



## Policy 3.05.04: Anti-Discrimination and Harassment

### Policy Purpose

To articulate the city's commitment to anti-discrimination and harassment and to provide procedures for employees to file a complaint of discrimination, harassment or retaliation.

### I. Policy

- a. In accordance with applicable law, Salt Lake City Corporation prohibits discrimination and harassment based on a person's race, color, national origin, sex (including pregnancy), religion, age (age 40 and above), disability, genetic information, sexual orientation, gender identity, or any other legally protected class.
- b. Employment decisions (including promotions, performance evaluations, pay adjustments, disciplinary actions, or work assignments) cannot be based on a person's membership in a protected class.
- c. The following conduct is also prohibited by this policy:
  - i. Retaliation against persons making complaints of violations of this policy, or against anyone who testifies, assists, or participates in any manner in an investigation, proceeding, or hearing relating to violations of this policy;
  - ii. Intentional breaches of confidentiality of information relating to a complaint of a violation of this policy;
  - iii. Failure to cooperate in an investigation of a complaint of a violation of this policy;
  - iv. Failure of a supervisor to take timely corrective action when the supervisor knew or should have known that a violation of this policy was occurring;
  - v. A person accused of a violation of this policy confronting the complainant or witness(es) in an inappropriate manner regarding the allegations of the complaint;
  - vi. Filing false or frivolous complaints of a violation of this policy; and
  - vii. Failure to implement remedial measures arising out of an investigation into a complaint of a violation of this policy.
- d. Employees who violate this policy may be disciplined, up to and including termination.

### II. Harassment

- a. Salt Lake City Corporation will not tolerate any form of harassment, joking remarks, or other abusive conduct (including verbal, non-verbal, or physical conduct), that demeans or shows hostility toward an individual based on a protected class.
- b. Sexual harassment is a form of harassment with distinguishing characteristics. It consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
  - i. Submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment;
  - ii. Submission to or rejection of such conduct is used as a basis for employment decisions affecting an individual; or
  - iii. Such conduct unreasonably interferes with an individual's job performance or creates an intimidating, hostile, or offensive working environment, even if it leads to no tangible or economic job consequences.
- c. Conduct constituting sexual harassment under this policy may include, but is not limited to:
  - i. Intentional physical conduct that is sexual in nature, such as touching, staring, blocking, pinching, kissing, patting, grabbing, or brushing against another's body;
  - ii. Physical assaults of a sexual nature, such as: rape, sexual battery, molestation, or attempt to commit these assaults.



- iii. Making unwanted sexual advances, propositions, or other sexual comments; using obscene and insulting terms related to gender; making uncalled for, unwelcome or persistent requests for social contacts; making comments about a person's body, sexuality or sexual experience, or other sexually oriented or sexually demeaning or explicit jokes or comments; giving preferential treatment or promises of preferential treatment in exchange for submission to sexual behaviors; or intentionally or unintentionally making performance of an employee's job more difficult because of an employee's gender.
- iv. Displaying or publicizing in the work place, or sending via email or text, sexually oriented displays or publications, such as sexually oriented pictures, posters, cartoons, calendars, graffiti, sexually oriented objects, jokes, stories, or other material;
- d. Harassment in violation of this policy may occur even though the conduct occurs outside of the workplace.

### III. Complaints

- a. Any employee who believes they have been subjected to discrimination or harassment in the workplace or related to their employment by anyone (including but not limited to supervisors, coworkers, or contractors/vendors) should immediately notify any of the following individuals: their immediate supervisor, department director, EEO program manager, human resources consultant, or an attorney in the City Attorney's Office. Employees are encouraged to submit their complaint by submitting a [complaint form](#) to human resources. Complaints that pertain to action or conduct that occurred more than six (6) months before filing a complaint are extremely difficult to investigate and may be dismissed.
- b. Any supervisor, manager or other city official who has knowledge of any incident of harassment or discrimination prohibited by this policy is *required* to immediately report such information to the city's EEO program manager.
- c. An employee who brings a complaint in good faith will not be adversely affected.
- d. The city will protect the confidentiality of complaints to the extent possible.

### IV. Investigation

- a. The city will promptly address all complaints of violations of this policy, which may include an investigation.
- b. An investigation may include but is not limited to interviews with the complainant(s), witnesses, and accused person(s) as well as a review of any relevant evidence. Interviews will be conducted in accordance with the following guidelines:
  - i. When interviewing a complainant, the complainant may bring a representative and a recording will be made by human resources. No other recordings are permitted.
  - ii. When interviewing witnesses, no representatives are permitted and no recordings will be made.
  - iii. When interviewing an employee accused of violation of this policy, no representatives are permitted and no recording will be made, unless required by a MOU where the investigative interview procedure will be followed.
- c. All appropriate parties will be notified of the findings of the investigation. Once notified of the findings of an investigation, a department director must notify the investigator within 15 days of the action, if any, they intend to take in response to the investigation.
- d. The investigation process (including but not limited to who is interviewed, the order of interviews, what information is considered, and how parties are notified) is determined in the sole discretion of the investigator.



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Current References:

[Anti-Discrimination and Harassment Concern Form](#)

Discrimination and Harassment Investigation Procedure

Initial Effective Date: December 13, 1995

Approved and passed this 31<sup>st</sup> date of August, 2018