

CITY OF WARWICK  
POLICY ON  
SEXUAL HARASSMENT

1.0 PURPOSE

The purpose of this policy is to establish a strong City policy prohibiting sexual harassment, to define sexual harassment, to provide discipline guidelines and to establish procedures for all employees, including recruit and probationary employees, who feel they have been subjected to sexual harassment to pursue their complaints.

2.0 POLICY

The City of Warwick prohibits sexual harassment by all employees at all levels.

Employees who are determined to have sexually harassed another person while pursuing a city activity, through city employment, or using city authority shall be subject to disciplinary action. Employees who are determined to have vindictively and intentionally made a false complaint of sexual harassment shall be subject to disciplinary action.

Any retaliation against a person for filing a sexual harassment charge is prohibited. Employees found to be retaliating against another employee shall be subject to disciplinary action.

3.0 IDENTIFY SEXUAL HARASSMENT

3.1 Sexual Harassment defined

Sexual Harassment is defined as being unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- B. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

3.2 Identification Guidelines

Guidelines for identifying sexual harassment behavior are:

- A. The behavior is repetitive, i.e. constant touching, remarks, or jokes.
- B. The behavior is unwelcome.
- C. The behavior is one-sided.
- D. The harasser usually has some kind of authority over the victim or there are conditions attached to either compliance or non-compliance.
- E. The complainant, for whatever reason, cannot stop the abuse.

#### 4.0 RESPONSIBILITIES

##### 4.1 PERSONNEL DIRECTOR or DEPUTY PERSONNEL DIRECTOR

The Personnel Director or Deputy Personnel Director for the City of Warwick will direct the investigation of all complaints and will maintain a confidential file on all charges of sexual harassment.

##### 4.2 Officers and Supervisors

Officers and Supervisors, on all levels, are responsible for explaining the complaint procedure to a complainant and to make employees aware of the City's policy and to obtain additional information on the subject for them. They are responsible for dealing effectively with complaints as they occur. The employee should also be made aware that the Personnel Director or the Deputy Personnel Director will be notified of the complaint and that the Personnel Department is available for assistance, if they so wish. The investigation will be completely neutral. The City will investigate rumors of sexual harassments. This can include be gossip by other employees. It can also include any instance in which an employee tells Personnel about questionable behavior that they have witnessed.

##### 4.3 Status of Investigation

The Personnel Director or the Deputy Personnel Director shall keep the employee informed of the status of the on-going investigation. The charges will be thoroughly investigated. The investigation will be completely neutral and impartial.

#### 5.0 CONFIDENTIALITY

Although the City makes every effort to keep as few people as possible involved witnesses to a complaint will be contacted for statements. Those contacted and those involved should keep it confidential as possible. All personnel shall maintain confidentiality about complaints in order to protect the parties involved, and information shall not be shared with anyone other than those involved in the investigation.

## 6.0 COMPLAINT PROCEDURE

### 6.1 Filing

An employee, including recruit and probationary employees who believes he or she has been sexually harassed may file a complaint with any of the following:

- A. Immediate Officer or Supervisor
- B. Any Officer or Supervisor within the Department
- C. Personnel Director of the city of Warwick

A signed complaint should be filled immediately and should be specific as possible.

### 6.2 Response to a Complaint

All employees, Officers, and Supervisors are expected to treat any complaint immediately, seriously, and confidentially and to give an investigation top priority.

## 7.0 INVESTIGATION PROCEDURE

Any Officer or Supervisor receiving a complaint of sexual harassment shall immediately notify the personnel Director for the City of Warwick.

The Personnel Director shall expediently investigate all complaints of sexual harassment. Officers and Supervisors shall make available any employee for interviews and present any documents required by the investigator.

### 7.1 INVESTIGATIVE REPORT

The Personnel Director shall submit a report of the findings of the investigation to the pertinent officer or supervisor and offer advice on

inappropriate action.

## 8.0 DISCIPLINARY PROCEDURE

After reviewing the facts of the investigation, the Department Head or his Designate shall administer appropriate discipline to any employee found in violation to this policy.

## 8.1 SEVERITY

Disciplinary action shall be taken depending on the circumstances and variables of each individual situation. The office of the Personnel Director for the City will be consulted to determine the severity of disciplinary action to be taken. Disciplinary action may range from a verbal counseling to termination.

## 8.2 Guidelines for Administering Discipline

The following are provided as guidelines for judging the severity of a violation and administering appropriate and fair discipline. Progressive discipline principles will be used. However, each incident will be handled on a case-by-case basis and all the circumstances and variables fairly reviewed in determining the appropriate action.

An environment where offensive sexually oriented jokes, comments, insinuations, innuendos, visual cues, other language and materials cause embarrassment, discomfort or distraction from work activities is sexual harassment. These violations generally warrant verbal or written reprimands.

Repetitive, one-sided, and unwanted touching or fondling, which causes embarrassment, discomfort or distraction is sexual harassment. These violations generally warrant disciplinary suspension.

Overt, forced physical actions, such as grabbing, kissing, hugging, physically restricting sexual assault or rape is sexual harassment. These violations warrant suspension or termination.

Frivolous complaints made which result in embarrassment to the innocent employee and result in the waste of Department and City resources will generally warrant a verbal or written reprimand.

Intentional and vindictive complaints which result in embarrassment, discredit to one's character, loss of privacy, emotional duress, or hinders the opportunities of an innocent employee and results in the waste of

Department and City resources will generally warrant suspension or termination.

#### 9.0 APPEAL PROCEDURES

Any appeal will be made in accordance with the established City of Warwick procedures and or applicable labor management agreements.