

## 703 Prohibited Harassment

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### A. Introduction

It is the City of Wray policy that all employees are entitled to work in an environment free of prohibited harassment as defined in Subsection B below. Prohibited harassment will not be tolerated. A prompt investigation of all claims and complaints of prohibited harassment will be undertaken and effective and appropriate corrective action will be taken when determined to be warranted based on the investigation.

### B. Definitions

The following definitions shall be governed by applicable law, which may change from time to time.

"Age harassment" means harassment because an individual is 40 years of age or older

"Disability harassment" means harassment because of an individual's physical or mental impairment that substantially limits one or more of the individual's major life activities, because the individual has a record of such an impairment, or because the individual is regarded as having such an impairment. "Disability" does not include current illegal use of drugs, or impairment on the job by alcohol."

"Gender harassment" means harassment because of an individual's male or female gender.

"Marital or family status harassment" means harassment because an individual is a parent or non-parent, married, single, divorced, separated, or widowed.

"National origin harassment" means harassment because of an individual's ancestor's place of origin; or because an individual has the physical, cultural, or linguistic characteristics (such as language, accent, or manner of speaking) of a national origin group. Examples of "national origin groups" include but is not limited to Hispanic (i.e., persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin), Pacific Islander, Asian, Eastern, Middle Eastern, and Southern European origin.

"Prohibited harassment" means unwelcome conduct, including physical, verbal, or written conduct, that constitutes race/color harassment, national origin harassment, gender harassment, sexual harassment, sexual orientation harassment, religious harassment, disability harassment, age harassment, or marital/family status harassment, or that constitutes harassment based on other status under the equal employment opportunity laws, including but not limited to protection against retaliation for activities such as opposing a practice made unlawful by an equal employment opportunity law or participation in an investigation or other proceeding under the equal employment opportunity laws, or association with a protected individual.

Examples of "prohibited harassment" include but are not limited to: slurs, jokes, degrading comments, degrading pictures, degrading symbols, or other written, verbal, or physical conduct, based on race/color, national origin, gender, sex, religion, disability, age, or marital/family status, which has the purpose or effect of unreasonably interfering with an individual's work performance, creates an intimidating, hostile or offensive work environment, results in a tangible employment action, or is sufficiently severe or pervasive to alter the conditions of employment.

In addition, examples of prohibited conduct which constitutes "sexual harassment" include but are not limited to sexual advances, requests for sexual favors, or other physical, verbal, or written conduct of a sexual nature, when submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment, submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting that individual, or submission to or rejection of the conduct by an individual otherwise results in a tangible employment action.

"Race/color harassment" means harassment because of an individual's race or skin color. Examples of "race" include, but is not limited to, African American/Black, Caucasian/White, Asian/Pacific Islander, Hispanic, Latino, and Native American.

"Religious harassment" means harassment because of an individual's traditional religious views or moral or ethical beliefs as to what is right and wrong, which beliefs are sincerely held with the strength of traditional religious views.

"Sexual orientation harassment" means harassment because of an individual's sexual orientation.

#### C. Procedures

1. Any employee who believes that he or she is being subjected to prohibited harassment should inform the person responsible for the conduct that such conduct is unwelcome and plainly request that it stop immediately.
2. The employee shall inform the City of Wray of prohibited harassment by notifying his/her immediate supervisor, department head, or the City Manager, as the employee chooses. The notification may be in the form chosen by the employee; the employee is encouraged to put the notification in writing.
3. No employee shall be subjected to reprisal or retaliation for making a notification of prohibited harassment. The employee should report immediately any incidents of reprisal, retaliation, or harassment which occurs as a result of making such a notification.
4. Upon notification under Paragraph 2 or 3 above, an investigation will be undertaken promptly. Disciplinary and/or corrective action will be taken by the appropriate supervisor when determined to be warranted pursuant to the investigation. The complaining employee will be notified of the results of the investigation.
5. To the extent possible, complaints and investigations will be handled in a confidential manner.

6. If it is determined that any employee's conduct constitutes prohibited harassment, the employee shall be subject to corrective and/or disciplinary action by the appropriate supervisor. That action may include verbal or written reprimand, suspension, or discharge as determined appropriate based on the findings of the investigation.
7. No employee shall make a false report of prohibited harassment.