

## **MISCONDUCT, HARASSMENT AND DISCRIMINATION POLICY**

### **Introduction**

The City of Buchanan (“City”) is committed to the goal of delivering the highest possible level of services to citizens of the City and the community. It is the City Commission’s (“Commission”) policy to deliver citizen, vendor/contractor and community services, and maintain employment and public services practices without regard to race, color, religion, sex, pregnancy, sexual orientation, and gender preference/identity, veteran status, marital status, height, weight, national origin, age, disability or any other status protected under local, state, or federal law, and maintain an overall environment free of discriminatory, inappropriate, and disrespectful conduct or communications.

As further described in this Policy, the City prohibits abuse, discrimination or harassment of or by any City elected or appointed officer, appointed City board and commission member, City employee, citizen, vendor/contractor, member of the public, or work related business contact (hereinafter “Covered Individual(s)”). Violation of this Policy will result in such corrective action as the City in its sole discretion is authorized to implement.

The City will not tolerate abusive or disrespectful conduct, discrimination or harassment on City premises, worksites, or at City events or functions. Harassment in the workplace includes unwelcome advances, requests for favors, and other verbal or physical contact of a sexual or discriminatory nature that has the purpose or effect of unreasonably interfering with a Covered Individual’s performance of functions or work or creating an intimidating, hostile, or offensive environment.

### **Conduct Requirements**

Civility Requirements. All Covered Individuals must be treated with respect and in a professional and courteous manner at all times and in all in-person, verbal or in written communications (including e-mails, texts, or social media). It is expected that all Covered Individuals will refrain from using profanities, insults, or other disparaging remarks. Covered Individuals must endeavor to make only truthful statements and not knowingly misrepresent, mischaracterize, or misquote information received from others. It is also expected that all Covered Individuals will work together in a spirit of cooperation toward achieving the goals of the City set out in this Policy.

Discrimination and Harassment. The City prohibits discrimination, which includes disparate treatment, directed toward any individual or group of individuals based on race, ethnicity, sex, pregnancy, sexual orientation, gender preference/identity, color, religion, national origin, physical or mental disability, age, marital status, height, weight, status as a veteran or other protected status.

The City also prohibits harassment that is unwelcome and is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with a person's work or other environments. Harassment may include, but is not limited to, threats; physical contact or violence; pranks;

jokes; bullying; epithets; coercion; derogatory comments; vandalism; or verbal, graphic, or written conduct directed at an individual or group because of race, ethnicity, sex, pregnancy, sexual orientation, gender preference/identity, color, religion, national origin, physical or mental disability, age, marital status, weight, height, or veteran status. Even if actions are not directed at specific persons, a hostile environment may be created when the conduct is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with or limit the ability of an individual to work or otherwise to participate in or benefit from City activities or operations.

Sexual Harassment. Sexual harassment includes unwelcome sexual advances, requests to engage in sexual conduct, and other physical or expressive behavior of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in or benefit from City activities or operations; (2) submission to or rejection of such conduct by an individual is used, threatened or suggested to be used, as the basis for employment or other decisions affecting an individual; or (3) such conduct substantially interferes with an individual's performance of work or other functions, thus creating an intimidating, hostile, or demeaning employment or other environment.

Harassment can be verbal, visual, or physical. It can be overt, as in the suggestion that a person could get a raise in salary or receive City services by submitting to sexual advances. Sexual harassment can also consist of persistent, unwelcome attempts to change a professional, employment or other relationship to a personal one. It can range from unwelcome sexual flirtations and inappropriate put-downs of individual persons or classes of people to serious physical abuses, such as assault.

Racial and Ethnic Harassment. Harassment that is directed at a person or group of persons because of race, color, ethnicity, or national origin is covered under this Policy and is prohibited. Even if actions are not directed at specific persons, a hostile environment can be created when the conduct is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with the person's work or other environment.

Harassment Based on Other Protected Status. Harassment that is directed at a person or group of persons because of any status protected by this Policy or local, state or federal law is also prohibited under this Policy.

## **Complaint Resolution**

In order to identify and correct conduct prohibited under this Policy, the City has adopted a specific process by which a Covered Individual can make his or her complaints known. It is important to identify and remedy prohibited conduct as soon as possible. All complaints under this Policy should be made on the Complaint Form attached to this Policy as Attachment A.

All complaints of violations of the Policy must, as soon as possible, be submitted to the City Manager. If the complaint in any way involves the City Manager, the complaint must then be submitted to \_\_\_\_\_. All complaints of violations of this Policy should, if possible, be submitted within forty-eight (48) hours or sooner after the alleged violation occurs. Complaints not submitted as soon as possible will be accepted and properly investigated and processed.

However, complainants are advised that delays in filing complaints may greatly hamper the City's ability to effectively investigate and remedy any wrongful conduct, because of the passage of time, the loss of memory or information, or the inability to contact or interview witnesses.

Upon submission of a complaint, an impartial and confidential investigation of the complaint will be undertaken by the City or such other agent as the Commission or City Manager may designate. The person against whom the complaint is filed will be notified of and provided with a copy of the complaint at the appropriate time. Each investigation will necessarily be different depending on the facts, circumstances, and witnesses. Generally, an investigation will include interviews with the complainant(s), the person against whom the complaint has been brought, and anyone else who might have information that would be helpful to the investigation. Upon conclusion of the investigation, a written report of factual findings will be submitted by City's attorney or other designated investigator to all members of the City Commission for further action and to the complainant.

### **Non-Retaliation**

The City not only prohibits abuse, discrimination and harassment as set out in this Policy, but also strictly prohibits any retaliation against any Covered Individual who, in good faith, has submitted a complaint under this Policy or who has participated in an investigation under this Policy. Any Covered Individual who, after investigation, is found to have engaged in retaliation prohibited under this Policy will be subject to such appropriate corrective action as the City is authorized in its sole discretion to implement. If a Covered Individual believes he or she has been subjected to retaliation for exercising his or her rights under the City's Misconduct, Harassment and Discrimination Policy, the individual should submit a complaint in accordance with the complaint procedure set out above in this Policy.

**ATTACHMENT A**

**MISCONDUCT, HARASSMENT AND DISCRIMINATION COMPLAINT FORM**

Name (print): \_\_\_\_\_

Please list your identity as a full/part-time or temporary employee, visitor, vendor/contractor, citizen elected or appointed City official or commission/board member, Commissioner or other:

\_\_\_\_\_

Date of Incident(s): \_\_\_\_\_

Describe the incident(s) in detail including the date(s) and time(s) when the incident(s) occurred; the identity of the individual who committed the acts; the specific acts which you believe constituted a violation of the City's Misconduct, Harassment and Discrimination Policy or, if applicable, the acts which you believe constituted unlawful discrimination and/or harassment, including any verbal acts; your response or reaction to each incident; the names of all known or suspected witnesses; and any other details which will assist the City in its investigation of this incident (please attach a separate sheet for additional information if needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Have you been subject to similar Policy violations or acts of harassment and/or discrimination by the same individual(s) in the past? Describe the nature and dates of these prior violations (please attach a separate sheet for additional information if needed): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If so, did you report the prior incident(s) state when and to whom? \_\_\_\_\_

\_\_\_\_\_

What would you like done to address your complaint? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_

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

Address/Phone No. \_\_\_\_\_