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6 **Workplace Harassment**

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8 I. Purpose, Values and Outcomes

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10 The City of Lynnwood wants to maintain a workplace free of harassment as defined
11 in IIIA below. This document establishes the City's policies on the subject of
12 workplace harassment, including the provision of guidelines for handling violations
13 of the policy and specification of the appropriate complaint-handling procedure.
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15 II. Policy

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17 Harassment based on race, age, sex, color, creed, religion, national origin, marital
18 status, the presence of any physical, mental or sensory disability, or sexual
19 orientation is prohibited and will not be tolerated. Such harassment is a form of
20 discrimination and is illegal. Prohibited harassment will result in prompt and
21 appropriate corrective action, which may include termination.
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23 The City will not tolerate harassment or other discriminatory conduct by its
24 employees, supervisors, elected and appointed officials, volunteers, vendors,
25 suppliers, contractors, or members of the public on the basis of race, age, sex,
26 creed, religion, national origin, marital status, the presence of any physical, mental
27 or sensory disability or sexual orientation. The City will promptly investigate
28 workplace harassment complaints. Employees who feel they have been subjected to
29 harassment or other discriminatory conduct should follow the complaint procedure
30 outlined below. The employee will not be subject to retaliation or reprisal for
31 making a good faith report.
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33 III. Definitions

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35 A. Harassment: Verbal, physical or visual conduct, which is offensive or
36 hostile, or which deprives or tends to deprive another's rights or
37 opportunities, based on race, age, sex, creed, religion, national origin,
38 marital status, the presence of any physical, mental, or sensory disability or
39 sexual orientation.
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41 B. Sexual Harassment: Sexual harassment is generally defined as unwelcome
42 sexual advances, requests for sexual favors, or other visual, verbal or
43 physical conduct of a sexual nature when:
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- 45 1. Submission to such conduct is made either explicitly or implicitly a
46 term or condition of employment, or
- 47 2. Submission to or rejection of such conduct is used as a basis for
48 employment decisions, or
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1 3. The conduct interferes with an employee's work performance or
2 creates an intimidating, hostile or offensive work environment.
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4 Sexual harassment includes harassment based on another person's gender or
5 harassment based upon pregnancy, childbirth or related medical conditions.
6 It also includes harassment of another employee of the same gender as the
7 harasser.
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9 C. Examples of Harassment: Examples of harassment include, but are not
10 limited to, the following types of behavior:
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- 12 • Negative or offensive comments, jokes, slurs or suggestions about another
13 employee's race, age, sex, creed, religion, national origin, creed, religion,
14 marital status, disability, or sexual orientation.
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- 16 • Using degrading words to describe an individual's race, age, sex, creed, religion,
17 national origin, marital status, disability or sexual orientation.
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- 19 • Obscene or lewd sexual comments, jokes, suggestions or innuendoes.
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- 21 • Unwanted touching, patting, or lewd physical conduct.
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- 23 • Unwelcome sexual advances, like requests for dates or propositions for sexual
24 favors.
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- 26 • Offering or conditioning an employment benefit, like a raise, promotion or
27 special job assignment, in exchange for sexual favors.
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- 29 • Making or threatening reprisals, or changing performance expectations after an
30 employee has turned down a sexual advance.
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- 32 • Deliberate or repeated behavior of a sexual nature which is unsolicited and
33 unwelcome
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- 35 • Excessive, one-sided, romantic attention in the form of requests for dates, love
36 letters, telephone calls, emails or gifts.
37
- 38 • Displaying offensive pictures, offensive cartoons or offensive calendars on City
39 property.
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41 D. Employee: Any employee of the City, including managers and supervisors.
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43 IV. Procedure 44

45 A. Each employee is responsible for supporting and following this policy.
46 Employees should never tolerate inappropriate behavior. They should make
47 their feelings known to the offending employees. In many cases, if an
48 employee makes his/her feelings known to the offending person, tells them
49 the conduct is not appropriate, and asks them to stop, this may take care of
50 the situation.

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2 the situation.
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4 However, if any employee is not comfortable doing this, or if such action
5 does not resolve the situation, the employee must promptly report any
6 offending behavior, whether such behavior is directed towards them
7 personally or towards other employees at the City.
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9 B. Complaints of harassment of any type should be reported immediately to
10 any of the following: the employee's immediate supervisor, a department
11 director, the Human Resources Director, or an appointed sexual harassment
12 investigator. The report should include a description of the incident or
13 behavior, the date(s) of the occurrence, the individual(s) involved and any
14 witnesses. The person receiving the complaint must notify the Human
15 Resources Director immediately, unless the Human Resources Director is the
16 one whom the complaint directly involves, in which case, the person
17 receiving the complaint must notify the Mayor immediately. The Human
18 Resources Director will notify the appropriate Department Director.
19 Thereafter the City will decide the appropriate course for investigation of
20 the complaint. Should the Department Director or the Human Resources
21 Director be the one whom the complaint directly involves, he/she will not
22 participate in the investigation process. If the Mayor is notified directly of a
23 complaint, he/she will notify the appropriate Department Director and the
24 Human Resources Director, unless either is the person whom the complaint
25 directly involves.
26

27 C. An appropriate internal investigation will be conducted that may include the
28 following: interviews with all parties, interviews with witnesses, review of
29 documentary evidence. This investigation will attempt to preserve
30 confidentiality whenever possible, and any disclosure will only be that
31 necessary to investigate or as otherwise required by law or by union
32 representation. After the investigation is completed, the City will share its
33 findings with the complaining employee, the subject of the complaint, and if
34 appropriate other employees directly concerned with the incident. If the
35 complaining employee is not satisfied with the City's response, the
36 employee may bring the matter directly to the Mayor in writing within 20
37 calendar days. The decision of the Mayor will be final and binding.
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39 D. If the City concludes that unlawful harassment occurred, prompt and
40 effective remedial action will be taken, as determined appropriate by the
41 City. This may include discipline of the harasser, up to and including
42 termination, and other actions to remedy the effects of the harassment and
43 to prevent further harassment.
44

45 E. No action will be taken against any employee who in good faith files a
46 complaint of harassment or discrimination or assists in the investigation of
47 such a complaint. Employees who believe they have been retaliated against
48 for having reported harassment or discrimination or for having participated
49 in an investigation must
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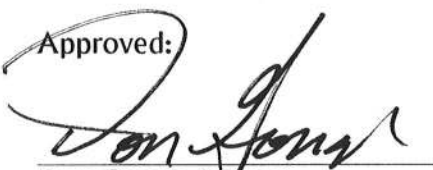
promptly notify their immediate supervisor, a department director, or the Human Resources Director, so that their concerns can be investigated. Appropriate corrective measures, as determined by the City, will be taken if allegations of retaliation are substantiated.

V. Other Inappropriate Conduct

Not every incident of inappropriate conduct constitutes harassment in violation of this policy. Isolated incidents of offensive conduct are not necessarily unlawful harassment. For example, random words that offend a particular employee may not be sufficient to constitute harassment in violation of this policy. However, inappropriate, offensive, or discourteous conduct, even if it does not constitute harassment in violation of this policy, may result in corrective action. If an employee is offended by such behavior, it is important that he or she follow the procedures outlined above, so the offensive behavior can be identified, evaluated, and corrected as needed.

VI. Malicious Complaints

Complaints of harassment that are found, following investigation, to be contrived, malicious or willfully intended to cause harm to the accused person are a violation of this policy, and the complainant will be subject to disciplinary action, up to and including termination.

Approved:

Don Gough, Mayor

2-8-07
Date