



Human Resources Policies and Procedures

Policy Title: Anti-Harassment	Policy Number: 2.12
Effective: September 10, 2018	
Approval:	Page 1 of 5

1.0 Scope

- | | |
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| <input checked="" type="checkbox"/> Full-time | <input checked="" type="checkbox"/> Union |
| <input checked="" type="checkbox"/> Part-time | <input checked="" type="checkbox"/> Independent Contractors |
| <input checked="" type="checkbox"/> Temporary/Contract | <input checked="" type="checkbox"/> Visitors, Vendors, Volunteers |
| <input checked="" type="checkbox"/> Non-Union | <input checked="" type="checkbox"/> Board and Commission Members |

Employees who are covered under the provisions of a collective bargaining agreement will follow the standards as contained in their respective contracts if this policy conflicts with the language in the contract.

2.0 Purpose

To reflect the City's zero-tolerance for harassment. To outline prohibited conduct constituting harassment under this policy and in accordance with applicable State, Federal, and local laws. To outline the complaint process for reporting harassment and to set forth guidelines for investigating and addressing violations of this policy.

3.0 Policy

The City of Ann Arbor is committed to maintaining a work environment free from harassment, based on any protected classification defined and otherwise prohibited by State, Federal and Local laws. In keeping with that commitment, the City of Ann Arbor will not tolerate unlawful harassment of its employees or customers by anyone, including any manager, volunteers, co-worker, vendor, or customer of the City of Ann Arbor.

DISCLAIMER

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3.1 Prohibited Conduct

- A. The City prohibits harassment against any employee on the basis of a person's protected class under state, federal or local laws.

This policy does not cover those situations in which offensive references unavoidably arise in the course of business (i.e. required transcription of conversations containing offensive references, processing of material evidence containing offensive material, review of reports of offensive conduct, and other related activities).

- B. Examples of conduct that may be found to violate this policy include but are not limited to, obscene, sexist or racist comments or jokes, offensive name calling, display of photographs or images of a sexual or sexually suggestive nature, inappropriate references to person's weight, height or physical appearance or disabilities, making jokes or inappropriate comments about an individual's sexual orientation, gender identity or expression, requesting or demanding sexual favors, threatening employment actions for failure to engage in sexual acts, unwelcome sexual or social advances, or any type of ridicule based on protected classification.
- C. Retaliation, whether actual or threatened, against any complainant or witness, or anyone assisting in an investigation of a complaint, is expressly prohibited by this policy and may result in discipline up to and including termination of employment. An act of retaliation will be treated as a separate and distinct incident regardless of the outcome of the harassment complaint.
- D. Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission or rejection of such conduct is either explicitly or implicitly a term or condition of an individual's employment or used as the basis for an employment decision, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.
- E. Other Harassment – Unwelcome conduct that is based upon an individual's membership in a protected class where (a) acceptance of the offensive conduct becomes a condition of continued employment, or (b) the conduct is so severe or pervasive that it

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creates a work environment that a reasonable person would consider intimidating, hostile, or abusive. This conduct can occur in person, over the phone, via e-mail, social media, or other means of communication.

- F. Bystander or Third Party Harassment – Harassment committed by a third-party that: (1) is targeted at one employee; and (2) has the purpose or effect of unreasonably interfering with the witnessing employee’s work performance; or (3) is severe or pervasive enough that it creates an intimidating, hostile or offensive work environment for the witnessing employee. Such conduct is harassment regardless of whether the target of the prohibited conduct is a willing participant in or is unoffended by that conduct.

4.0 Responsibility

4.1 Employees

- A. Any employee who experiences, witnesses or hears about conduct that violates this policy has a responsibility to report the incident immediately to Human Resources Services, a Service Area Administrator or his/her supervisor.
- B. Absent extenuating circumstances that prevent it, the employee who has received the unwanted attention or who feels she or he is being subjected to a harassment must either tell the person who engaged in the offensive or inappropriate conduct to stop and that the action(s) is not wanted (“unwelcome”) or ask Human Resources to notify the employee that the conduct is unwelcome or offensive. Employees are encouraged to document requests to stop and report the conduct to Human Resources Services, Service Area Administrator or his/her supervisor as soon as possible.
- C. All employees are expected to cooperate with any investigation. Failure to cooperate in an investigation or give truthful responses and accurate information in an investigation may result in disciplinary action up to and including termination of employment.

4.2 Supervisors, Managers, and Service Area Administrators Duties

- A. All supervisors, managers and Service Area Administrators are responsible for ensuring that no harassment of any kind occurs or persists in the workplace. It is the responsibility of management to

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create an atmosphere free of unlawful harassment, and to implement this policy within their area.

- B. The City and all supervisors, managers, and Service Area Administrators have a legal obligation to immediately report any suspected or identified harassment to Human Resources. This duty exists even if: (i) no employee or witness registers a complaint; (ii) the employee or witness reporting harassment requests that no investigation occur; or (iii) the situation giving rise to the harassment complaint has been resolved. Failure of management at any level to take such allegations seriously or failure to report such allegations to Human Resources Services shall be subject to disciplinary action, up to and including termination of employment.

5.0 Procedures

5.1 Complaint and Reporting Process

- A. Harassment or Retaliation Complaint – Any mention of harassment or retaliation to a member of management constitutes a "complaint" for purposes of this policy. This definition applies regardless of whether the information comes from the perceived victim or a witness, and regardless of whether the reporting party conveys that the conduct was inoffensive.
- B. Upon receiving a complaint, Human Resources will request that the employee complete a complaint form.
- C. Upon receipt of a complaint, an investigation by Human Resources with the guidance of the City Attorney's office will be promptly conducted and corrective action will be taken, if appropriate, to ensure uniform enforcement of this policy.
- D. The complaint, investigation, and identity of witnesses will be kept confidential to the extent possible.
- E. Conduct suspected to be of a criminal nature (e.g., criminal sexual assault) shall be immediately reported to law enforcement.

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5.2 Corrective Action

- A. If the harassment complaint is sustained, the Director of Human Resources and Labor Relations, or designee must promptly determine and issue the appropriate corrective or remedial action.

- B. Appropriate corrective action may include training, corrective counseling and/or other forms of discipline up to and including termination of employment. This determination will vary depending on: (i) the seriousness of the charge; (ii) the employee's disciplinary history, particularly with respect to related misconduct; and/or (iii) the likelihood that the proposed discipline will discourage future harassment.

- C. All discipline for harassment must be documented and placed in the employee's personnel file.

- D. A finding that an employee has violated this policy does not constitute an admission or finding by the City that the employee or the City has violated Federal, State or Local law.

5.3 Informing the Complainant of the Outcome

- A. Once a harassment investigation is complete, all involved parties will be informed of the completion of the investigation.

- B. A letter of determination shall be issued to the complainant and subject. The complainant and subject are entitled to learn: (i) whether the charges were sustained; and (ii) if so, whether corrective action will be taken.

- C. Neither the complainant, nor any witnesses, will be provided with specific information regarding corrective action taken towards any employee.

5.4 False Accusations

In the event that after a full investigation of a complaint, the results of the investigation reveal that an employee knowingly filed a false complaint, or knowingly provided false information in the course of an investigation, this individual will be subject to discipline up to and including termination of employment.

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