

Section 14

Sexual Harassment Policy

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Section 14 - Sexual Harassment Policy

Sexual harassment is unlawful discrimination and in violation of Title VII of the Civil Rights Act of 1964.

Sexual harassment is also a form of employee misconduct, which undermines the Integrity of the employment relationship. All employees and other persons working for the City of Mt. Juliet must be allowed to work in an environment free from all forms of unlawful discrimination, including sexual harassment. Sexual harassment debilitates morale, interferes with productivity, and is unacceptable conduct in the workplace.

The City of Mt. Juliet has a "zero tolerance" policy regarding sexual harassment and other unlawful discrimination. The City Manager and Department Heads will promptly respond to all sexual harassment complaints, including investigation, referral, or follow-up. The City of Mt. Juliet will not tolerate sexual harassment in any form.

A. Implementation

1. A copy of this policy must be given to every City Employee.
2. A copy of this policy must be conspicuously posted in all City facilities, including City Hall, Public Works and Parks and Recreation.
3. A copy of this policy must be given to all new City employees as a part of orientation.

B. Definitions:

1. As used in this policy, "employees" includes: (a) all persons paid by the City of Mt. Juliet and working for the City and (b) all other persons who work under the authority of the City of Mt. Juliet.
2. Sexual harassment is unwelcome conduct of a sexual nature which (a) substantially changes the terms and conditions of employment; (b) interferes with an employee's work performance' or (c) creates an intimidating, hostile, or offensive work environment.
3. Sexual harassment, whether verbal, non-verbal or physical, is insulting and demeaning and will not be tolerated in the work place.

4. Sexual harassment may include, but is not limited to, the following:
 - a. demand for sexual favors,
 - b. offensive sexual flirtations, advances, or propositions,
 - c. verbal abuse or innuendo of a sexual nature,
 - d. unwelcome physical contact of a sexual nature such as touching, hugging, patting or pinching,
 - e. comments of a sexual nature about an individual's body or sexual terms used to describe an individual,
 - f. display of sexually suggestive objects or pictures,
 - g. jokes or remarks of a sexual nature in front of people who find them offensive,
 - h. prolonged staring or leering at a person,
 - i. obscene gestures or sexually suggestive or insulting sounds,
 - j. threats, demands, or suggestions that an employee's work status is contingent upon the employee's toleration or submission to sexual advances,
 - k. retaliation against an employee for reporting sexual harassment, or
 - l. indecent exposure

6. City employees are prohibited from:
 - a. making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature as an explicit or implicit condition of employment or continued employment, or
 - b. making submission to or rejections of such conduct as a basis for administrative decisions affecting employment, or
 - c. creating an intimidating, hostile or offensive working environment by such conduct.

C. Duty to Report

1. All employees and other persons who work for the City of Mt. Juliet are responsible for reporting sexual harassment.
2. Whenever possible, the identity of an employee filing a complaint will be protected.
3. An employee who experiences job-related sexual harassment is not required to first report the incident to his/her immediate supervisor. An employee may report the incident to any of the following:
 - a. City Manager
 - b. City Attorney
 - c. Department Head
 - d. Immediate Supervisor

4. If an employee does not want an internal resolution of the complaint, the employee may file a complaint with the Equal Employment Opportunity

Commission (EEOC) or the Tennessee Human Rights Commission. The employee also may file a lawsuit in a court of competent jurisdiction.

5. Any employee who receives a sexual harassment complaint shall without delay report the matter to his/her supervisor or the City Manager.

D. Formal Investigation

1. Sexual harassment complaints shall be investigated promptly, fairly and objectively.
2. After consultation with the complainant, a disinterested third party will be appointed as investigator.
3. Within seven (7) working days of being appointed, the investigator must make every effort to complete the following
 - a. Interview the complainant;
 - b. Identify and interview witnesses, if any;
 - c. Notify the accused in writing that a complaint has been filed and request a written response;
 - d. Interview the accused, if appropriate;
 - e. Prepare a written report, including findings and recommendations for appropriate action.
4. If after due diligence the investigator is unable to complete the investigation and prepare a report within seven (7) working days as set forth herein, additional time may be allowed to complete the investigation.
5. If it is determined from the report that further investigation is warranted, and or all of the following may occur:
 - a. Conduct further investigation;
 - b. Appointment of a new investigator; or
 - c. Take such other action deemed appropriate.

E. Confidentiality

1. To the fullest extent possible, the investigation will be conducted discreetly, confidentially and will all due regard for the persons involved. Care will be taken to ensure that all parties to complaint are treated with dignity and respect. The complaint and the investigation will not be discussed with anyone other than those persons directly involved. The Open Records Act governs City Records.
2. To the extent allowed by law, the investigation will be conducted so as to ensure the confidentiality of the employee filing the complaint, to further encourage employees to report other incidents of sexual harassment, and to protect the reputation of any employee who may be wrongfully accused of sexual harassment.

F. Resolution

1. Sexual harassment complaints will be resolved as quickly as possible.
2. If it is determined from the report that sexual harassment has occurred, immediate action will be taken to stop the harassment and prevent any recurrence.
3. If it is determined from the report that sexual harassment has not occurred, a recommendation will be made that the matter be closed. If the complainant agrees, all parties will be notified that the matter is closed.
4. If the complainant does not agree with the report's findings and recommendation, the complainant may request that the matter be referred to the Equal Opportunity Commission (EEOC) or the Tennessee Human Rights Commission. The employee may also file suit in the appropriate legal forum.

G. Retaliation

1. Every employee shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation.
2. Any city employee who participates in any of the following conduct will be subject to sanctions, up to and including dismissal:
 - a. prevent or attempt to prevent the filing of a sexual harassment complaint.
 - b. fail to cooperate with the investigation of a sexual harassment complaint.
 - c. interfere in any way with the investigation of a sexual harassment complaint.
 - d. retaliate or discriminate in any way against a party filing a sexual harassment complaint.
 - e. retaliate or discriminate in any way against a party who assists or cooperates in the investigation of a sexual harassment complaint.

H. Response to Sexual harassment

1. If the investigation reveals that a City employee has committed sexual harassment, prompt action will be taken to stop the harassment and prevent recurrence.
2. If the investigation reveals that City employee has committed sexual harassment, depending upon the circumstances of each case, formal sanctions, up and including termination, will be taken.

I. Management

1. Department heads and Supervisors have increased responsibility to prevent sexual harassment.
2. Department Heads and Supervisors should strive to develop a greater awareness of cues in the work environment, which may suggest a need for preventative measures.
3. Department Heads and Supervisors in authority shall not engage in workplace behavior that could be interpreted as sexually harassing.