



CITY OF LAREDO

POLICY ON SEXUAL AND OTHER FORMS OF HARASSMENT

I. Equal Opportunity Statement

The City of Laredo is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, veteran's status, disability, or any other characteristics protected by law, is strictly prohibited.

II. Policy Statement

It is the policy of the City of Laredo to provide a productive and professional work environment free from all forms of discrimination including harassment. Harassment undermines the integrity of the employment relationship and erodes morale and productivity. The City prohibits any form of sexual harassment, whether it be visual, verbal or physical, and without regard to whether the harasser or the victim is a supervisor, co-worker, vendor, or customer. Harassment on the job is unlawful whether it involves co-worker harassment or harassment by a supervisor or manager. Any employee engaging in any form of harassment will be promptly disciplined, up to and including termination. If the harasser is a vendor or customer, appropriate action will be taken to end the harassment and prevent future occurrences.

This policy shall not be construed and is not intended to abridge the rights and duties of Laredo Police Officers or other law enforcement officers to uphold and enforce the laws of the City of Laredo and the State of Texas, or to use any amount of force that is deemed reasonably necessary to affect an arrest or to protect persons who are in danger of bodily injury or death.

III. Scope of Coverage of Policy

This policy applies to all city employees, customers, vendors and visitors on city premises using any type of communication medium. All city employees are entitled to a workplace free of harassment by management, supervisors, co-workers, vendors and customers.

IV. Sexual Harassment and Other Forms of Harassment

A. Sexual Harassment

Sexual Harassment is a form of discrimination. Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to or rejection of such conduct by an individual is made expressed or implied as a term or condition of employment or used as a basis for employment decisions affecting an individual.
2. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of prohibited conduct include unwelcome discussion of sexual activities, touching, display of sexually explicit or suggestive pictures or cartoons, making sexually suggestive gestures, sexual remarks about physical attributes, unwelcome propositions, profanity and off-color jokes.

B. Other Forms of Harassment

1. Harassment of employees on the basis of race, religion, color, national origin, age, disability or any other characteristics protected by law is also prohibited. Slurs, jokes, offensive or derogatory comments, or other verbal or physical conduct based

on these characteristics could be unlawful if the conduct creates an intimidating, hostile, or offensive working environment, or unreasonably interferes with the individual's work performance. Slurs, epithets, offensive jokes, and derogatory comments have no place in the workplace. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

2. Harassment via Electronic Means

This policy also prohibits sending, showing, sharing, or distributing any form, inappropriate jokes, pictures, stories, etc. via facsimile, internet, voice mail, or other electronic means.

V. No Retaliation

No retaliation will be tolerated or permitted against employees who make a good faith charge or report of harassment.

VI. Reporting of Harassment Complaints

It is important for employees to report incidents of harassment to prevent violations from going undetected. No one connected with the City in any capacity is authorized to harass a city employee or customer. Any employee who feels that he or she has been subjected to harassment, or who observes harassment in the workplace should take action to end it by observing the City's reporting procedure outlined as follows:

Step One- If the employee is the victim, immediately confront the harasser and tell that person to stop the behavior. Although the employee may find it difficult to directly confront the harasser, the conduct perceived as harassment may be a simple misunderstanding that can be quickly and privately resolved.

Step Two- If the conduct does not cease or if the employee does not feel comfortable confronting the harasser, the employee (victim) must immediately report the matter to your Supervisor or Department Director.

Step Three- If for any reason the employee does not feel the Department Director has been able to resolve the matter satisfactorily, or the employee does not feel comfortable discussing the matter with their Department Director he/she must contact the Administrative Services Director /designee.

Step Four- Finally, if the employee (victim) is not satisfied with how the matter was handled at Step 2 or 3 and/or feels that they have experienced retaliation because they filed a complaint or assisted in a sexual harassment investigation, contact the City Manager.

VII. Investigation

The Administrative Services Director shall coordinate and direct the investigation reviews of all harassment complaints. All reports of harassment will be fully investigated immediately. The Administrative Services Director/designee will fully investigate the complaint, including interviewing the alleged harasser, victim and any other witnesses.

- A. The following procedures shall apply to the receipt, review, and handling of such complaints:
 1. The individual making the complaint will be interviewed by the Administrative Services Director/designee, on the nature of the allegations and will be asked to provide a written statement.
 2. The Administrative Services Director shall immediately notify the City

- Manager of the harassment complaint.
3. The person against whom the complaint is being made will be notified by the Administrative Services Director/designee that a harassment complaint has been filed.
 4. A complainant may withdraw a complaint at any time. However, the City will pursue an investigation to determine whether disciplinary action is warranted either on the basis of a validated complaint or falsification of a complaint.
 5. Employees filing a harassment complaint will be advised in writing of the corrective action taken by the City.
 6. Falsified complaints shall warrant disciplinary action up to and including termination.

VIII. Confidentiality

All reports of harassment will be investigated in a confidential manner. An employee who files a complaint will be instructed not to discuss the details of the incident with anyone other than the complaint investigator, while the investigation is pending. The employee may discuss the incident with their private attorney. These restrictions shall also apply to any employee against whom a complaint has been filed, as well as those who may have witnessed the incident. All employees are required to cooperate with the investigation.

The names of the complaining party and the alleged harasser as well as the circumstances of the alleged harassment may be revealed during the course of the investigation in order to ensure that the investigation is as thorough and as fair as possible. Therefore, the City cannot guarantee complete confidentiality of complaints. However, disclosure of any information about the complaint will be strictly limited to persons who “need to know.” Unauthorized disclosure of information about any harassment complaints or investigations can be cause for disciplinary action up to and including termination.

IX. Consequences

Upon conclusion of the investigation, the Administrative Services Director shall meet with the appropriate parties to discuss the findings and determine appropriate action, if any.

Disciplinary and other actions: Sexual and other forms of harassment are prohibited by the City of Laredo. The City will take appropriate action against any person found to be in violation of this policy. (Note: A person who has harassed another or retaliated against another may also be subject to civil or criminal liability under state or federal law.)

- A. Disciplinary Actions -Any employee who has harassed another employee, customer, vendor or who retaliates against such person for bringing a complaint of harassment, or otherwise violated this policy shall be guilty of misconduct and subject to disciplinary action up to and including termination in accordance with applicable law, rules, policies, and/or collective bargaining agreements.
- B. Other Actions -The City of Laredo will take such legal corrective action as necessary against customers or vendors found to have violated this policy as may be appropriate under the circumstances.

If the investigation substantiates an allegation of prohibited conduct, appropriate measures will be taken to remedy all violations of this policy.

X. Notice to Complainant

The Administrative Services Department Director shall notify the complainant of the findings of the investigation, and shall follow-up, if necessary, on a periodic basis until the final decision on the matter is made.

