


CITY OF BOULDER

POLICIES AND PROCEDURES

Non-Discrimination and Anti-Harassment Policy

Effective Date: 6/1/2000
Last Revised: 10/15/2014


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I. POLICY

It is the policy of the City of Boulder to prohibit unlawful employment discrimination and harassment, as provided by Title VII of the Civil Rights Act of 1964 and other applicable federal, state and local law, against City of Boulder employees or applicants for employment at the City of Boulder.

When required by applicable federal, state or local law, the city will make reasonable accommodation for disabilities, and religious beliefs, observances and practices of applicants and employees.

II. SCOPE

This policy governs conduct by all city employees. Note: Also, see the appropriate collective bargaining agreement for any additional information that pertains to collective bargaining group employees.

III. PROHIBITED CONDUCT AND DEFINITIONS

The city prohibits discrimination, harassment and retaliation as defined in this policy.

A. Discrimination

An employment practice that unlawfully discriminates against City of Boulder employees or applicants for employment at the City of Boulder on the basis of race, color, national origin, creed, ancestry, religion, disability, pregnancy, age (40 and over), military status, marital status, genetic information, genetic characteristics, sex or gender, gender variance, sexual orientation, or on the basis of any other status protected by applicable federal, state and local law.

B. Harassment

Harassment can be a form of discrimination. Unlawful harassment includes conduct (physical, verbal or otherwise) by any employee or non-employee that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Prohibited conduct may include, but is not limited to, the following:

- Verbal conduct such as epithets, derogatory comments, slurs, or jokes;
- Physical conduct such as unwelcome touching, assault, or blocking an individual's movements; or
- Written or visual forms such as cartoons, e-mails, posters, drawings, photographs, notes, letters, e-mails.

C. Sexual Harassment

Because sexual harassment raises issues that are to some extent unique in comparison to other types of harassment, it warrants separate emphasis.

The city prohibits sexual harassment. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other conduct (physical, verbal or otherwise) of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may include, but is not limited to, sexually implicit or explicit communications whether in:

- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates;
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body; or
- Written or visual forms, such as cartoons, e-mails, posters, drawings, photographs, notes, letters, e-mails.

D. Retaliation

The city prohibits retaliation against an employee for filing a complaint under this policy or for assisting in a complaint or investigation under this policy.

IV. SUPERVISORY RESPONSIBILITY FOR THE WORK ENVIRONMENT

Supervisors and managers are responsible for monitoring and keeping their work environments

free from prohibited conduct. They shall model appropriate conduct, promptly address any questionable conduct, appropriately receive and respond to complaints, prevent retaliation and ensure their employees participate in regular training and affirmative discussion of this policy. In addition, supervisors and managers must promptly contact a Human Resources Department (HR) liaison or the HR Director when they become aware of a complaint under this policy or of conduct that may violate this policy

A supervisor or manager who receives a report or complaint of possible violation of this policy shall not promise strict confidentiality and must promptly seek guidance from the HR Department.

V. EMPLOYEE RESPONSIBILITY

The city expects all employees to conduct themselves in a professional and businesslike manner. This policy does not intend to regulate or control any non-work relationship or social interaction, freely entered into by all parties. However, employees must ensure that their conduct at work is consistent with a work environment where the city does not tolerate discrimination or harassment. Note: Also, see the Nepotism Policy for more information regarding relationships among employees. Employees are responsible for attending any required non-discrimination and anti-harassment trainings.

VI. COMPLAINT PROCEDURE

The city encourages employees to make it clear they are not interested in conduct that may violate this policy when they encounter such conduct. If appropriate, and the individual feels comfortable doing so, an individual should inform the offending party what specific conduct is offensive or unwelcome and request that it cease immediately. If the individual does not believe it is appropriate to speak directly to the offending party, or does not feel comfortable in doing so, the individual should promptly follow the Complaint Procedure.

The city encourages any employee who believes there has been a violation of this policy to use the following complaint procedure. The city expects to receive timely complaints, to allow prompt investigation and correction of any conduct that may violate this policy. The city may compel employees to cooperate with its investigations.

A. Reporting Conduct

Report the conduct to your supervisor or manager, the alleged offending party's supervisor or manager, or the HR liaison assigned to your department, and the city will investigate and take appropriate corrective action. The city will protect the confidentiality of your complaint to the extent possible. If you prefer not to go to any of these individuals with your complaint, you should report the incident to the HR Director or the Risk Manager.

B. Reporting Retaliation

The city prohibits retaliation against an employee for filing a complaint or participating in an investigation under this policy. If you perceive retaliation, please contact any one of the officials listed above, and the city will investigate and take appropriate corrective action.

C. Notification of Findings

As soon as practicable after conclusion of the investigation, the HR Director, or designee, will meet with complainant and the respondent separately, to summarize the findings and any corrective action.

VII. CORRECTIVE ACTION

If the city determines that an employee's conduct violates this policy, immediate and appropriate corrective action will be taken, up to and including termination of employment.

If an investigation shows that an employee knowingly supplied false information in an investigation under this policy, that individual may be subject to disciplinary action, up to and including termination of employment.

VIII. INTERPRETATION AND APPLICATION

Employees with questions concerning the interpretation or application of this policy should contact the Human Resources Department.

IX. OTHER POLICIES/EXCEPTIONS/CHANGE

This policy supersedes all prior editions of this policy and conflicting provisions of other policies covering the same or similar topics. Only the City Manager or the Manager's designee may grant any exception to this policy. The City Manager or designee may review and change this policy at any time. This document does not create an employment contract.