



Subject/Title

**Harassment-Free Workplace**

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Date Effective

July 1, 1990

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Revision Date Effective

September 15, 2018

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Code Number

HR 5

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Human Resources

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City Manager

Responsible Key Business

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## **POLICY STATEMENT**

The City of Charlotte is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment, including sexual harassment. To protect the dignity and wellbeing of all employees, the City of Charlotte will not condone harassment in any form: sexual, verbal or physical.

This policy covers unlawful harassment based on a person's protected status such as: age; color; ethnicity; gender or sex; race; religion; sexual orientation; gender identity; genetic information; marital status; mental or physical disability; military status; national origin; or political affiliation. Additionally, this policy prohibits workplace bullying.

## **SCOPE**

This policy applies to all City employees as well as contracted personnel and vendors. All employees, regardless of their position, rank or status are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate action will be taken against any employee who violates this policy.

All harassment, inclusive of sexual harassment is prohibited whether it takes place on workplace premises or outside, including at social events, business trips, training sessions, or work-related conferences or on social media.

## **PURPOSE**

This policy establishes expectations of non-supervisory employees, supervisors and management officials as it relates to preventing, reporting and addressing harassment or misconduct in the workplace and sets forth performance expectations, actions and procedures to assist in maintaining a harassment-free workplace.

Harassment in the workplace (on-site or off-site) undermines the employment relationship and is not in concert with the city's values and hinders an environment to promote an inclusive, motivated and productive workforce. Employees violating this policy will be subject to disciplinary action up to and including termination from employment with the City of Charlotte.

Examples of behavior which will not be tolerated include, but are not limited to:

- a) Harassing others;
- b) Bullying others;
- c) Creating a hostile work environment;
- d) Breaking the confidentiality of a harassment investigation.

## DEFINITIONS

**Bullying:** Non-performance related, repeated, unreasonable behavior (oral, written, or physical) directed towards an employee or a group of employees, which is unwanted, offensive, intimidating, humiliating or threatening. Bullying also includes behavior that undermines an individual or group through persistent, negative affronts which ultimately impact the physical or emotional health and well-being of others.

**Employee:** For purposes of this policy, an employee includes any regular employee, temporary employee, intern, contracted personnel and city volunteer.

**Harassment:** Unlawful harassment includes unwelcome intimidation, ridicule, insults, comments or physical conduct based on a person's protected status where:  
(1) an employee's acceptance or rejection of such conduct explicitly or implicitly forms the basis for an employment decision affecting the employee; or  
(2) the conduct is sufficiently severe or pervasive as to create a hostile work environment or alter the terms, conditions or privileges of the employee's employment. Offensive conduct may include, but is not limited to: offensive jokes, slurs, epithets or name calling, physical assaults or threats, ridicule or mockery, offensive objects or pictures, and interference with work performance.

**Hostile work environment:** A hostile environment occurs when comments, conduct or actions of another are ongoing or so severe or pervasive that they create an unwelcoming, intimidating and offensive work environment interfering with a person's ability to do their job. There is no single criteria to determine if a hostile situation was created. An assessment is made based upon the totality of the circumstances. The objective severity of harassment is judged from the perspective of a reasonable person.

**Retaliation:** Adverse action by a manager or supervisor taken against an employee because he/she made a claim of harassment or discrimination; raised a concern about a workplace condition or violation of law; or participated in the investigation and/or reporting of workplace issues, injury or employee conduct. (Reference the Anti-Retaliation Policy – HR26)

**Sexual Harassment:** Unwanted conduct of a sexual nature creating an intimidating, hostile, humiliating or offensive environment. It includes indecent or suggestive remarks; non-incident, unwanted touching; sexual gestures; requests or demands for sex; sending sexually explicit messages (by phone or electronically); and disseminating pornography. The City recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee.

## **RESPONSIBILITIES OF DEPARTMENT LEADERSHIP**

- 1) Department leaders are expected to include the management responsibilities of this policy as part of the performance of supervisors and managers during the year and on their performance evaluation.
- 2) Supervisors and managers are to attest to uphold the intent and integrity of this policy, by signature acknowledgement provided at the end of this policy.

## **RESPONSIBILITIES OF MANAGEMENT AND SUPERVISORS**

- 1) Ensure a workplace free of harassment, bullying, or other offensive conduct.
- 2) Ensure employees are aware of and have ready access to this policy and remind all employees periodically of their responsibilities under this policy.
- 3) Deliver periodic learning opportunities for all employees concerning this policy and its requirements.
- 4) Act promptly and effectively to stop harassing, hostile or abusive conduct of which they are aware.
- 5) Receive reports of alleged violations of this policy, and direct further investigation into such reports, as appropriate and necessary.
- 6) Notify appropriate officials of reported or observed harassing conduct within two business days.
- 7) Maintain a written record of reports made and actions taken pursuant to this policy.

## **RESPONSIBILITIES OF HUMAN RESOURCES STAFF**

- 1) Include this policy in employee orientation and make it accessible to new and current employees in different formats (hard copy, intranet and other digital formats).
- 2) Ensure that managers and supervisors have access to the policy and to training resources regarding the policy.
- 3) Receive reports of alleged violations of this policy, and direct further investigation into such reports, as appropriate and necessary.
- 4) Act promptly and effectively to stop harassing, hostile, or abusive conduct of which they are aware.

## **RESPONSIBILITIES FOR ALL EMPLOYEES**

- 1) Refrain from engaging in harassing, bullying, ostracizing, or other unwelcome and offensive conduct.
- 2) Report harassment, bullying, ostracism, or other offensive conduct in the workplace to your supervisor, a management official, or human resources within two business days. Reports shall include information that is specific to the incident, including the names of individuals directly involved, dates, time, locations, a description of the behavior, and all other relevant information.
- 3) When informed by another person that your behavior is deemed to be offensive or unwelcome, immediately stop the behavior.

- 4) Cooperate fully and truthfully in all investigations or inquiries of alleged harassment. Do not retaliate or allow retaliation against any person for reporting harassment, or for assisting in an investigation of alleged harassment.
- 5) Take harassment-free workplace training yearly.

## **REPORTING HARASSMENT**

Reports of alleged harassment will be treated with discretion. However, confidentiality cannot be guaranteed as it is necessary to share information when conducting an investigation or taking appropriate steps to protect employees.

An accused employee may be placed on administrative leave while the Human Resources Department investigates an allegation of harassment. The complainant should not be moved to another worksite or placed on administrative leave as it may appear to be retaliation for having brought a complaint.

If an employee believes there is immediate, life threatening danger to themselves or anyone else, he/she should immediately call 9-1-1 and request police assistance.

If no immediate danger exists, the employee should inform an individual, in a polite, but firm manner that his/her behavior is unwelcome and offensive and to stop the behavior immediately.

If an employee is uncomfortable addressing an alleged harasser, or if the offending behavior continues, within two business days, the employee must report the harassment to one of the following persons:

- a) any level of management in her or his supervisory chain;
- b) a Human Resources Manager in the department;
- c) to the Employee Relations and Compliance Division of the Human Resources department or to the Human Resources Director; or designee.

Any supervisor or manager who either observes harassment or receives a report of harassment must notify their departmental leadership and Human Resources - within two business days.

If the alleged harasser is a Department Director, the employee is to report the complaint to the Human Resources Director or the Deputy City Manager.

## **INVESTIGATION PROCEDURES**

The Human Resources Department will investigate all complaints of harassment under this policy. At the conclusion of the investigation, the Human Resources Department will notify the complainant and an appropriate management official of the investigation's findings.

Findings shall be substantiated, unsubstantiated or inconclusive.

- Substantiated: The information gathered from the investigation highly supports, confirms or gives credence to the reported act.

- Unsubstantiated: The information gathered from the investigation does not support, confirm or give credence to the reported act.
- Inconclusive: The information obtained did not clearly yield a definitive result or conclusion. Unable to resolve relevant doubts; not enough evidence to support the reported act.

The Human Resources Department will communicate its findings of all sexual harassment complaints and recommendations to the Deputy City Manager or the Assistant City Manager having oversight of the accused harasser's department.

The Human Resources Department will recommend appropriate remedial action, including disciplinary action, to the appropriate line of management. If the investigation determines a supervisor or manager failed to report a complaint, he/she may be subject to appropriate remedial action, including disciplinary action. Personnel actions taken against another employee is confidential. The complainant is not always privy to be informed of recommendations made or actions taken.

### **DISCIPLINARY MEASURES**

If a complaint of harassment is substantiated, potential disciplinary actions include, but are not limited to:

- Verbal or written warning;
- Adverse performance evaluation;
- Reduction in wages;
- Demotion;
- Suspension;
- Dismissal

The nature of the disciplinary action will depend on the gravity and extent of the harassment. Suitable deterrent action will be applied to ensure that incidents of harassment are not treated as trivial.

The employee may also file a complaint with the appropriate state or federal agencies. Neither reporting nor investigation under this policy will delay the deadline for filing with other agencies.

**Harassment-Free Workplace  
SUPERVISORS AND MANAGERS ATTESTATION**

Department Directors are expected to ensure that city staff holding supervisory or managerial positions are provided this policy and attest to uphold his/her responsibility as a city leader.

The form is to be submitted to the city's Human Resources department to be placed in the personnel file.

By signature and date, I attest to uphold the intent and integrity of this policy.

***Should I witness harassment of any kind, as outlined in the aforementioned policy, I will report incidents to the appropriate leadership member and human resources. If I fail to do so, I understand that I will be in violation of the City of Charlotte's Harassment-Free Policy and will be subject to performance corrective action.***

\_\_\_\_\_ ID# \_\_\_\_\_  
Printed Name:

\_\_\_\_\_  
Job Title/Classification

\_\_\_\_\_ Date: \_\_\_\_\_  
Signature