



## **WORKPLACE HARASSMENT POLICY**

A fundamental policy of the City of Cranston is to establish and maintain a harassment free workplace. Our goal is to provide a workplace free from tensions involving matters that do not relate to the day to day operations of the City of Cranston. In particular, an atmosphere of unwelcome behavior directed at a person because of gender, genetic identity or expression, race, color, religion, national or ethnic origin, age, disability, sexual orientation, genetic information, military status, or any other protected characteristic is strictly prohibited in our workplace. Retaliation for complaining or opposing conduct prohibited by this policy is also forbidden.

Harassment is defined as verbal, non-verbal, and/or physical conduct that denigrates or shows hostility or aversion toward an individual because of their gender, genetic identity or expression, race, color, religion, national or ethnic origin, age, disability, sexual orientation, genetic information, military status, or any other protected characteristic that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities. Any form of protected class harassment of employees or applicants by other employees, third parties (such as vendors, or citizens) is prohibited.

### **SEXUAL HARASSMENT**

Sexual harassment is discriminatory, unlawful and will not be tolerated in any workplace in the City of Cranston. Sexual harassment is a form of sex discrimination that violates both federal law (Title VII of the Civil Rights Act of 1964) and Rhode Island state law (the Fair Employment Practices Act). Sexual harassment is defined as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

### **Recognizing Sexual Harassment**

In deciding whether conduct amounts to illegal harassment, various factors are considered including, but not limited to, the severity of the conduct, the frequency of the conduct, and whether the conduct involves physical contact or intimidation. The following examples illustrate types of problematic behavior:

Any unwelcome, purposeful touching or contact of any kind or manner;

Any unwelcome sexual proposition or advance of any kind or nature;

Sexually orientated or suggestive comments about an individual's body or attire;

Sexually oriented or suggestive innuendo, derogatory remarks, gestures, or obscenities;

Questioning or prodding about an individual's sexual history or orientation;

Sexually oriented or suggestive jokes, innuendos, or kidding of a lewd or offensive nature;

Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities;

Abusive remarks, oral or written, about an individual's gender; unwelcome suggestive or insulting sounds or whistles; obscene phone calls;

Visual leering, ogling; offensive gestures or motions;

Displaying, distributing, or disseminating, by any means, drawings, pictures, illustrations, audio or video recordings or other objects of a sexual or offensive nature

### **Facts about Harassment and the Consequences**

Harassment is illegal under federal and state law and is prohibited by this policy established by the Mayor of Cranston and the Department of Administration;

Harassment has consequences. Anyone who chooses to harass another in the workplace is subject to disciplinary action which may include an oral reprimand, written warning, demotion, transfer, suspension, or termination;

Harassment can take place anywhere inside or outside the City of Cranston where work is being performed by employees and/or at a City of Cranston sponsored activity or event;

Any gender can be the recipient of harassment;

Harassment can take place between people of the opposite sex and people of the same sex; Harassment is often a power issue. It does not necessarily involve one person's desire to have a romantic relationship with another (although such desire can become harassment if sexual advances continue when the recipient does not want them). Rather, harassment sometimes takes place because the harasser is trying to exercise power over the recipient to dominate or control. However, in some circumstances a person acts inappropriately because they do not know that certain behaviors are harassment or do not understand how their conduct harms others;

The **intent** of the harasser is not the determinant factor of whether a particular conduct is harassment. Rather, the **impact** of the behavior on the recipient can be the determinant. Thus, it does not matter whether the harasser **intended** to harass the recipient, but how the recipient is **impacted** and responds to the behavior. This poses an obligation on all employees to be sensitive to how others are reacting to our conduct/behavior.

Note: Conduct does **not** need to rise to the level of illegal harassment to be prohibited by this policy and the City will take action to stop or correct any problematic behavior implicated by this policy.

### **What to Do If You Feel the Policy Has Been Violated**

In the event that any sort of harassment, or similarly abusive verbal or physical conduct occurs or interferes with any individual's work performance, or creates an intimidating, hostile, or offensive work environment, any employee should feel free to ask the person acting contrary to this policy to stop the unwelcome or offensive conduct. Sometimes, the person does not realize that his or her conduct is unwelcome and offensive and a simple request to stop will suffice. This policy does not require, however, that employees confront the person before otherwise complaining or in any way restrict employees from both confronting the person and otherwise complaining.

### **How to File a Report of Harassment**

There is no standardized manner to file a harassment complaint and complaints can be registered in person, via e-mail, telephonically or otherwise. The most important part of the process is identifying the behavior and bringing it to the attention of a supervisor, a director, the Personnel Director, or the Director of Administration. Below is the contact information for the Personnel Director and Director of Administration:

**Director of Administration** City of Cranston, 869 Park Avenue, Cranston, RI 02910-7286, Telephone: (401) 780-3153.

**Personnel Director-** City of Cranston, 869 Park Avenue, Cranston, RI 02910-7286, Telephone (401) 780-3131

In addition to or instead of complaining to the above persons, employees have the right to file a charge of discrimination with the federal and state agencies responsible for enforcing the laws against illegal workplace harassment. The names and addresses of those agencies are listed below:

**Equal Employment Opportunity Commission**, 1 Congress Street, Boston, MA 02114, Telephone: (617) 565-3200 (voice), (617) 565-3204 (TDD).

**Rhode Island Commission for Human Rights**, 180 Westminster Street, 3<sup>rd</sup> Floor, Providence, RI 02903; Telephone: (401) 222-2661; fax. (401) 222-2616

## **Who is Responsible for Preventing Sexual Harassment?**

Everyone employed by the City of Cranston is responsible for preventing and reporting harassment-both by ensuring that their own behavior is appropriate and professional and by reporting harassment of themselves or others. The City of Cranston expects all of its employees to treat each other with respect and dignity. It is proper for the City of Cranston to have high expectations of their managers, supervisors, and directors to set the example of appropriate conduct for the employees under them to model. They are responsible for maintaining a positive work environment that is free from inappropriate conduct, harassment, or other intimidating or personally offensive behavior. They must maintain an awareness of what is going on in the workplace and immediately curtail such behavior contrary to this policy and/or immediately report these incidents or complaints to their director, the Director of Personnel, or the Director of Administration.

## **Procedural Steps and Investigation**

The City of Cranston will investigate all complaints about behavior which may violate this policy. The nature of the investigation will depend upon the circumstances but normally involves speaking to the alleged violator and other involved parties. In most cases, the City will ask the complaining party to put his or her complaint into writing but the City will investigate complaints whether in writing or not. The City will maintain the complaining party's confidentiality to the extent possible. It is usually not possible, however, to keep the complaint completely confidential because to conduct a full and fair investigation it is usually necessary to disclose the nature of the complaint and the identity of the complaining party to involved parties including the alleged harasser.

If the City determines that an employee has violated this policy, it will take prompt, effective remedial action including imposing corrective action upon the violator. Corrective action includes disciplining the harasser up to and including termination. The nature of the corrective action taken will depend upon the circumstances of the particular case including the nature of the violation and the employment record of the violator. The City may also require the violator and others to undergo training regarding the policy and laws against harassment.

If the City determines that a third party has violated this policy, it will take appropriate steps to remedy the problem. Under certain circumstances, the City may sever the relationship between the City and the third party. As with employee harassment, the actions taken will depend upon the details of the particular situation.

### **Retaliation**

The City of Cranston will not tolerate any retaliation against an employee who complains in good faith of harassment or who cooperates in an investigation. Acts of retaliation are a violation of this policy and will be investigated accordingly. Any employee found to have retaliated against another employee for reporting or opposing any form of harassment described in this policy will be subject to appropriate discipline up to and including termination. Any obstruction or attempt to obstruct a complaint or report of harassment, or interference with or failure to cooperate with an investigation is strictly prohibited and will also subject an employee to disciplinary action up to and including termination.

### **Malicious and False Allegations**

A complainant whose allegations are found to be either false or brought with malicious intent will be subject to disciplinary action up to and including termination. In order to keep our employees informed about best practices and to possibly prevent such false allegations it is important to communicate with them the City's best practices and methods of **Modeling** expected behavior, **Messaging** expectations, **Managing** situations, and **Monitoring** our workplace at all times for unwelcome behaviors and holding everyone accountable.

**The City of Cranston adopted an Anti-Harassment Policy per Executive Order by Mayor Fung on February 27, 2013. It has been amended and retitled Workplace Harassment Policy which is in effect as of February 12, 2018 and updated effective July 8, 2019.**