




# TOWN OF MOORESVILLE ADMINISTRATIVE POLICY

<b>Title: Harassment-Free Workplace</b>	<b>Staff Affected: All</b>
	<b>References: None</b>
<b>Approved By:</b>   <b>Town Manager</b>	<b>Approved: June 16, 2023</b>  <b>Effective: June 16, 2023</b>  <b>Rescinds: Section 2: Employment Policy #5 Harassment Free Workplace, April 1, 2011</b>  <b>Policy Index #: AP-HR-013</b>

## 1.0 SUPPLEMENTS

- [Title VII of the Civil Rights Act of 1964 \(Title VII\)](#)
- [The Age Discrimination in Employment Act of 1967 \(ADEA\)](#)
- [Title I of the Americans with Disabilities Act of 1990 \(ADA\)](#)
- [Sections 102 and 103 of the Civil Rights Act of 1991](#)
- [Sections 501 and 505 of the Rehabilitation Act of 1973](#)
- [The Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)
- [The Pregnancy Discrimination Act](#)

## 2.0 DEFINITIONS

Harassment – Unwelcome conduct that is based on race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability or genetic information (including family medical history). Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. Petty slights or one-time occurrences generally do not rise to the level of harassment.

Offensive Conduct- May include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures and interference with work performance.

Protected Activity- Asserting rights to be free from employment discrimination, including harassment by 1) opposing a practice the employee considers to be discriminatory, 2) participating in an employment discrimination proceeding, or 3) engaging in other protected activity such as making a request for accommodation based on disability or religion.

Retaliation- Unlawful adverse action taken against an employee for engaging in a protected activity.

### **3.0 POLICY**

The Town of Mooresville prohibits all forms of harassment and maintains a policy that all employees shall be treated with respect. Allegations of any type of harassment will be taken seriously and investigated by the Human Resources Department and, if substantiated, will be addressed through appropriate disciplinary actions.

It is the responsibility of all Town employees to engage in and promote workplace behaviors that create and maintain an environment of respect.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge; testifying or participating in any way in an investigation, proceeding or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals in violation of these laws.

#### **3.1 Employees Responsibilities**

- 3.1.1 Any employee who believes that they have been harassed based on race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability or genetic information (including family medical history) should file a complaint with the Human Resources Director.
- 3.1.2 Any employee who observes or learns of behavior that appears to violate another employee's rights based on race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability or genetic information (including family medical history) should immediately notify his/her supervisor.
- 3.1.3 All employees have a responsibility to cooperate fully in the investigation of a harassment complaint including providing written statements and participating in one or more interviews as deemed necessary.

#### **3.2 Management Responsibilities- Pre-Investigation**

- 3.2.1 All supervisors, managers, Department Directors, and members of management are expected to prevent and correct harassment in the workplace.
- 3.2.2 Supervisors and managers should ensure that employees are aware of the option of filing a complaint with the Human Resources Director.
- 3.2.3 Supervisors should refer all complaints of harassment and/ or discrimination to the Human Resources Director for investigation.
- 3.2.4 Any employee with supervisory responsibility who becomes aware of harassment in their work area must, in conjunction with Human Resources, take corrective steps regardless of whether a formal complaint has been filed.
- 3.2.5 Members of management who fail to properly address harassment in their workplace may be disciplined up to and including termination of employment.

#### **3.3 Employee Complaint Procedure**

- 3.3.1 Employee complaints of harassment are to be filed with the Human Resources Director.
- 3.3.2 Complaints are to be specific as to the facts and date(s) to allow effective and thorough investigation by the Town. All harassment complaints will be investigated. Upon request by the complaining party, a representative of the same sex may be assigned to follow-up with the complainant in cases involving allegations of sexual harassment. At the discretion of the investigator, interviews may be recorded in written, audio and/or video format.
- 3.3.3 The alleged offending party, along with witnesses (if applicable), will be interviewed as a part of the investigation process. The alleged offending party will be required to submit a written response to the allegations. A written response must be received by Human Resources within ten (10 business days) following the interview.

- 3.3.4 Upon the conclusion of the investigation and with the approval of all appropriate parties, Human Resources will provide an investigative summary to the Department Director. The investigative summary will outline the allegations, basic facts, as well as findings and recommendations if applicable. At times, due to legal considerations, there may be a delay in notification of the outcome of an investigation.
- 3.3.5 Although complainants may withdraw their complaint at any time, withdrawal of a complaint may not end the investigative process. Human Resources may pursue an investigation with or without a pending complaint.

### **3.4 Management Responsibilities- Post-Investigation**

- 3.4.1 Within ten (10) business days of receiving the Human Resources Director's report of harassment the Department Director will take appropriate disciplinary action, if necessary. Human Resources may extend the ten (10) day deadline if necessary.

### **3.5 False or Frivolous Complaints**

- 3.5.1 Complaints that are found to be fabricated, frivolous, or made in bad faith will not be tolerated and subsequent disciplinary action up to and including termination may result.

### **3.6 Retaliation**

- 3.6.1 Every employee has the right to report, in good faith, incidents of discrimination/harassment or inappropriate behavior without fear of retaliation.
- 3.6.2 Retaliation by any person against anyone involved in the complaint process will not be tolerated and may result in discipline, up to and including dismissal.

## **4.0 ATTACHMENTS**

None.