

Personnel Policy Bulletin

Number: 2001-2

City of Lincoln

Date: May, 2001

Reference:	Title:
— Lincoln Municipal Code 11.08.040 — Title VII of the Civil Rights Act of 1964 — Civil Rights Act of 1991 — Age discrimination in Employment Act — Americans With Disabilities Act — Nebraska Fair Employment Practices Act — Supercedes Policy Bulletin 95-3	Harassment based on sex, national origin, disability, race, religion, age, color, ancestry or marital status.

HARASSMENT IN EMPLOYMENT

- I. Policy Statement. It is the policy of the City of Lincoln that all employees are entitled to a workplace free of harassment and that all employees will treat each other with courtesy, dignity and respect. Harassment in the workplace is a form of discrimination and is prohibited by state and federal law. This policy addresses harassment based upon race, color, national origin, ancestry, religion, age, marital status, disability and sex, as well as harassment resulting from an individual's opposition to discrimination or participation in complaint proceedings. All harassment complaints will be taken seriously and will be investigated appropriately. Corrective action will be taken as warranted by the facts.
- II. Scope. This policy applies to all City employees in the classified and unclassified service.
- III. Harassment Defined. Harassment is conduct towards another person or identifiable group of persons including, but not limited to, unwelcome comments or other conduct that unreasonably interferes with an individual's work or creates an intimidating, hostile, or offensive working environment.
- A. Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct of a sexual nature constitute sexual harassment when:
1. Submission to such conduct is either an explicit or implicit term or condition of employment; or
 2. Submission to or rejection of such conduct is used as a basis for employment decisions affecting the person involved; or
 3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Hostile environment sexual harassment is defined as unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of employment and creates an environment that a reasonable person would find intimidating, hostile, offensive or humiliating. This definition goes beyond casual, infrequent or isolated instances.
 4. Such conduct does not have to be addressed toward the complaining party. In third party situations, the victim does not have to be the person harassed but could be anyone affected by the offensive conduct of others.

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Examples of sexual harassment or behavior that constitutes a hostile working environment include, but are not limited to the following: verbal harassment, abuse or teasing of a sexual nature, including the use of sexually offensive language, characterizations or humor; subtle pressure or requests for sexual activity; unnecessary touching of an individual, e.g., patting, pinching, hugging, repeated brushing up against another employee's body; leering or ogling at an individual; requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment status; or requesting or demanding sexual favors accompanied by implied or overt promise of preferential treatment with regard to an individual's employment status.

- B. Harassment Based on National Origin, Race, Religion, Disability, Age, Color, Ancestry, or Marital Status. — This type of harassment consists of conduct that creates or perpetuates a hostile working environment based on national origin, race, religion, disability, age, color, marital status or ancestry. A hostile working environment is defined as vicious, offensive, frequent and reprehensible instances of harassment constituting a concerted pattern of harassment. This definition goes beyond casual, infrequent or isolated instances. Examples of conduct which may create a hostile working environment may include such actions as verbal harassment or abuse, posting or distributing derogatory bulletins, pictures, or cartoons, or offensive language, characterizations or humor.
- IV. Harassment Prohibited. Any conduct which constitutes harassment in the workplace or which contributes to the existence of a hostile working environment as defined herein is hereby expressly prohibited. Any City employee who engages in such conduct shall be subject to disciplinary action including, but not limited to suspension, demotion, or termination of employment.
- V. Reporting. Individuals who believe they have experienced or witnessed harassment should report it to his/her supervisor or department head immediately. Individuals who do not feel comfortable reporting harassment to their supervisors or department heads should report the harassment to the City-County Personnel Director or Affirmative Action Director. Complaints may be either written or verbal.
- Allegations of harassment shall be investigated and dealt with in a fair, unbiased and timely manner. If the complaint is found to be invalid, all involved parties will be so notified. If the complaint is found to have merit, corrective action will be implemented. Such action shall include but is not limited to eliminating any prohibited conduct or conditions, and imposing appropriate disciplinary sanctions including suspension, demotion, or termination of employment.
- VI. Duty to Report. Supervisors and administrators who knowingly condone, fail to report, or fail to take action to remedy incidents of harassment or retaliation may themselves be subject to discipline.

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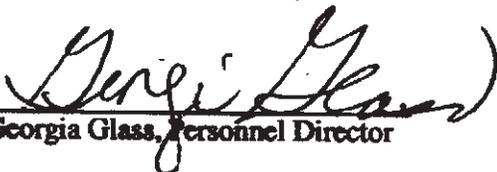
Confidentiality. Confidentiality is required so individuals feel free to come forward and so that reputations may be protected. Confidentiality is important to the fair investigation of a harassment complaint and all parties to the complaint are encouraged to maintain confidentiality at all times.

However, complete confidentiality cannot be guaranteed in all instances. In order to conduct an effective investigation and, when necessary, to impose appropriate sanctions, it may be necessary to reveal information regarding the complaint to the alleged harasser and potential witnesses. Appropriate supervisors will be informed about the progress of the complaint and/or investigation strictly on a need to know basis.

Retaliation Prohibited. This policy is intended to encourage individuals to report incidents of harassment. Retaliation against an individual for reporting or complaining of harassment or enforcing this policy is strictly prohibited. For purposes of this policy, retaliation means adverse actions against individuals because they have, in good faith, reported instances of harassment or alleged harassment, or participated in or have been witnesses in any procedure to redress a complaint of harassment.


Don Wesely, Mayor

May 23, 2001
Date


Georgia Glass, Personnel Director

May 23, 2001
Date

PS2744CI

RECEIPT

FOR

CITY OF LINCOLN PERSONNEL POLICY BULLETIN

HARASSMENT POLICY

Number 2001-2

I hereby acknowledge that I have received and read a copy of the City's Harassment Policy, Personnel Policy Bulletin No. 2001-2.

Print Name

Signature

____ XXX - XX - ____
Last 4 Digits of Social Security Number

Department

Date

Please forward completed form to the Personnel Department.