



City of East Palo Alto

EFFECTIVE DATE: 12/21/2004
REVISED DATE:
ADOPTED BY CITY COUNCIL: 12/21/2004
PAGE 1 OF 4

SUBJECT: ANTI-HARRASSMENT POLICY

I. PURPOSES

The purposes of this policy are to emphasize the City's commitment to keeping its workplace free of unlawful harassment, to define and provide examples of the conduct that is prohibited, to summarize the respective responsibilities for preventing, reporting, investigating, and responding to violations and to give clear warning of the serious consequences that violators will face.

A copy of this policy shall be provided to all persons who are subject to it, and shall be posted on City bulletin boards in all City facilities.

II. POLICY

All of the following are prohibited by this policy, and by State and Federal laws:

- harassment in any aspect of City employment based on any legally protected characteristic or status, including sex, sexual orientation, race, color, national origin, ancestry, religion, age, marital status, domestic partner, physical disability, mental disability, or medical condition;
- retaliation for opposing, filing a complaint about, or participating in an investigation of, any such harassment.
- Aiding, abetting, inciting, compelling, or coercing any such harassment or retaliation, or attempting to do so.

The City will take all reasonable steps necessary to prevent such misconduct from occurring, and to remedy and punish any occurrence. Any City employee found having engaged in any such misconduct will be subject to disciplinary action up to and including termination and will be deemed to have acted outside the course and scope of his or her employment.

This policy applies to all City employees, volunteers, interns, vendors, and contractors as well as to all applicants for such positions.

**CITY OF EAST PALO ALTO
ANTI-HARRASSMENT POLICY**

The policy shall not be interpreted or applied in any manner that would be inconsistent with any applicable State or Federal law or regulation, or increase the legal liability of the City.

III. DESCRIPTION AND EXAMPLES OF PROHIBITED HARASSMENT

Harassment on the basis of sex is unlawful, and is prohibited by this policy. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- an individual's submission to such conduct is made explicitly or implicitly, a term or condition of that individual's employment; or,
- an individual's submission to or rejection of such conduct is used as the basis for an employment decision affecting that individual; or,
- the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, abusive, or offensive work environment.

Sexual harassment need not be motivated by sexual desire or gratification, and may include nonsexual conduct motivated by the violator's hostility towards the victim's gender, or towards the victim's nonconformity to gender stereotypes. Sexual harassment includes not only conduct motivated by gender, but also by pregnancy, childbirth, or a related condition. A harasser may be either male or female, and the victim may either be the same sex or the opposite sex. Even a person who is not the intended target of harassment may be harassed by it, if he or she witnesses it in their immediate work environment.

Sexual harassment may be verbal, visual, or physical. For example:

- Verbal harassment may consist of derogatory, threatening, or intimidating comments, epithets, slurs or jokes; references to gender, physical appearance, attire, sexual prowess, marital status, or pregnancy; or sexual advances, propositions, or demands.
- Visual harassment may consist of displaying or circulating derogatory or offensive posters, cartoons, drawings, photographs, pin-ups, computer images, or electronic media transmissions.
- Physical harassment may consist of assault, battery, or unwelcome, unnecessary and offensive touching (kissing, hugging, patting, rubbing, pinching, brushing against) staring, leering, gesturing, whistling or

**CITY OF EAST PALO ALTO
ANTI-HARRASSMENT POLICY**

making noises, impeding or blocking movement, or physical interfering with normal work or movement.

In addition to prohibiting unlawful harassment based on sex or gender, this policy also prohibits unlawful harassment based on sexual orientation, or upon any other legal protected characteristic or status, such as race, religion, creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, domestic partner, or age. Harassment on the basis of such factors is subject to the same principles applicable to sexual harassment, as stated above.

IV. REPORTING HARASSMENT OR RETALIATION

Any City employee, volunteer, intern, vendor, contractor, or applicant who becomes aware of any harassment or retaliation prohibited by this policy shall report it immediately to their immediate supervisor, or higher ranking supervisor, or the Assistant City Manager. Under no circumstances shall such a report be required or expected to be made to the person who engaged in the misconduct that is subject to this report.

The responsibility to report conduct prohibited by this policy arises even if the conduct is directed toward someone else and even if the person toward whom it is directed does not want it reported.

Reports may be made orally or in writing, free of requirements as to form.

Because reports of conduct prohibited by this policy will be treated as serious charges, the making of a deliberately false report, or a report made with reckless disregard for its truth or falsity, may subject the maker to disciplinary action.

V. INVESTIGATION AND RESOLUTION

The City of East Palo Alto will investigate all reported violations of this policy. All employees, volunteers, interns, vendors and contractors shall cooperate with any such investigation.

Any supervisor, manager, or department head who receives a report of, or who becomes aware of, conduct prohibited by this policy shall promptly report it to the Personnel Officer. Upon receiving the report, the Personnel Officer shall conduct a prompt, full, and fair investigation, or delegate that responsibility to a qualified City employee or private investigator. The person performing the investigation shall:

**CITY OF EAST PALO ALTO
ANTI-HARRASSMENT POLICY**

- interview the complainant, the accused, and any other person the investigator believe to have knowledge relevant to the charges;
- gather and review any documentary, electronic, or physical evidence relevant to the charges;
- consult with legal counsel as needed;
- determine whether the charges can or cannot be substantiated; and
- develop recommendations for appropriate remedial and/or disciplinary action, if any.

Upon completion of the investigation, the Personnel Officer shall communicate the results of the investigation to the complainant, the accused, and, as appropriate, all others directly concerned.

To the extent permitted by law, confidentiality shall be maintained with respect to the complainant, the information gathered during the investigation, and the results of the investigation.

I have read and fully understand the content of this policy and agreed to abide by it as an employee, contractor, and/or volunteer of the City of East Palo Alto.

Signature

Date