

Section 2: Employment

Policy #5: Harassment Free Workplace

Effective Date: July 1, 2011

I. Purpose

This policy establishes a harassment-free workplace and sets forth the procedures by which the Town will address and process harassment complaints.

II. Scope

This policy shall apply to all persons holding a paid position as an employee of the Town, except the Town Manager, Town Attorney, a member of any appointed or volunteer board or committee, or any others that may be appointed or hired by the Town Board. For this purpose, and subject to the exceptions set out herein, Town employees shall be defined as those employees in departments and offices for which the Town Board serves as the final budget authority.

III. Background

None

IV. Definitions

A. Harassment - Objectionable conduct, comment, or display that demeans, belittles, or causes personal humiliation based on a person's race, national or ethnic origin, color, religion, age, gender, or disability status. This includes physical contact (e.g., touching, pushing), comments (e.g., slurs, jokes, name-calling), or displays (e.g., posters, cartoons). Behavior or conduct can rise to the level of harassment if it results in one of the following:

1. has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. has the purpose or effect of interfering with an employee's work performance; or
3. adversely affects an employee's employment opportunities.

V. Legislation

Title VII of the Civil Rights Act of 1964

VI. Policy

The Town of Mooresville prohibits all forms of harassment and maintains a policy that all employees shall be treated with respect. Allegations of any type of harassment identified below will be taken seriously and investigated and if substantiated, will be addressed through appropriate disciplinary actions.

VII. Provisions

A. Workplace Duties and Responsibilities

It is the responsibility of each employee of the Town to engage in and promote workplace behaviors that create and maintain an environment of respect.

1. Employee's Responsibilities

- i. Any employee who believes that he or she has been harassed based on race, national or ethnic origin, color, religious beliefs, age, sex or disability should file a formal or informal complaint.
- ii. Any employee who observes or learns of behavior that appears to violate another employee's rights based on race, national or ethnic origin, color, religious beliefs, gender, sex or disability should immediately notify his/her supervisor.
- iii. All employees have a responsibility to cooperate in the investigation of a harassment complaint.

2. Employer's Duty to Correct

All supervisors, managers, Department Directors, and members of management are expected to prevent and correct harassment in the workplace. Any employee with management responsibility who becomes aware of harassment in their work area must take corrective steps whether or not a formal complaint has been filed. For areas not within their immediate workplace, managers must notify their next level supervisor. Members of management who fail to properly address harassment in their workplace may be disciplined up to and including termination of employment. This policy is not intended nor should it be applied to limit a manager's ability to manage the workplace. It will be the ongoing responsibility of the Department Director or his/her representative to monitor work areas for inappropriate action, comments, or displays and take necessary action.

B. Complaint Review Procedures

Complaints of harassment may be addressed in the following manner:

1. Informal Complaint Procedure

If an employee feels that he/she is being harassed based on the areas noted above and is comfortable in doing so, he/she is encouraged to resolve the matter as soon as possible by addressing the issue(s) with the offending party. If unable to resolve the issue(s) directly with the offending party, the harassed employee shall report the matter to his/her supervisor or manager. If still unresolved, the employee may speak with his/her Department Director. The informal procedure is optional. An employee who feels uncomfortable in discussing the matter with the offending party does not have to do so; in such cases, the employee

should immediately contact a supervisor or the Human Resources Director.

2. Formal Complaint Procedure

If the informal process is not successful or is not pursued, the harassed employee may file a formal complaint with the Human Resources Director. The Human Resources Department is responsible for processing harassment complaints. The procedures for handling complaints are as follows:

a. Processing/Investigation

Formal complaints are required to be in writing and specific as to the facts and date(s) to allow effective and thorough investigation by the Town. The formal complaint must be given to Human Resources for processing. Each formal harassment complaint will be investigated. Upon request by the complaining party, a representative of the same sex may be assigned to follow-up with the complainant in cases involving allegations of sexual harassment. At the discretion of the investigator, interviews may be recorded in written, audio and/or video format.

b. Response to Allegation(s)

The alleged offending party may provide a written response to the allegation(s) within ten (10) business days of receiving the complaint.

c. Administrative Leave

After consulting with the Director of Human Resources and the Town Attorney, the Department Director may place the alleged offending party and/or complaining party on administrative leave with pay pending the completion of the investigation. Administrative leave is in no way treating either party adversely, but may be in the best interest of all involved.

d. Report Issuance

Within ten (10) business days of concluding the investigation, Human Resources will provide the Department Director a report as to the validity of the complaint.

e. Complaint Withdrawal

Withdrawal of a complaint will not necessarily end an investigation. The Town may pursue an investigation with or without a pending complaint.

3. Division Manager/Department Director

Division Managers and/or Department Director's will take the following actions:

a. Disciplinary Action Decisions

Within ten (10) business days of receiving the Human Resources Director's report of harassment, the Division Manager or Department Director will take appropriate disciplinary action. Human Resources may extend the ten (10) day deadline if necessary.

b. Written Notifications

The complaining party and the alleged offending party will be provided a written notification of the Division Manager/Department Director's decision.

C. False or Frivolous Complaints

Complaints that are found to be fabricated, frivolous, or made in bad faith will not be tolerated and subsequent disciplinary action up to and including termination may result.

D. Retaliation

Every employee has the right to report, in good faith, incidents of discrimination/harassment or inappropriate behavior without fear of retaliation. Retaliation by any person against anyone involved in the informal or formal complaint process will not be tolerated and may result in discipline, up to and including dismissal.

VIII. Authorization

Approved by:

Erskine Smith
Town Manager

July 1, 2011
Date