

SECTION 13 SEXUAL and UNLAWFUL HARASSMENT

The City of Logan is committed to providing a work environment that is free of sexual and unlawful harassment. The City has adopted a zero tolerance policy towards any form of sexual and unlawful harassment by any employee while employed by the City of Logan. Unlawful Harassment includes, but is not limited to, Gender, Race, Age, Religion, Marital Status, or any other protected status.

13-01 POLICY PROVISIONS

13-01 (1) The City bases its policy on the Equal Employment Opportunity Commission's definition of sexual harassment which is:

- a. Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment or decisions affecting such individual;
 - 3. 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.

13-01 (2) Specifically, the City prohibits conduct that may include, but is not limited to, the following:

- a. Unwelcome sexual advances.
- b. Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship.
- c. Other verbal or physical conduct of a sexual nature made to an employee that may threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of the sexual advances will in any way

influence any personal decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.

- d. Any verbal or physical conduct of a sexual nature that has the purpose or effect of substantially interfering with the employee's ability to do his or her job.
- e. Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- f. An employee from having a romantic relationship with any person he/she supervises or has authority over.
- g. Dating relationships between adult (over 21) employees and employees under the age of eighteen (18).
- h. Other sexually harassing conduct committed by supervisors or non-supervisory personnel, whether physical or verbal. This conduct may include, but is not limited to:
 - 1. Commentary about an individual's body.
 - 2. The use of sexually degrading words to describe an individual.
 - 3. Offensive comments.
 - 4. Off-color language or jokes.
 - 5. Innuendos.
 - 6. Sexually suggestive objects, books, magazines, photographs, cartoons, pictures, or other visual material.

13-01 (3) The City prohibits any supervisor or person of authority from participating in any conduct prohibited by this policy in or out of the work environment.

13-02 REPORTING PROCESS & RESPONSIBILITY

- 13-02 (1) Employees who have complaints of sexual or unlawful harassment by anyone in the work-place, including supervisors, co-workers, or visitors, are urged to report such conduct.
- a. If the complaint does not involve an employee's supervisor or someone in the direct line of supervision, the employee should notify his or her Department Head and the Department Head should notify the Human Resource Director or City Attorney immediately.
 - b. If the complaint does involve an employee's supervisor or someone in the direct line of supervision, the employee should report directly to the Human Resource Director or the City Attorney.
 - c. If sexual or unlawful harassment should occur when the above mentioned reporting guidelines are not possible (on a non 8:00 a.m. - 5:00 p.m. work-shift, weekend, swing-shift, etc.) the employee should immediately report the occurrence directly to the Human Resource Director or the City Attorney.
- 13-02 (2) Individuals who feel they are being subjected to sexual or unlawful harassment should do the following:
- a. Continue to report to work.
 - b. Verbalize disapproval of the action to the perpetrator and demand that it cease.
 - c. Document the occurrence.
 - d. Identify a witness.
- 13-02 (3) Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must promptly advise the Human Resource Department Director or the City Attorney.
- 13-02 (4) In an effort to protect City employees who are required to interface with the public at the job site or remote locations, the City requires employees to inform the City of any known or

potential incidents or circumstances which may lead to or be considered unlawful harassment.

- 13-02 (5) Any employee may raise concerns and make reports without fear of reprisal.

13-03 INVESTIGATION

- 13-03 (1) The City endeavors to investigate all complaints as expeditiously and professionally as possible. The City requires cooperation by employees during the investigation process.
- 13-03 (2) The City makes every attempt to keep confidential the information provided in the complaint and investigation process, to the fullest extent permitted by circumstances.
- 13-03 (3) Retaliation against employees for reporting any unlawful harassment or for assisting the City in its investigation of a complaint is against the law and is not permitted. Retaliation may include, but is not limited to the following:
- a. Refusing to recommend the employee for a benefit for which he or she qualifies.
 - b. Spreading rumors about the employee.
 - c. Encouraging hostility from co-workers.
 - d. Escalating the harassment.
 - e. Disclosing confidential information with regards to a sexual harassment investigation.
- 13-03 (4) When investigations confirm allegations of sexual harassment, the City will take appropriate disciplinary measures up to and including termination.
- 13-03 (5) If after investigating any complaint of harassment the City learns that an employee provided false information regarding the complaint, the City may take disciplinary measures against the employee.