



## **HR – Harassment Prevention** **City of Crystal Lake Administrative Directive**

### **PURPOSE:**

The City of Crystal Lake is committed to maintaining an environment free from discrimination and harassment. In keeping with this commitment, we will not tolerate any form of harassment that violates this policy. This policy forbids any employee, supervisor, elected official, vendor, client, customer or other person, to harass or discriminate against any employee of the City of Crystal Lake. Where sections of this directive conflict with an employee's collective bargaining agreement, the collective bargaining agreement shall govern.

### **PROHIBITED CONDUCT**

Harassment consists of discriminatory employment action and any unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, including race, age, sex, color, religious affiliation, political preference, national origin, disability, ancestry, marital status, sexual orientation, unfavorable discharge from the military (except dishonorable), or other protected status under applicable law. The City of Crystal Lake will not tolerate harassing conduct that results in tangible employment action (a significant change in employment status), that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive work environment.

The conduct forbidden by this policy specifically includes, but is not limited to:

- Epithets, slurs, negative stereotyping, or intimidating acts that are based on a person's protected status; and
- Written or graphic material circulated, made available on the City of Crystal Lake computer system, or posted or distributed within the workplace that shows hostility toward a person or persons because of their protected status.

Even where the conduct is not sufficiently severe or pervasive to constitute actionable harassment, the City of Crystal Lake will not tolerate any such conduct in the workplace.

### **SEXUAL HARASSMENT**

Sexual harassment deserves special mention. Harassing conduct based on gender often is sexual in nature but sometimes is not. This policy forbids harassment based on gender regardless of whether the offensive conduct is sexual in nature. Any unwelcome conduct based on gender is also forbidden by this policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or different genders.

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term of employment, (2) submission to or rejection of the conduct is used as a bias for an employment decision affecting an individual (tangible employment action), or (3) conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

This policy forbids harassment based on gender regardless of whether it rises to the level of a legal violation.

The City of Crystal Lake considers the following conduct to represent, but is not limited to, some of the types of acts that violate this Harassment Policy:

- Physical assaults of a sexual nature included, but not limited to; rape, sexual battery, molestation, intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, etc.
- Unwanted sexual advances, propositions or other sexual comments including, but not limited to; sexually oriented gestures, noises, remarks, jokes, or comments or verbal abuse of a sexual nature. Also included are preferential treatment and promises of preferential treatment to an employee for submitting to sexual conduct.
- Sexual or discriminatory displays or publications found anywhere within the City of Crystal Lake workplace by City of Crystal Lake employees including, but not limited to; pictures, posters, calendars, graffiti, objects, reading materials, or other materials that are sexually suggestive, demeaning, offending, or pornographic.

## **PROCEDURE:**

### **COMPLAINTS OF HARASSMENT**

If you believe you have been subjected to harassment, sexual or otherwise, you have the right to file a complaint. This may be done in writing or orally. Any such complaint should be filed with your supervisor or with the Director of Human Resources or his/her designee. These are the individuals who are authorized by this directive to receive and act upon complaints of harassment or discrimination on behalf of the City of Crystal Lake. This directive does not require reporting harassment or discrimination to any individual who is responsible for the harassment or discrimination.

### **CITY OF CRYSTAL LAKE RESPONSE**

All reports describing conduct that is inconsistent with this policy will be investigated promptly. The City of Crystal Lake may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation takes place. The City of Crystal Lake will take further appropriate action once the report has been thoroughly investigated. That action may be a conclusion that a violation occurred, as explained immediately below. The City of Crystal Lake might also conclude, depending on the circumstances, either that no violation of policy occurred or that the City of Crystal Lake cannot conclude whether or not a violation occurred.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the City of Crystal Lake may take corrective action, including discipline up to and including dismissal, as is appropriate under the circumstances, regardless of the job positions of the parties involved. The City of Crystal Lake may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of policy. If the person who engaged in harassment is not employed by the City of Crystal Lake, then the City of Crystal Lake may take whatever corrective action is reasonable and appropriate under the circumstances.

## **STATE AND FEDERAL REMEDIES**

Consistent with this policy against workplace harassment, the City of Crystal Lake maintains posters on bulletin boards that refer to legal definitions of harassment. These posters identify governmental agencies to contact on how and when to file administrative claims. Using the City of Crystal Lake complaint process does not prohibit an employee from filing a claim with a state governmental agency or with a federal agency such as the EEOC. The time period for an EEOC filing is 180 or 300 days from the harassment. The time period for filing a claim continues to run during a City of Crystal Lake investigation. Our policy provides for immediate notice of problems to your supervisor or to the City's Director of Human Resources or designee, as noted above, so that we may address and resolve any problems without waiting for any legal proceedings to run their course.

## **RETALIATION PROHIBITED**

The City of Crystal Lake forbids that any employee treat any other employee or former employee or applicant adversely for reporting harassment, for assisting another employee or applicant in making a report, for cooperating in a harassment investigation, or for filing an administrative claim with the EEOC or a state governmental agency. All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the reporting procedures stated above.

## **CONFIDENTIALITY**

In investigating and in imposing any discipline, the City of Crystal Lake will attempt to preserve confidentiality to the extent that the needs of the situation permit.

## **RESPONSIBILITY:**

Everyone at the City of Crystal Lake can help ensure that our workplace is free from prohibited discrimination or harassment. Every employee is expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited harassment; no employees are exempt from the requirements of this policy.

Supervisors have a higher level of responsibility that requires them to be aware of and to take action to address/eliminate harassing behavior in the workplace.

The City of Crystal Lake will conduct training on this harassment policy on a bi-annual basis. All employees shall be required to attend this mandatory training.

All City of Crystal Lake employees have a personal responsibility to familiarize themselves with this directive and to conduct themselves in compliance with this directive and to report any observations of conduct inconsistent with this policy.

Approved By:   
City Manager

Original Effective Date: 7/2006  
Revised: December 6, 2013  
Next Review: January 1, 2015