

**TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES**

Subject:

HARASSMENT

File under Section:

PERSONNEL

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Approved By:


**Larry Tarkowski
Town Manager**

Date: **8-11-05**/S

1.0 POLICY

1.1 All employees of the Town of Prescott Valley are entitled, as a matter of policy, to work in an environment free of harassment. No form of harassment will be tolerated, and special attention is called to the prohibition of sexual harassment. Further, any action taken against a Town employee by a citizen, agent or vendor while working with or near a Town of Prescott Valley employee that may be construed as unlawful harassment may result in termination of interaction with that citizen, agent or vendor.

Any employee, supervisor, or manager who is found to have engaged in illegal harassment of another employee or member of the public may be subject to disciplinary action up to and including termination, without notice and without warning.

1.2 The Town's policy is to investigate all harassment complaints thoroughly and promptly.

2.0 PURPOSE

2.1 This policy is intended to define the procedure for reporting harassment.

3.0 APPLICABILITY

3.1 All Town of Prescott Valley employees, including volunteers.

4.0 REFERENCE

4.1 Title VII of the Civil Rights Act of 1964.

5.0 SEXUAL HARASSMENT

- 5.1 Each supervisor has a responsibility to maintain the work place free of any form of sexual harassment. No supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- 5.2 Sexual harassment includes unwelcome sexual advances, requests 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 decisions affecting such individuals, or
 - (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.
- 5.3 Other sexually harassing or offensive conduct in the work place, whether committed by supervisors, non-supervisory employees, or non-employees, is also prohibited. Such conduct includes:
- (1) sexual flirtations, touching, advances, or propositions;
 - (2) verbal abuse of a sexual nature;
 - (3) graphic or suggestive comments about an individual's dress or body;
 - (4) sexually degrading words to describe an individual; and
 - (5) the display in the work place of sexually suggestive objects or pictures, including nude photographs.
- 5.4 Complaints of sexual harassment are to be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint is to be reached and communicated to the parties involved.

6.0 OTHER UNLAWFUL HARASSMENT

- 6.1 Any conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, based on that individual's race, color, sex, gender, national origin, religion, age or disability, or any other legally protected group status, is also unlawful and will not be tolerated.
- 6.2 Any verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, sex, gender, national origin, religion, age or disability, or any other legally protected group status, or that of his/her relatives, friends, or associates is prohibited.
- 6.3 Prohibited conduct includes but is not limited to: oral, written, graphic, or pictorial epithets, slurs, negative stereotyping, threats, intimidation, or other

hostile acts that relate to race, color, sex, gender, national origin, religion, age or disability, or any other legally protected group status.

7.0 PROCEDURE

- 7.1 Any employee who has reason to believe he or she is affected by a violation of this policy, or who knows of a violation affecting another employee's work environment, should immediately bring the matter to the attention of the human resources manager or, where appropriate, the Personnel Officer. In the event the complaint is against the Town Manager; the Mayor, or his/her designee, shall serve as the Personnel Officer.
- 7.2 The human resources manager shall be responsible to conduct a prompt and thorough investigation of any complaint of harassment. When circumstances warrant it, the human resources manager may retain an outside investigator to conduct the investigation. To the extent possible, a harassment complaint, as well as the investigation of any such complaint, shall be kept confidential.
- 7.3 Following the investigation, the human resources manager shall submit to the Personnel Officer a report setting forth the facts of the case. The Personnel Officer will confer with the appropriate department head and/or town attorney prior to any action being taken.
- 7.4 The results of the investigation will be communicated by the human resources manager to both the complainant and the alleged offender. The nature of the disciplinary action, if any, shall not be communicated to the victim and shall be kept confidential. Either party may appeal the decision through the grievance procedure if it is felt the findings were incorrect.

8.0 EDUCATION AND ENFORCEMENT

- 8.1 The human resources manager is responsible for auditing compliance with this policy, providing counsel, and resolving any unsettled questions that may arise.
- 8.2 The human resources manager shall be responsible for notifying all employees, department heads, elected or appointed officials, volunteers, and contractors/vendors of the existence of this policy. The human resources manager shall periodically conduct training on the topic of harassment. Attendance will be mandatory for all employees and will be offered to elected or appointed officials and others.
- 8.3 The Town Manager and the department heads are responsible for creating a productive work environment in which offensive conduct or harassment is completely out of place, taking immediate and appropriate corrective action in response to any confirmed violation of this policy, and assuring that no reprisals are taken against those who complain or against corroborating witnesses.
- 8.4 Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited. It is the further policy of the Town of Prescott Valley to prohibit any and all retaliation against an employee for reporting

prohibited harassment. Although this policy does not purport to restrain the Town or its employees from exercising their legal rights in responding to and defending against a charge of unlawful harassment, any form of retaliatory discrimination is expressly prohibited. Additionally, in investigating complaints of harassment under this policy, the Town may impose discipline, up to and including discharge, for inappropriate conduct that comes to its attention, without regard to whether the conduct constitutes a violation of law or this policy.