

**CITY OF URBANDALE ANTI-HARASSMENT AND  
INAPPROPRIATE CONDUCT POLICY**  
City of Urbandale, Iowa

Adopted: November 16, 2010 (CL #3969)

**Replaces** “SEXUAL HARASSMENT POLICY” Original Adopted: MAY 9th, 1995  
(CL1173)

**General Harassment and Responsibility**

The City of Urbandale is committed to achieving and maintaining a working environment free from unlawful discrimination and harassment. The City will not tolerate unlawful harassment because of race, color, religion, national origin, gender, age, sexual orientation, gender identity, genetic information, disability, or other characteristics protected by applicable state or federal laws.

All City of Urbandale employees as well as all elected and appointed City officials are expected to take an active part in developing and maintaining a work place free of harassment. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on City premises and whether or not the incidents occur during working hours.

Employees have the responsibility to notify their supervisor if they observe harassing behaviors in the work place. Supervisory and management employees have an additional responsibility to exert their authority and enforce this policy when made aware of harassment, including when the harasser is a supervisory or management peer.

**Prohibited Conduct**

**1) Discrimination**

It is a violation of this policy to discriminate in employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person’s race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or other protected status.

Discrimination in violation of this policy will be subject to discipline, up to and including termination.

**2) Harassment**

Harassment, including sexual harassment, is prohibited by federal and state laws. Although it is impossible to list every inappropriate conduct that could occur, unlawful harassment includes unwelcome or offensive verbal, visual or physical conduct because of a person’s protected status that threatens, intimidates, offends,

demeans or coerces an employee, impairs an employee's ability to do his or her job, or creates an intimidating, hostile or offensive work environment.

Examples of harassment include, but are not limited to the following:

**a. Verbal:** Comments that are derogatory regarding a person's national origin, race, color, religion, gender, age, sexual orientation, gender identity, physical or mental disability, genetic information or other protected status.

**b. Non-verbal:** Distribution or display of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, gender identity, physical or mental disability, genetic information or other protected status.

**c. Physical**

**d. Hazing**

### 3) **Sexual Harassment**

Sexual harassment in any form is prohibited. Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

a. Is made explicitly or implicitly a term or condition of employment.

b. Is used as a basis for an employment decision.

c. Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment. It is also possible for third parties, such as vendors or members of the public, to engage in prohibited harassment.

***Examples of conduct that may constitute sexual harassment include, but are not limited to the following:***

**a. Verbal:** Sexual innuendo, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats, and requests for any type of sexual favor (this includes repeated, unwelcome requests for dates), graphic verbal comments or questions about a person's body, dress, or personal life, or sexually degrading words used to describe an individual; the use of crude and offensive language of a sexual nature; verbal abuse or "kidding" that is sexually-oriented and unwelcome.

**b. Non-verbal:** The distribution or display of any written or graphic material, including calendars, posters, screen savers, inappropriate web pages and cartoons that are sexually suggestive, or shows hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; and content in letters, notes, faxes or e-mail that is sexual in nature.

c. **Physical:** Unwelcome physical contact, including but not limited to touching; tickling; pinching; patting; hugging; cornering; kissing; fondling; forced sexual intercourse or assault.

d. **Hazing:** Teasing; practical jokes of a sexual nature; ostracizing; starting or spreading rumors about a person's sexual activities.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

#### 4) **Consensual Romantic or Sexual Relationships:**

If a management or supervisory employee enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify their direct manager. Although the parties may feel that what they do during non-working hours is their business and not the business of the City, because of potential issues regarding harassment, the City has made this a mandatory requirement. Failure to report such a relationship will result in disciplinary action, up to and including termination of employment.

After the relationship is made known, the Director of Human Resources and the City Manager will determine whether one or both parties need to be moved to another job or department. This decision will be based on which move will be least disruptive to the organization as a whole.

If it is determined that one or both parties must be moved, but no jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

Employees who do not work in the same department and enter into a consensual relationship that is romantic or sexual in nature are not required to report their relationship to their direct managers. Likewise, employees who work in the same department, but do not supervise nor manage one another, are not required to report a consensual relationship that is romantic or sexual in nature; however, employees in the same department need to be aware that their behaviors while at work must be appropriate for the workplace. Regardless of whether or not employees are required to report consensual relationships of a romantic or sexual nature to their direct managers under the policy, the policy itself is still applicable to all employees.

#### 5) **Hostile Work Environment**

Positive working relationships are essential to the teamwork that is necessary to ensure effective delivery of City service and the well-being of all employees. Employees are expected to conduct themselves in a professional, civil, and courteous manner whether interacting with the public or with fellow employees. Behaviors which tend to create a hostile work environment are prohibited. These include, but are not limited to, rudeness or discourtesy, malicious gossip, false allegations or providing false information about an employee, refusal to

communicate, including deliberate failure to share necessary job-related information, and avoidance or “shunning.”

Isolated or occasional incidents of conflict between employees will not ordinarily be subject to disciplinary action. Good-faith exercise of supervisory authority including directives, evaluation, counseling, or imposition of discipline is expressly excluded from this policy.

## **Retaliation**

No employee will be disciplined for any of the following:

- 1) Filing or responding to a bona fide complaint of discrimination or harassment.
- 2) Appearing as a witness in the investigation of a complaint.
- 3) Serving as an investigator.

Retaliation or an attempt to retaliate against an individual because of activity protected by this policy is a violation of this policy, and any employee who retaliates or attempts to retaliate will be subject to disciplinary action, up to and including termination. See also: *Whistle-Blower Policy*

Conversely, the City will not tolerate a false or malicious complaint that is purposefully filed.

## **The Complaint Process**

Employees who believe that they have been subjected to unlawful discrimination or harassment as outlined in this policy should initially raise the matter with the alleged offending party requesting that the conduct stop. The employee is encouraged to keep a record of having done so.

An employee should immediately contact the department director or the Director of Human Resources if:

- 1) the employee is uncomfortable addressing the offending party;
- 2) the unlawful discriminating or harassing conduct continues;
- 3) the employee believes that he or she has been subjected to unlawful retaliation as outlined in this policy; or,
- 4) the employee believes that he or she has knowledge of such prohibited conduct.

Prompt notification will ensure a timely investigation and, if appropriate, steps to prevent the occurrence of any further unlawful discrimination, harassment, or retaliation. When making a complaint, it is helpful if the complaining party makes a written record of the “who”, “what”, “when”, “where” and “how” as well as any witnesses to the prohibited conduct. A complaint form is attached to this policy.

The Director of Human Resources will be responsible for ensuring that an impartial investigation begins within ten working days after a complaint has been filed. The City

reserves the right to designate an outside fact-finder to conduct the investigation on a case-by-case basis. If an employee makes an allegation of harassment and later takes back the allegation, the City will still conduct a fact-finding investigation.

Although complete confidentiality cannot be guaranteed, the City will strive to keep all complaints and investigations as confidential as possible, only revealing information on a strict need-to-know basis. In the interest of fairness, the identity of the complainant is usually revealed to the respondent and witnesses. Information which is inappropriately communicated to others who have no legitimate standing or interest in the complaint will be dealt with through the disciplinary process. In addition, the Director of Human Resources will take adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation and after the investigation is concluded.

After the investigation has been completed, the Director of Human Resources or the designated fact-finder will provide a written report to the City Manager outlining the findings and conclusion of the investigation. If an investigation results in a finding that this policy has been violated, the appropriate level of disciplinary action will be determined. Depending on the outcome of the investigation, further referrals to the appropriate law enforcement personnel will be made, if merited. Employees who file a good faith complaint will be advised of the determination of the fact finding investigation.

No record of a complaint is kept in the complainant's personnel file, unless the investigation concludes that the complainant was reckless, frivolous, or vexatious in filing the complaint. No record of a complaint is kept in the alleged offender's file, unless that allegation has been found to be substantiated in a formal investigation.

## HARASSMENT COMPLAINT FORM

Please complete this form to initiate a fact finding review regarding your harassment complaint. If necessary, you may use additional pages to fully and accurately state the nature of the complaint.

**Name of Complainant:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Title:** \_\_\_\_\_

### Basis of Harassment:

Race     Religion     Color     National Origin     Disability

Age     Sex/Gender     Sexual Orientation     Gender Identity

Other, Please Specify: \_\_\_\_\_

**Name of Alleged Offender:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Title:** \_\_\_\_\_

### Relationship of Alleged Offender to Complainant:

Coworker     Supervisor     Department Head     Other: \_\_\_\_\_

Describe specific act(s) alleged with date(s), time(s) and location(s) if possible.

Has anyone witnessed the alleged behavior?     Yes     No

If yes, list names and contact information:

Are there others who are not witnesses but are knowledge about the incident(s)? If yes, list names and contact information:

If available, provide a copy (not originals) of letters, pictures, etc. that support your complaint.

No evidence attached

Evidence attached

Have you taken any action to stop the harassment?  Yes  No

If yes, summarize the action taken:

How would you like to see the situation resolved?

Provide any other information you believe to be relevant to this complaint:

As the person who filed this complaint, please read the following items and sign after you have read:

- a) I certify this is a good faith complaint (not a false or purposely malicious complaint).
- b) I acknowledge that the City/its agents will conduct a fact finding review of my harassment complaint.
- c) I acknowledge that the City/its agents cannot guarantee complete confidentiality.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_