POLICY TITLE DISCRIMINATORY HARASSMENT POLICY

POLICY STATEMENT:

The following policy (see attached) will be applied regarding discriminatory harassment. Department heads are to inform employees of this policy.

AUTHORIZATION: Council Policy Manual Update of November 17, 1998

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EXHIBIT A

POLICY OF THE SANTA CRUZ CITY COUNCIL REGARDING DISCRIMINATORY HARASSMENT

PURPOSE

The purpose of the City of Santa Cruz regarding discriminatory harassment is established as follows:

1. It is the policy of the City of Santa Cruz to promote a working environment free from harassment having the effect, either directly or indirectly, of discriminating against a City employee or an applicant therefor on the basis of race, religious creed, color, national origin, ancestry, physical disability , medical condition, marital status, sex, sexual preference or age and to take reasonable steps to prevent such harassment from occurring in the employment environment, including the following: a) affirmatively raising the subject of harassment; b) expressing strong disapproval; c) developing appropriate sanctions; d) informing employees of their right to raise and how to raise the issue of harassment under California law; e) developing methods to sensitize all concerned.

2. Discriminatory harassment is defined as the persistent disturbance or irritation of an employee on the basis of race, religious creed, color, national origin, ancestry, physical disability , medical condition, marital status, sex, sexual preference or age in any of the following forms: a) verbal harassment, e.g., epithets, derogatory comments or slurs; b) physical harassment, e.g., assault, impeding or blocking movement, e.g., derogatory posters, cartoons, or drawings; or d) sexual advances including, but not limited to, sexual advances which condition an employment benefit upon the exchange of sexual favors.

3. It is the policy of the City of Santa Cruz that such harassment shall not be tolerated, condoned or trivialized, and any harasser, if a City employee, shall be subjected to appropriate discipline, including possible dismissal, upon consideration of the findings and recommendations of the City Manager or his/her representative.

PROCEDURE

1. The Personnel Officer shall be responsible for: a) insuring that this policy, its definition of harassment, including sexual harassment, and the complaint procedures are disseminated to all employees; b) providing guidance, training sessions and assistance to department heads, supervisors and employees on dealing with harassment within their areas of responsibility; c) investigating, resolving and making

1. (continued) findings and recommendations on complaints of harassments that are reported according to established informal and formal grievance procedures as set forth in Administrative Procedure Order #II-1, Exhibit A.

2. Complaints may be filed by the individual who feels harassed or a representative of his/her choice on his/her behalf. The procedure for resolving complaints alleging harassment shall be set forth under the affirmative action grievance procedures for resolving complaints of discrimination (Administrative Procedure Order II-1, Exhibit A). The Personnel Officer shall inform the alleged harasser of the alleged offending behavior(s) and provide an opportunity to respond to the allegations by way of refutation thereof or correction of behavior deemed to be harassment as part of the informal investigation and resolution of the complaint.

3. Department heads shall be responsible for informing personnel in their respective departments of their rights and responsibilities under this policy regarding harassment and for coordinating and cooperating with the Personnel Officer in resolving complaints involving personnel in their respective departments.

4. Contracts with the City of Santa Cruz which contain an equal employment opportunity/non-discrimination clause shall also include language which requires those contractors to be responsible for ensuring that effective policies and procedures concerning the prevention of harassment exist in their companies.

In applying this policy, the rights of free speech and association shall be accommodated consistently with the intent of this policy.

Nothing in these regulations may be construed as limiting the City's right to take reasonable disciplinary measures which do not discriminate on a basis enumerated in this policy.

RESOLUTION NO. NS-15,246

RESOLUTION AMENDING THE AFFIRMATIVE ACTION PROGRAM
BY ADDING A POLICY ON DISCRIMINATORY HARASSMENT

WHEREAS, the City of Santa Cruz is committed to merit principles and practices and non-discrimination in its employment relations; and

WHEREAS, the City of Santa Cruz has a clear interest in maintaining an employment environment free from harassment which has the effect, either directly or indirectly, of discriminating against individuals on a basis enumerated in the California Fair Employment and Housing Act; and

WHEREAS, the occupance of such harassment, including sexual harassment, undermines the integrity of the employment environment and results in low morale, reduced productivity and loss of skilled personnel; and

WHEREAS, the City Council recognizes that the California Fair Employment and Housing Commission regulation concerning harassment (2 Cal. Adm. Code #7287.6) provide a basis for establishment of a City policy regarding discriminatory harassment.

NOW, THEREFORE, be it resolved:

1. That the Affirmative Action Program adopted by the City Council of the City of Santa Cruz be amended by the addition of Exhibit A attached hereto; and

2. That the City Manager is hereby directed to prepare an administrative procedure order consistent with the City Council's discriminatory harassment policy.

PASSED AND ADOPTED this 12th day of April, 1983, by the following vote:

AYES: Councilmember-Mellis, Wormhoudt, Rotkin, Mahaney, Ghio; Acting Mayor Laird.

NOES: Councilmember-None.

ABSENT: Councilmember-Mayor Van Allen.