

**OFFICE OF THE CITY MANAGER
SPRINGFIELD, MISSOURI**

**ADMINISTRATIVE MEMORANDUM #45
Revised: October 1, 2010**

TO: All Department Heads, Boards and Agencies

RE: Policy Statement Against Workplace Harassment

The City of Springfield is committed to providing an environment for all individuals that is free from sexual harassment and other types of discriminatory harassment. Employees are expected to conduct themselves in a professional manner and to show respect for their co-workers and others.

The City of Springfield has had a long-standing policy that asserts all employees have a right to work in an environment free from any type of discrimination, including freedom from sexual harassment. The City of Springfield's commitment begins with the recognition and acknowledgment that sexual harassment and other types of discriminatory harassment are unlawful. To reinforce this commitment, the City of Springfield developed a policy against harassment and a reporting procedure for individuals subjected to or who witnessed harassment. This policy applies to all work-related settings and activities, whether inside or outside the workplace, and includes business trips and business-related social events.

The City of Springfield's property (e.g., telephones, copy machines, facsimile machines, computers, and computer applications such as e-mail and Internet access) may not be used to engage in conduct that violates this policy. The City of Springfield's policy against harassment covers employees and other individuals who have a relationship with the City of Springfield. This policy enables the City of Springfield to exercise some control over the individual's conduct in places and activities that relate to the City of Springfield's work (e.g., City Council members, directors, contractors, vendors, customers, volunteers, applicants for employment, etc.).

Definition of Sexual Harassment

The definition of sexual harassment as defined by the Equal Employment Opportunity Commission, and as enforced within the policy of the City of Springfield is as follows:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or (3) 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".

While it is not possible to list all of the circumstances that would constitute sexual harassment, the following are some examples:

- unwelcome sexual advances -- whether they involve physical touching or not;
- requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;
- coerced sexual acts.

Depending on the circumstances, the following conduct may also constitute sexual harassment:

- use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life;
- sexually oriented comment(s) on an individual's body, comment(s) about an individual's sexual activity, deficiencies, or prowess;
- displaying sexually suggestive objects, pictures, cartoons;
- unwelcome leering, whistling, deliberate brushing against the body in a suggestive manner;
- sexual gestures or sexually suggestive comments;
- inquiries into one's sexual experiences;
- discussion of one's sexual activities.

While such behavior, depending on the circumstances, may not be severe or pervasive enough to create a sexually hostile work environment, it can nonetheless make individuals uncomfortable. Accordingly, such behavior is inappropriate and may result in disciplinary action regardless of whether it is unlawful.

It is also unlawful and against the City of Springfield's policy to retaliate against an employee for filing a complaint of sexual harassment or for cooperating with an investigation of a complaint of sexual harassment.

Given the nature of the type of discrimination, the City of Springfield also recognizes that false accusations of sexual harassment can have serious effects on innocent men and women. Therefore, false accusations will result in the same severe disciplinary action applicable to one found guilty of sexual harassment.

Prohibition of Other Types of Discriminatory Harassment

It is also against the City of Springfield's policy to engage in verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, gender, religion, age, national origin, disability, or other protected category (or that of the individual's relatives, friends, or associates) that:

- has the purpose or effect of creating an intimidating, hostile, humiliating, or offensive working environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance; or
- otherwise adversely affects an individual's employment opportunities.

Depending on the circumstances, the following conduct may constitute discriminatory harassment:

- epithets, slurs, negative stereotyping, jokes, or threatening, intimidating, or hostile acts that relate to race, color, gender, religion, age, national origin, or disability; or
- written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, age, national origin, or disability and that is circulated in the workplace, or placed anywhere in City of Springfield premises (such as on an employee's desk or workspace or on City of Springfield equipment or bulletin boards).

Other conduct may also constitute discriminatory harassment if it falls within the definition of discriminatory harassment set forth above.

It is also against City of Springfield policy to retaliate against an employee for filing a complaint of discriminatory harassment or for cooperating in an investigation of a complaint of discriminatory harassment.

Reporting of Harassment

An employee who believes he or she has experienced or witnessed sexual harassment or other discriminatory harassment by any employee of the City of Springfield, must report the incident immediately to the appropriate supervisor, director, or Human Resources. Possible harassment by others with whom City of Springfield has a business relationship, including customers and vendors, must be reported as soon as possible so that appropriate action can be taken. Any reports of harassment will be forwarded to the Director of Human Resources.

The City of Springfield will promptly and thoroughly investigate all reports of harassment as discreetly and confidentially as practicable. The investigation would generally include a private interview with the person alleging harassment. It would also generally be necessary to discuss allegations of harassment with the accused individual and others who may have information relevant to the investigation. The City of Springfield's goal is to conduct a thorough investigation to determine whether harassment occurred, and to determine the appropriate course of action if it is determined that improper behavior occurred.

If the City of Springfield determines that a violation of this policy has occurred, the appropriate disciplinary action will be administered against the offending party, which can include counseling, a warning, a suspension, and/or termination of employment. Employees who report violations of this policy and employees who cooperate with investigations into alleged violations

of this policy will not be subject to retaliation. Upon completion of the investigation, the City of Springfield will inform the complainant of the results of the investigation.

Compliance with this policy is a condition of employment. Employees are encouraged to raise any questions or concerns about this policy or about possible discriminatory harassment with the Director of Human Resources or designee.



Greg Burris, City Manager