

	Discrimination and Harassment	
	Section No: 2.02	
	Category: Workplace Conduct and Compliance Policies	
	Resolution Number: 257-2026	
	Effective Date: September 1, 2026	
	Supersedes: Section 3, Res: 2008-051, September 18, 2007	
	Next Review Date: September 1, 2028	
Responsible Office: Human Resources		
Policy Applies to:	☒ All City employees (Full-time, Part-time, LSEs, temps, etc.) ☐ All City and School Employees	☐ Full-Time employees only ☐ Other: _____

Relevant Definitions

Discrimination – An action or decision based on a person’s race, color, sex, age (40 and over), religion, national origin, disability, or any other category protected by state and/or federal law.

Harassment –

- For purposes of this policy, Harassment can include, but not limited to:
 - Unwelcome conduct that is based on race, color, sex (with or without sexual conduct), gender identity, age, religion, national origin, or disability.
 - Enduring offensive conduct as a condition of employment.
 - The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- For purposes of this policy, Harassment does not include:
 - Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment.

Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim’s supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

The following are examples that may constitute harassment. These examples are not exhaustive:

- Unwelcome touching or near-touching, which can encompass leaning over, cornering, hugging or pinching, sexual innuendos, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs.
- Slurs or jokes about a protected class of persons.
- Distributing or posting epithets, slurs, jokes, or remarks that are derogatory or demeaning to a protected class of persons.

- Display of explicit or offensive calendars, posters, pictures, drawings, or cartoons that are sexually suggestive or that reflect disparagingly upon a protected class of persons or a particular person.
- Derogatory marks about a person's national origin, race, language, or accent.

Sexual harassment - unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Sex – Sex is defined by Tennessee Code Annotated, Title 4, Chapter 1, Part 4, and state as the immutable characteristics of the person's reproductive system that identify the person as a male or female, as determined by anatomy and genetics existing at the time of birth.

Retaliation – Retaliation is overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

Employees – Those individuals under the direction of supervision, whether directly or indirectly, of the City Manager, whether full-time, part-time, seasonal, temporary, or under contract.

Non-employees – Includes but is not limited to persons who are not city employees including applicants for city employment or services, vendors, contractors, volunteers, board, commission and committee members, and other persons who have business interactions with city employees.

Applicants – individuals who apply for position in the city of Kingsport, or sign up for activities sponsored by the City of Kingsport.

Protected Class – Persons protected on the basis of race, color, sex (with or without sexual conduct), age (40 and over), religion, national origin, disability, or any other category protected by state and/or federal law

Disability – An individual with a disability is a person who in accordance with Title I of the Americans with Disability Act of 1990, the Americans with Disabilities Act Amendments Act of 2008, and the Rehabilitation Act of 1973:

- a. has a physical or mental impairment that substantially limits one or more major life activities;
- b. has a record of such impairment; or
- c. is regarded as having such impairment.

Policy

The City of Kingsport strictly forbids and will not tolerate discrimination based on race, color, sex including gender identity, age, religion, national origin, disability, or any other category protected by state and/or federal law.

The city strictly forbids and will not tolerate:

- harassment on the basis of race, color, sex, gender identity, age, religion, national origin, disability, or any other category protected by state and/or federal civil rights laws;
- retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
- employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, or ethnic group, or individuals with disabilities; and
- denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability or because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group.
- Sexual harassment, including unwelcome sexual advances, requests for sexual favors, and other verbal, visual, electronic, or physical conduct of a sexual nature when such conduct creates an intimidating, hostile, or offensive work environment, unreasonably interferes with an individual's work performance, or affects an individual's employment.

Application

This policy applies to the City Manager, and all employees working under his/her authority. It also applies to non-employees where applicable.

Employee Obligation

Employees are obligated to report instances of harassment or any unlawful conduct. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully make written reports or verbally answer questions when required to do so by an investigator. Employees are to refrain from making bad faith accusations of harassment.

Supervisory Personnel - Duty to Report

Any supervisor who witnesses or receives a report alleging discrimination, harassment, unlawful conduct, or retaliation, or learns, by any means, of conduct that may violate this policy must report such event as soon as reasonably possible. The report should be made to the Human Resources Director, or designee, unless the allegation is against the Human Resources Director in which such event the report should be submitted to the City Manager or designee.

In the unlikely event that the allegation is against both the Human Resources Director and the City Manager the report should be submitted to the City Attorney or designee. This report must be made by the supervisor:

- regardless of whether the event involves an employee under their supervision;
- regardless of whether they are officially designated to take reports alleging discrimination, harassment, and/or retaliation; and
- regardless of whether the report was framed in a way that conforms to the city's reporting procedures.

How Confidentiality is Treated

To the extent possible, the City will protect the confidentiality of each party involved in any discrimination, harassment, and/or retaliation investigation, complaint, or charge provided that it does not interfere with the City's ability to investigate the allegations or to take corrective action. However, the City cannot guarantee or assure complete confidentiality. Any record defined by the Tennessee Public Record Act is a public record unless exempted by federal or state law. Therefore, the city may not be able to maintain the confidentiality of investigative records.

Consequences of Policy Violation

For any employee, failure to comply with this policy may result in corrective or disciplinary action, up to and including termination of employment. This includes discipline of any supervisors who allow discrimination, harassment, or retaliation to continue or fail to take appropriate action upon learning of such allegations.

The City Manager, the Human Resources Director, or the City Attorney, as appropriate, is authorized to take immediate and appropriate corrective action against any non- employee who engages in conduct that violates this policy or encourages such conduct by others.

The level of corrective action will depend on the nature, severity, and frequency of the violation and may include verbal counseling, written warnings, suspension, or other appropriate measures as outlined in the City's Corrective Action Policy.

In determining the appropriate response, the City may consider factors such as prior conduct, the circumstances surrounding the violation, the impact on operations or safety, and any other relevant information. Nothing in this policy limits the City's discretion to take immediate or more severe action when warranted.

Disciplinary action may be taken against an employee who fails to report instances of harassment, or who fails or refuses to cooperate in the investigation of a complaint of harassment, or who files a complaint of harassment in bad faith. Employees are prohibited from interfering or attempting to interfere with any departmental investigation. False

allegations will be dealt with on a case-by-case basis, and depending on the outcome, may include disciplinary action.

Related Information or Procedures:

How to Report Discrimination and/or Harassment Incidents

Employees, applicants for employment, and/or non-employees are encouraged to promptly report incidents of discrimination and harassment so that appropriate action may be taken.

If an employee, applicant for employment, or non-employee believes he/she has been subjected to discriminating and/or harassing conduct that violates this policy, he/she should report that conduct as soon as reasonably possible after the event occurs to any one of the persons below with whom the complainant feels comfortable. Such report may be made verbally or in writing to:

- the employee's immediate supervisor;
- the employee's department head;
- the City Manager;
- the Human Resources Director;
- or the City Attorney.

The individual alleging discrimination and/or harassment is not required to report the incident to an alleged harasser, and may bypass any offending member of management when making such report.

The member of management to whom the report is made must as soon as reasonably possible report any such allegation, including the name of the person making such allegation, to the Human Resources Director or designee. If the allegation is against the Human Resources Director the report should be submitted to the City Manager or designee. In the unlikely event that the allegation is against both the Human Resources Director and the City Manager the report should be submitted to the City Attorney or designee.

Individuals making an allegation hereunder should be prepared to provide the following information:

- The name of the person committing the alleged discrimination and/or harassment, including title, if known.
- The specific nature of the alleged discrimination and/or harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken as a result of the alleged discrimination and/or harassment, or any threats made as a result of the alleged discrimination and/or harassment.
- Witnesses to the alleged discrimination and/or harassment.
- Whether such alleged discrimination and/or harassment has been previously reported and, if so, when and to whom.

How to Report Retaliation Incidents

Any employee, applicant for employment, or non-employee who, in good faith, reports discrimination and/or harassment or provides information related to such reports will be protected against retaliation. If retaliation occurs, the employee, applicant for employment, or non-employee should report the retaliation as soon as reasonably possible after the event occurs in the same manner as he/she would report a discrimination and/or harassment allegation.

Investigation of Reports and Complaints

The Human Resources Director, or designee, is the person designated by the city to investigate all reported allegations of discrimination, harassment, and/or retaliation against employees, applicants for employment, or non-employees. If the allegation is against the Human Resources Director the City Manager or designee will appoint an investigator. In the unlikely event that the allegation is against both the Human Resources Director and the City Manager the City Attorney or designee will appoint an investigator.

Investigations will be conducted in a prompt, thorough, and impartial manner. When a detailed fact-finding investigation is necessary, the investigator should, at a minimum, interview the complainant, the alleged harasser, and any other persons who could reasonably be expected to have relevant information. Investigations will be conducted in accordance with the [EEOC's Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors](#).

Upon completion of the investigation, the investigator will immediately prepare a report of the investigation and submit the report to the Human Resources Director or designee. In the event the alleged discrimination, harassment, and/or retaliation report is against the Human Resources Director, the report will be submitted to the City Manager or designee. In the unlikely event the discrimination, harassment and/or retaliation report is against the Human Resources Director and the City Manager the report will be submitted to the City Attorney or designee.

The Human Resources Director or City Manager or City Attorney, as appropriate, will determine whether there has been a violation of this policy based upon the investigation. If it is determined that violation of this policy has occurred immediate and appropriate corrective action, including discipline, will be taken against the employee guilty of such conduct. The Human Resources Director or designee is authorized, if appropriate, to take corrective measures for the benefit of the employee(s) or non-employee who has been the object of discrimination, harassment, and/or retaliation.

Both the accuser and the accused will receive notice concerning the outcome of the investigation.

Other Provisions:

The City retains the sole discretion to determine whether a violation of this policy has occurred and to determine what level, if any, corrective action, including discipline, is warranted. These procedures are not meant to be a substitute for an individual's right to file a formal complaint based on discrimination, harassment and/or retaliation with the Tennessee Human Rights Commission or the United States Equal Employment Opportunity Commission based on the rules of those agencies.

While the City is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the City and its employees, applicants for employment, or non-employees. This policy supersedes all policies that conflict with the terms of this policy. Furthermore, this statement constitutes ONLY the policy of the City. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

Contacts

The following office can address questions regarding this Policy: Human Resources, phone: (423) 229-9401, email: HROffice@kingsporttn.gov