



## **WORKPLACE HARASSMENT POLICY**

A fundamental policy of the City of Cranston is to establish and maintain a harassment free workplace. Our goal is to provide a workplace free from tensions involving matters that do not relate to the day to day operations of the City of Cranston. In particular, an atmosphere of unwelcome behavior directed at a person because of race, color, religion, national or ethnic origin, age, disability, or sexual orientation is strictly prohibited in our workplace.

Harassment is defined as verbal, non-verbal, and/or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, national or ethnic origin, age, disability, or sexual orientation that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities. Any form of harassment of employees or applicants by other employees, vendors, or citizens is prohibited.

### **SEXUAL HARASSMENT**

Sexual harassment is discriminatory, unlawful and will not be tolerated in any workplace in the City of Cranston. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex. Sexual harassment is a form of sex discrimination that violates both federal law (Title VII of the Civil Rights Act of 1964) and Rhode Island state law (the Fair Employment Practices Act). The United States Equal Employment Opportunity Commission (EEOC) defines sexual harassment as: Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;

Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;

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.

## **Recognizing Sexual Harassment**

Sexual harassment is often related to power in the workplace-someone forcing another to put up with, or do, something they do not want to. Behavior that constitutes sexual harassment includes physical, verbal, and non-verbal behavior including, but not limited to, the following:

Any unwelcome, purposeful touching or contact of any kind or manner;

Any unwelcome sexual proposition or advance of any kind or nature;

Sexually orientated or suggestive comments about an individual's body or attire;

Sexually oriented or suggestive innuendo, derogatory remarks, gestures, or obscenities;

Questioning or prodding about an individual's sexual history or orientation;

Sexually oriented or suggestive jokes, innuendos, or kidding of a lewd or offensive nature;

Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities;

Abusive remarks, oral or written, about an individual's gender; unwelcome suggestive or insulting sounds or whistles; obscene phone calls;

Visual luring, ogling; offensive gestures or motions;

Displaying, distributing, or disseminating, by any means, drawings, pictures, illustrations, audio or video recordings or other objects of a sexual or offensive nature

## **Facts about Harassment and Consequences**

Harassment is illegal under federal and state law and is prohibited by this policy established by the Mayor of Cranston and the Department of Administration;

Harassment has consequences. Anyone who chooses to harass another in the workplace is subject to disciplinary action which may include an oral reprimand, written warning, demotion, transfer, suspension, or termination;

Harassment can take place anywhere inside or outside the City of Cranston where work is being performed by employees and/or at a City of Cranston sponsored activity or event;

Both men and woman can be the recipient of harassment;

Harassment can take place between people of the opposite sex and people of the same sex;

Harassment is often a power issue. It does not necessarily involve one person's desire to have a romantic relationship with another (although such desire can become harassment if sexual advances continue when the recipient does not want them). Rather, harassment sometimes takes place because the harasser is trying to exercise power over the recipient to dominate or control. However, in some circumstances a person acts inappropriately because they do not know that certain behaviors are harassment or do not understand how their conduct harms others;

The **intent** of the harasser is not the determinant factor of whether a particular conduct is harassment. Rather, the **impact** of the behavior on the recipient can be the determinant. Thus, it does not matter whether the harasser **intended** to harass the recipient, but how the recipient is **impacted** and responds to the behavior. This poses an obligation on all employees to be sensitive to how others are reacting to our conduct/behavior.

### **What to Do If You Feel the Policy Has Been Violated**

In the event that any sort of harassment, or similarly abusive verbal or physical conduct occurs or interferes with any individual's work performance, or creates an intimidating, hostile, or offensive work environment, you are advised to immediately tell or otherwise inform the harasser that the conduct is unwelcome and must stop. However, in some circumstances this course of action may not be feasible, may be unsuccessful, or you feel uncomfortable dealing with the matter in this manner; there are other options to pursue. You are encouraged to report all incidents and forms of harassment regardless of who the offender or participants may be. However, if you are not certain whether you are experiencing harassment and you may just seek advice, information, or counseling on matters of harassment without having to file a formal complaint. You may report the incidents in any manner appropriate as long as the necessary information is provided. Your first step in the reporting process should be your immediate supervisor; however if that person is the offender or you do not feel comfortable with that supervisor for any reason you may by pass them and go directly to another supervisor, the Director of Personnel, or the Director of Administration.

### **Who is Responsible for Preventing Sexual Harassment?**

Everyone employed by the City of Cranston is responsible for preventing and reporting harassment-both by being sure that their own behavior is not offensive to others and by stopping or reporting harassment of themselves or others. The City of Cranston expects all of its employees to treat each other with respect and dignity. It is proper for the City of Cranston to have high expectations of their managers, supervisors, and directors to set the example of appropriate conduct for the employees under them to model. They are responsible for maintaining a positive work environment that is free from inappropriate conduct, harassment, or other intimidating or personally offensive behavior. They must maintain an awareness of what is going on in the workplace and immediately curtail such behavior and/or immediately report these incidents or complaints to their director, the Director of Personnel, or the Director of Administration.

## **How to File a Report of Harassment**

There is no standardized manner to file a harassment complaint. The most important part of the process is identifying the behavior and bringing it to the attention of a supervisor, a director, the Personnel Director, or the Director of Administration. It can be documented in person, through email, a phone call, by an official memorandum or witness statement, through a third party, or even anonymously. As long as the most accurate information is communicated to give the receiver the necessary information to both curtail and mitigate the conduct and investigate the claim to its fullest. Identifying and communicating the offending behavior to the proper authority is the first step to a harassment free work place.

## **Procedural Steps and Investigation**

All charges of harassment will be promptly and thoroughly investigated and the complainant will be advised of the remedial action taken and the results of the investigation. The investigation will be conducted in a discreet manner so as to protect the privacy of those persons involved- the victim, accused, and witnesses, to the extent practical. Since an investigation of this nature necessitates that defamatory statements be repeated, neither an accused offender, victim, witness, or other participant can be assured of absolute confidentiality. The City of Cranston understands that these matters can be extremely sensitive, and so far as possible, will keep all employee complaints and all communications, such as interviews and witness statements, in confidence to the extent appropriate. Upon the initial report remedial action will take place to protect the victim in whatever means is deemed appropriate so as to not re-victimize the complainant.

If the City of Cranston determines that harassment has occurred, appropriate relief for the employee bringing the complaint and appropriate disciplinary action against the harasser or any other offender, up to and including termination, will follow. A non-employee (contractor or citizen) who subjects an employee to harassment in the workplace will be informed of our policy and appropriate action will be taken. In all cases the City of Cranston will make follow up inquiries with the victim to ensure that the harassment has not resumed.

An employee who remains unsatisfied after the City of Cranston investigation by their direct supervisor, their Director, the Personnel Director, and/or the Director of Administration may contact the R.I. Commission for Human Rights at 222-2662 or the federal Equal Employment Opportunity Commission at 1-800-669-EEOC.

## **Retaliation**

The City of Cranston will not tolerate any retaliation against an employee who complains of harassment or provides information in connection with such a complaint. Acts of retaliation are a violation of this policy and will be investigated accordingly. Any employee found to have retaliated against another employee for reporting any form of harassment described in this policy will be subject to appropriate discipline up to and including termination. Any obstruction or attempt to obstruct a complaint or report of harassment, or interference with or failure to cooperate with an investigation is strictly prohibited and will subject an employee to disciplinary action up to and including termination.

## **Malicious and False Allegations**

A complainant whose allegations are found to be **both** false and brought with malicious intent will be subject to disciplinary action up to and including termination. In order to keep our employees informed about best practices and possibly prevent such false allegations it is important to communicate with them the City's best practices and methods of **Modeling** expected behavior, **Messaging** expectations, **Managing** situations, and **Monitoring** our workplace at all times for unwelcome behaviors and holding ourselves accountable.

## **Liability for Supervisory Personnel**

Supervisory employees are advised that they may be subject to personal liability for acts of discrimination and harassment and may be responsible for their own legal defense. This policy supports the objectives and practices of the City of Cranston and is in conjunction with applicable Federal and State laws and regulations. If you have any questions regarding your responsibilities as a supervisor, contact the Director of Personnel.