

**CITY OF BEAUMONT  
POLICIES AND PROCEDURES MANUAL**

Policy Number: 3.5

Subject: Harassment Policy

Effective Date: July 13, 2007

Approved by: Kyle Hayes | 05/01/2021  
City Manager | Date

Chris Catalina | 05/01/2021  
Personnel Director | Date

I. PURPOSE

To ensure that all employees are aware that the City provides a work environment that is free from harassment due to race, color, national origin, religion, sex, age, veteran status or disability.

II. RULES/PROCEDURES

- A. The Personnel Director along with the department director shall be responsible for investigating and/or resolving all harassment (sexual or discriminatory harassment) complaints.
- B. An employee who is subject to harassment or knows of such acts within the City's employment **shall** provide such facts to any management authority that he/she feels comfortable with including but not limited to the department director and/or Personnel Director.
- C. The procedure for handling harassment complaints is as follows:
  - 1. The employee shall direct harassment complaints to his/her immediate supervisor to allow the supervisor an opportunity to resolve the complaint.
  - 2. In cases where the complaint directly involves the supervisor, the employee shall present a written complaint or make a formal complaint to any management authority.
  - 3. If a resolution has not been reached after discussing the complaint with the department director or any management authority, then the employee **shall** discuss it with the Personnel Director.
  - 4. The Personnel Director shall investigate and submit findings, where possible, including a recommendation to the City Manager.

- D. All allegations of harassment shall be maintained in a separate filing system and shall not become a part of the employee's file.
- E. The final outcome or disciplinary action taken shall be filed in that employee's file but the specifics shall be maintained separately.
- F. All allegations and investigations shall remain confidential, to the extent possible, with information shared on a need-to-know basis.
- G. **Sexual harassment** is unacceptable and will not be permitted at the City. Sexual harassment is a form of employee misconduct that includes offensive comments, jokes, innuendoes, and other sexually oriented statements, sexually suggestive objects, pictures, or other graphic material, unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature where:
  - 1. Submission to or rejection of the conduct is used or is threatened to be used as a condition of employment;
  - 2. Submission to or rejection of the conduct is used or is threatened to be used as the basis for employment decisions;
  - 3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
  - 4. The conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.
- H. **Harassment** based on race, sex, color, religion, national origin, age, veteran status or disability is unacceptable and will not be tolerated or permitted by the City. Harassment includes discriminatory intimidation, insult and ridicule where:
  - 1. The conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
  - 2. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
  - 3. The conduct otherwise adversely affects an individual's employment opportunities.
- I. **Hostile work environment** may arise from alleged harassment that is sufficiently pervasive to create an abusive working environment so significantly charged with racially or ethnically derogatory or disparaging conduct or content so as to negatively affect the emotional well-being and the ability of the employee to perform his or her assigned tasks. The work environment may be overly filled with instances of humiliating acts shared by all.

Ethnic slurs, derogatory remarks about older individuals and sexual innuendo can interfere with an employee's work performance by creating a hostile and offensive working environment. Actions of discriminatory intimidation, ridicule, and insult may alter the conditions of employment. Examples of such behavior may include racial slurs, ethnic jokes, English-only rules, lewd photographs, and disparaging remarks aimed at a protected group.

- J. The City will not in any way condone or tolerate conditions of harassment or the creation of a hostile working environment for any employee. Such conduct, whether committed by supervisory personnel, non-supervisory personnel, or non-employees in the work place is specifically prohibited.
- K. The City or its designated representative shall not retaliate against any employee filing a complaint.

### III. PENALTY

Any employee found to have violated the Harassment Policy shall be subject to appropriate disciplinary action up to and including termination. If you believe you have been the subject of harassment, you should notify the City using the recommended procedure outlined in this policy.