

## **CITY OF PROVIDENCE SEXUAL HARASSMENT POLICY**

Sexual harassment is a form of discrimination and violates the following federal, state and local laws:

- Title VII of the Civil Rights Act of 1964 as amended in 1972.
- Rhode Island Fair Employment Practices Act, and the
- City of Providence's Anti-Discrimination Ordinance

The City of Providence believes that every employee is entitled to a working environment free from sexual harassment or offensive conduct of a sex-oriented or sex based nature regardless of its form or manner. Sexual harassment, both in general and as defined in this policy, is unlawful conduct that will not be tolerated by the City of Providence. Offensive or inappropriate sexual behavior at work, including but not limited to, unwelcome sexual advances, request for sexual favors or other verbal or physical acts of a sexual or sex based nature where (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment and/or (b) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment, is conduct which the City of Providence considers to be sexual harassment and is strictly prohibited. All employees must avoid any act or conduct which could be viewed by any other individual as sexual harassment.

The City of Providence considers the following identified conduct to represent some examples of the types of acts which violate the City of Providence's Sexual Harassment Policy. This list is neither exhaustive nor all-inclusive.

- Physical assaults of a sexual nature such as: rape, sexual battery, molestation or attempts to commit these assaults and/or intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against or poking any other employee's body without the employee's permission.
- Unwanted sexual advances, propositions or other sexual comments such as: sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his/her presence is unwelcome and/or preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, or intentionally making the performance of an employee's job difficult because of that employee's sex.
- Sexual or discriminating displays or publications anywhere in the workplace by employees such as: displaying pictures, posters, calendars, graffiti, objects, written or reading materials or any other material that is sexually suggestive, sexually demeaning or pornographic, or possessing in the work environment any of these materials.

## **COMPLAINT PROCEDURE**

The City of Providence has established a convenient, confidential and reliable mechanism for reporting incidents of sexual harassment and/or retaliation. The City of Providence designates the Equal Employment Opportunity and Affirmative Action Officer to serve as its Investigative Officer for sexual harassment issues. If you have a complaint of sexual harassment and/or retaliation, you should contact the Human Resources Department at (401) 421-7740, Extension 240. The Investigative Officer may appoint a designee to assist him/her in handling sexual harassment/retaliation complaints.

Complaints of sexual harassment and/or retaliation will be accepted in writing or verbally. All complaints will be taken seriously and investigated expeditiously. A complaint need not be limited to someone who was the target of harassment and/or retaliation. The Investigative Officer will produce a written report, which, together with the investigation file, will be discussed with the complainant within a reasonable period of time. The Investigative Officer will have the duty to immediately bring all sexual harassment and/or retaliation complaints to the confidential attention of his/her supervisor, manager or the Mayor.

Only those who have an immediate need to know, including the Investigative Officer, the alleged target of harassment and/or retaliation, witnesses to the conduct, and the alleged harasser, will or may find out the identity of the complainant. All individuals contacted in the course of the investigation will be advised that all retaliation or reprisal will constitute a separate actionable offense for which penalties may be implemented under this Policy.

An employee who believes that he/she has been a victim of sexual harassment can also contact the Rhode Island Commission for Human Rights, 180 Westminster Street, Providence, Rhode Island, (401) 222-2661 or the Equal Employment Opportunity Commission, One Congress Street, Boston, Massachusetts, (617) 565-3200 either by phone, sending a written complaint or by going to either Agency in person.

## **SCHEDULE OF PENALTIES**

In determining the ultimate penalty in cases of sexual harassment, the nature and severity of the claimed misconduct, along with any other relevant factors, will be reviewed by management. It is within management's discretion to enact a more severe penalty against an accused harasser than as set forth in the following schedule of penalties.

If the investigation leads to a determination that the allegations of harassment are true the City of Providence will apply the following disciplinary consequences:

- An employee may be immediately discharged for any act of sexual harassment which conduct is proven or otherwise demonstrated to the satisfaction of the Investigative Officer and/or management.
- Acts of sexual harassment which are proven to be non-pervasive will generally result in a warning and/or suspension upon the first offense and discharge upon the second offense.
- In determining the ultimate penalty in cases of sexual harassment, the nature and severity of the claimed misconduct, along with any other relevant factors will be reviewed by management and it is within management's discretion to enact a more severe penalty against an accused harasser than as set forth in this Schedule of Penalties.

### **RETALIATION**

It is unlawful to retaliate or take reprisal in any way against anyone who has articulated any concern about sexual harassment or discrimination. Any form of retaliation against a sexual harassment complainant, alleged harasser or witness cooperating with an investigation of a harassment complaint will result in disciplinary action. The severity of the discipline will be based on the nature and extent of the harassment and retaliation and other relevant factors brought to the attention of the management. The ultimate determination of the appropriate penalty for retaliation will be within the discretion of management.

### **COOPERATION**

An effective sexual harassment policy requires the support of all the City of Providence's personnel. Anyone who engages in sexual harassment and/or retaliation or who fails to cooperate with any City of Providence sponsored investigation may be disciplined by suspension or termination from employment. The City of Providence officials who refuse to implement remedial measures, obstruct remedial efforts or who retaliate against complainants, witnesses or the alleged harasser may be disciplined by suspension or termination from employment.

Rev. July 2004