



**WORKPLACE
HARASSMENT & NON-
DISCRIMINATION POLICY**

Effective Date: June 4, 2014

I PURPOSE

- A. The Town of Oro Valley strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The work environment should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to our mission. For that reason, the Town will not tolerate unlawful discrimination or harassment of any kind by anyone, including managers, employees, applicants, customers, vendors, appointed Town representatives, volunteers, contractors or elected officials. Through enforcement of this policy and by education of employees, the Town seeks to prevent, correct and discipline behavior that violates this policy.
- B. All employees, regardless of position, 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 disciplinary action will be taken against any employee who violates this policy. Based upon the seriousness of the offense, disciplinary action may include but is not limited to verbal or written reprimand, suspension or termination of employment. Appropriate action will also be taken against any non-employee and possible measures include restricting access to Town employees, reporting the incident to the State Attorney General, or any other necessary action to protect Town employees.

II PROHIBITED CONDUCT UNDER THIS POLICY

A. Discrimination

- 1. It is a violation of this policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, veteran status, political affiliation, sexual orientation, genetic information or marital status.

B. Harassment

Harassment, including sexual harassment, is prohibited by federal and state laws. This policy prohibits harassment of any kind, and the Town will take appropriate action to address any violations of this policy.

1. Workplace Harassment

- a. Workplace harassment is any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, color, national origin, age, religion, disability status, gender, veteran status, political affiliation, sexual orientation, genetic information or marital status or any other characteristic protected by law or that of his/her relatives, friends or



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associates that:

- i. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- ii. Has the purpose or effect of unreasonably interfering with an employee's ability to perform their job duties; or,
- iii. Otherwise adversely affects an individual's employment opportunities.

b. Examples of harassment include but are not limited to:

- i. Unflattering, inappropriate or unwelcome comments regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability, or appearance.
- ii. Epithets, slurs or negative stereotyping.
- iii. Distribution, display or discussion of written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, gender identity, marital or other protected status.

2. Sexual harassment

a. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. Sexual harassment is defined as any unwelcome sexual advance, request for sexual favors or verbal or physical conduct of a sexual nature when:

- i. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- ii. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; and/or
- iii. 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.

b. Examples of sexual harassment include but are not limited to:

- i. Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, and threats.
- ii. Requests for any type of sexual favor (this includes repeated, unwelcome requests for dates).
- iii. Verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexually oriented and considered



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- unwelcome.
- iv. The distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex.
 - v. Sexually suggestive or insulting sounds.
 - vi. Leering; staring; whistling; or obscene gestures.
 - vii. Content in letters and notes, facsimiles, email, photos, text messages, and internet postings, etc., that is sexual in nature.
 - viii. Unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, forced sexual intercourse or assault.
- c. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, and that lowers morale and therefore interferes with work effectiveness. Sexual harassment may take different forms.
- d. Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are acceptable to and welcomed by both parties, are not considered workplace or sexual harassment.
- e. There are basically two types of sexual harassment:
- i. "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions, better working hours, etc., are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Example: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
 - ii. "A hostile work environment" is where the harassment creates an offensive and unpleasant working environment. Hostile work environment can be created by anyone in the work environment, whether supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or unwelcome physical contact as a regular part of the work environment. Texts, emails, cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.



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3. **Retaliation** is prohibited
 - a. No hardship, no loss of benefit, and no penalty may be imposed on an employee as punishment for:
 - i. Filing or responding to a bona fide complaint of discrimination or harassment.
 - ii. Appearing as a witness in the investigation of a complaint.
 - iii. Serving as an investigator.
 - b. Retaliation or attempted retaliation is a violation of this policy and anyone who does so will be subject to severe sanctions up to and including termination.

**III REPORTING AN INCIDENT OF HARASSMENT, DISCRIMINATION OR
RETALIATION**

A. General

1. The Town encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, their Department Director, or any member of Human Resources. See the complaint procedure described below.
2. In addition, the Town encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. The Town recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.
3. Reasonable efforts will be made to maintain the confidentiality of investigative actions. However, confidentiality is not assured for any party to a complaint or investigation.

B. Complaint Procedure:

1. Any employee who feels harassed, discriminated or retaliated against may initiate the complaint process by informing their immediate supervisor, their Department Director, or any member of human resources. If the accused is a Department Director or the Town Manager, then the employee should contact the HR Director. If the accused is the HR Director then the employee should contact the Town Manager.
2. Any Director or Town Manager may serve in an advisory capacity to the person reporting harassment and may counsel with the subject of the report to resolve the problem.



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- a. If upon informal consultation the matter is resolved to the satisfaction of the person who reported harassment, persons are no longer obligated to report further unless it is determined that allegations of harassment are serious enough to warrant a formal investigation.
- b. If the matter is not resolved to the satisfaction of the complainant, the complainant may initiate a formal complaint with the Human Resources Department or the Town Manager if the complaint involves the Human Resources Director.
3. Any employee (other than a department director) who receives information regarding possible harassment must report the incident to their Director or to the HR Director.
4. Any member of management who becomes aware of possible harassment must take appropriate action to protect the employee and stop the harassment.
5. Every effort will be made to resolve the complaint at the lowest level practicable and the complaint will be kept confidential to the maximum extent practicable.
6. If the situation cannot be resolved through the informal consultation process, then a formal complaint may be addressed with the HR Director or Town Manager if the HR Director is a party to the complaint.
7. The formal complaint shall be in writing. If the person making the complaint does not wish to write the complaint, the HR Director or designee shall write the complaint which is validated and signed by said employee.
8. Upon receiving the formal complaint, a member of human resources, or an appropriate individual, will conduct an investigation as appropriate. The investigator will report findings of fact, infractions of Town policy, and recommend corrective actions.
9. The results of the investigation will be shared with both the accused and accuser.
10. If the accused is an employee, the report will be provided to the appropriate Department Director who will initiate disciplinary actions as appropriate.