

Santa Barbara City Fire Department - Standard Operating Procedures <b>Organizational Operations</b>	Code: <b>O-IV-4</b>
<b>Non-Discrimination Harassment Policy</b>	
Chpt: IV City Policies	Revised: 4/20/12 Pages: 6

**I. STATEMENT OF CITY POLICY**

- A. The City of Santa Barbara recognizes that employment discrimination is unlawful and a violation of basic civil rights as protected by Title VII of the Civil Rights Act of 1964. Therefore, the City prohibits any policy, plan, program, custom or practice which has a discriminatory effect.
  
- B. The City of Santa Barbara considers sexual harassment unlawful sex discrimination. City employees therefore have the right to raise issues of sexual harassment, including the right to seek relief through the Equal Employment Opportunity Commission (EEOC) or through the State of California Department of Fair Employment and Housing (DFEH). All City employees have the right to raise sexual harassment issues and not suffer reprisals. All City employees are to be aware and understand City Policy regarding sexual harassment. However, in order to give the City the opportunity to correct a situation of sexual harassment, employees are encouraged to exhaust the City's established procedures for handling complaints of sexual harassment.
  
- C. A violation of this policy will be grounds for speedy and appropriate disciplinary action including possible termination from employment. In the event that charges are filed against an employee, ignorance of this policy will not constitute an affirmative defense or excuse.

**II. SEXUAL HARASSMENT - DEFINED; EXAMPLES**

- A. Sexual harassment is unwelcome behavior of a sexual nature. The behavior can be verbal, non-verbal, or physical. Such behavior is illegal when it:
  - 1. Subjects an employee to unwanted sexual attention.
  - 2. Attempts to coerce an employee into a sexual relationship.
  - 3. Punishes or threatens to punish an employee for refusing to comply with demands of a sexual nature.
  - 4. Indicates that sexual favors may be used as the basis for employment decisions such as job ratings or assignments, pay or promotion.
  - 5. Has the purposes or effect of interfering with an employee's work performance.
  - 6. Creates an intimidating, hostile, demeaning or offensive work environment.

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B. Examples of some forms of sexual harassment are:

1. Posters, calendars, cartoons, photographs or art work of a sexual, hostile or degrading nature.
2. Repeated pressure on an employee to socialize with or date another individual.
3. Unnecessary and unwanted physical contact.
4. Staring at an employee.
5. Jokes or comments which are sexual, demeaning, offensive or insulting.

### **III. RESPONSIBILITIES OF SUPERVISORS AND MANAGERS**

1. A supervisor or manager, by nature of his/her position of authority, is expected to be aware of any acts of sexual harassment within the work place for which he/she is responsible and is further expected to take immediate and appropriate action to prevent such harassment from continuing or reoccurring. This responsibility includes acts of harassment by managers, by supervisors, by co-workers, and by people who are not City employees but are harassing an employee of the City during the performance of his or her job.
2. A supervisor or manager shall take all necessary steps to prevent sexual harassment from occurring, including but not limited to:
  - a) Setting examples of acceptable conduct by not participating in or provoking behavior which is sexually offensive.
  - b) Disseminating information defining sexual harassment and informing employees of their rights.
  - c) Establishing and maintaining a working environment free from discriminatory intimidation, ridicule, or insult.
  - d) Ordering removal of sexual visuals.
  - e) Ordering discontinuance of offensive verbal practice in the work place.
  - f) Expressing strong disapproval of discriminatory practices; a supervisor's or manager's failure to take appropriate action to prevent sexual harassment may subject the supervisor or manager to disciplinary action.

B. Achievement of the previous page within any given department shall ultimately be the responsibility of that Department Head.

### **IV. INFORMAL REVIEW PROCEDURES**

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### A. Initiation:

1. Any City employee or applicant to employment who believes that he or she is the recipient of sexual harassment may seek information as to the City's policies and procedures regarding sexual harassment or informal review from the employee's supervisor or manager, or the City Human Resources Manager. Unless a complainant chooses to file a formal, written complaint, a complaint will be considered an informal complaint.
2. Any City employee, officer or official may initiate an informal review when he/she believes sexual harassment is taking place.

### B. Conversations regarding incidents of sexual harassment will be handled with discretion and confidentially insofar as possible within these policy guidelines.

### C. Informal Review; Duties and Responsibilities:

1. Supervisors and Managers have a duty to:
  - a) Be available to discuss an incident of alleged sexual harassment with any City employee.
  - b) Report any and all complaints to the Department Head and to the City Human Resources Manager.
  - c) Advise the complainant that he or she may seek additional information or pursue the complaint by contacting the City Human Resources Manager; and Follow through to resolution whether or not the complaining party requests informal or formal action.
2. City Human Resources Manager shall:
  - a) Be available to discuss an incident of alleged sexual harassment with any City employee or applicant to City employment.
  - b) Be available to advise supervisors and managers regarding appropriate actions.
  - c) Monitor all responses to reports of sexual harassment and shall recommend action to the Department Head or City Administrator, if appropriate.

### D. Resolution; Duties of the Person Receiving the Complaint:

1. In the event that a complainant has not yet filed or is unwilling to file a formal written complaint, it will be up to the discretion of the City Human Resources Manager as to whether or not an investigation will be conducted. Even if the

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complainant has not yet or does not wish to file a formal, written complaint, corrective action may be taken on an informal basis by:

2. Counseling the complaining party on how to respond in an effective manner to end the harassment.

E. Counseling and warning the harasser.

1. Recommending removal of offensive visual material or discontinuation of offensive verbal practices in the work place, as appropriate.

F. Documentation:

1. It shall be the duty of the supervisor or manager to document:
  - a) Counseling of the complainant.
  - b) Warnings to the harasser.
  - c) Orders to remove visual material.
  - d) Orders to discontinue sexually offensive verbal practices.
2. Copies of all documentation shall be sent to the City Human Resources Manager.

### **V. FORMAL INVESTIGATION PROCEDURES**

A. Initiation:

1. Any City employee or applicant to employment who believes that she or he is the recipient of sexual harassment may seek information or formal resolution by contacting the employee's supervisor or manager, or the City Human Resources Manager. In order for a complaint to be considered a formal complaint the complainant is required to submit a written statement that shall include the following information:
  - a) Date(s) and time(s) of alleged harassment.
  - b) A narrative description of the circumstances leading up to the alleged harassment.
  - c) Name(s) of the person(s) involved.
  - d) Name(s) of any witness(es).
  - e) A narrative description of the conduct which is specifically believed to constitute sexual harassment.

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f) A narrative description of any response made by the complainant.

### B. Investigation of a Formal Complaint:

1. Upon receipt of a formal complaint, the City Human Resources Manager shall conduct an immediate investigation to determine relevant facts and circumstances. The investigation shall include interviews with the complainant, the person(s) accused of sexual harassment, potential witness(es) and any other(s) who may be able to contribute knowledge about the alleged harassment. The Department Head may be requested to support and assist the investigation.
2. It will also include review of any record of previous complaints of sexual harassment involving the same person(s). Upon completion of the investigation, a written report shall be forwarded to the City Administrator and the City Attorney. Such report shall include facts of the case, a recommendation for corrective and disciplinary actions, if warranted. With approval of the City Administrator, the investigation of a complaint may be discontinued if the complainant fails to provide adequate information or to sign a formal statement.

### C. Duties of Person Receiving a Formal Complaint:

1. Supervisors and Managers have a duty to:
2. Be available to discuss an incident of alleged sexual harassment with any City employee.
3. Advise the complainant that he or she may seek additional information or pursue the complaint by contacting the City Human Resources Manager.
4. Report any and all complaints to the Department Head and to the City Human Resources Manager and forward formal complaints to the City Human Resources Manager for investigation.
5. Follow through to resolution which includes ensuring that unwelcome behavior, if occurring, stops and that there are no reprisal actions.

### D. City Human Resources Manager shall:

1. Be available to discuss an incident of alleged sexual harassment with any City employee or any applicant to City employment.
2. Be available to advise supervisors and managers regarding appropriate actions.
3. Conduct investigations, review the findings and proposed recommendations with the Department Head prior to their finalization unless the Department

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Head is under investigation, and report the findings of the investigation and recommend appropriate actions to the City Administrator and to the City Attorney.

4. City Administrator or the City Administrator's designee shall inform the parties involved of the investigation findings and of any actions to be taken.

### **E. Discipline; Duties:**

1. An employee who is determined to have sexually harassed another person while on duty, while pursuing a City activity, through City employment or using City authority shall be disciplined.
2. It shall be the duty of the Department Head or the City Administrator to carry out the determined disciplinary action(s).

### **F. Documentation:**

1. The City Human Resources Manager shall maintain a record of all formal complaints, the investigation, the report to the City Administrator and the documentation of any disciplinary actions including any written responses or appeals from the person(s) charged with sexual harassment.