No

If no, why not? _____

If yes, when? _____ What happened? _____

What action(s) do you feel would resolve this situation? _____

Employee Signature: _____ Date: _____

Date complaint resolved: _____ How resolved: _____

Date the Complainant was advised that the incident was resolved? _____

Human Resources Signature: _____ Date: _____

In accordance with the Complaint Procedures, send copy immediately to Human Resources

