



Luke A. Bronin
Mayor

POLICY NO: 006
DATE: October 1, 2019
DISTRIBUTION: All City Personnel
SUBJECT: Sexual Harassment

I. PURPOSE:

The City of Hartford does not tolerate sexual harassment and strives to provide a work environment that promotes respect. All employees deserve to work in a setting free from all forms of conduct that may be considered harassing or disruptive, that interferes with another employee's work performance, or that creates an intimidating, offensive or hostile work environment, including sexual harassment. The sexual harassment of employees will not be tolerated and is strictly prohibited. This policy applies to all phases of employment, including but not limited to, recruitment, testing, hiring, promotion, demotion, transfer and selection for training.

This policy specifically relates to sexual harassment, as defined and described below. City Policy 001, entitled "Affirmative Action and Equal Opportunity," should be consulted regarding discrimination based on race, color, sex, including pregnancy, gender identity or expression, sexual orientation, religion, national origin, age, ancestry, disability (mental, intellectual, learning or physical), citizenship status, marital status, genetic information and all other protected categories.

II. RESPONSIBILITY:

The Mayor is the issuing authority for this policy.

The Department of Human Resources and Labor Relations is responsible for ensuring compliance with this policy and for ensuring all employees, both current and newly hired, receive a copy of this policy as specified in Section III.

It shall be the responsibility of all City personnel to comply with these provisions. Every employee is responsible for maintaining a professional environment free from sexual harassment and retaliation, and for bringing to the City's attention any conduct that interferes with the City's efforts to promote a respectful and productive work environment.

III. DISSEMINATION:

All employees, both current and newly hired shall be provided a copy of this policy electronically.

All employees are required to sign the *City of Hartford Employee Acknowledgment and Agreement Form* certifying that they received and read this policy. A copy of the signed acknowledgment form must be filed in the employee's personnel file and maintained by the Department of Human Resources and Labor Relations.

A copy of this policy will be posted on the City's website and will also be posted in a prominent and accessible location within each city department.

IV. TRAINING:

The City of Hartford requires two-hour mandatory in-person, interactive Sexual Harassment Awareness Training for all employees, supervisors and department heads every three years. Components of that training will include:

- Recognizing sexual harassment in the employee's workplace
- Understanding rights and responsibilities under the law and this policy
- Providing tips on bystander intervention
- Explaining how to report harassment as a victim or witness
- Describing the reporting and investigation process
- Making clear the possible consequences for engaging in conduct that constitutes sexual harassment or otherwise violates this policy

All employees hired on or after October 1, 2019 must receive the training within six months of hire.

All employees are to receive online, interactive supplemental training annually.

V. DEFINITION:

Sexual harassment is defined as unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (b) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or

- (c) Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or of creating an intimidating, hostile or offensive working environment, even if the reporting individual is not the intended target of the sexual harassment.

VI. CONDUCT PROHIBITED:

There is a broad range of conduct which can, in certain circumstances, be considered sexual harassment under this policy. The foregoing can include, but is not limited to:

- (a) Intentional unwanted physical contact such as touching, kissing, patting, pinching, brushing up against someone; assault; or impeding or blocking movements;
- (b) Offensive comments, unwelcome sexual advances, jokes, innuendoes or other statements of a sexual or gender-based nature; offering employment benefits in exchange for sexual favors; making or threatening reprisals after a negative response to sexual advances;
- (c) Non-verbal conduct such as derogatory or pornographic displays, sexual gestures; leering; sending sexually suggestive email messages;
- (d) Sexual favoritism, such as granting or withholding employment opportunities and benefits, including but not limited to, job assignments, unequal discipline, promotion, evaluation, preferential treatment when based on sexual favoritism.

VII. REPORTING:

Any employee who believes that he or she has been subjected to sexual harassment is encouraged to report it, and any employee who has witnessed conduct that he or she believes constitutes sexual harassment in violation of this policy is required to report it, to any department head or deputy department head, or the Chief Operating Officer, or a Human Resources designee as specified in the attached complaint procedure. The City will evaluate whether any immediate remedial actions may be appropriate to ensure the safety of employees during the pendency of an investigation.

Complaints may be brought orally or in writing. While filing a written complaint is not required, an employee may submit a letter or other document that describes his or her complaint, including the names of all relevant parties and a detailed explanation giving rise to the events. Complaints may be filed at any time. However, the prompt filing of complaints ensures that any improper conduct can be more quickly and effectively remedied.

All supervisors and managers are required to report any conduct that they become aware of that may violate this policy, including complaints received, to the Director of Human Resources and Labor Relations or Human Resources designee. In the event the complaint is against the Director of Human Resources and Labor Relations, the referring

supervisor or manager shall direct the complaint to the Chief Operating Officer.

Supervisors and managers who fail to report or knowingly allow sexual harassment to continue will be subject to appropriate disciplinary action.

** For more information on the complaint and investigation processes, please see the City of Hartford's full complaint procedure, attached hereto. **

VIII. RETALIATION PROHIBITED:

Retaliation against an employee for reporting such incidents or for participating in an investigation is prohibited.

Retaliation is defined as taking materially adverse employment action in response to an employee's good faith opposition to harassment, good faith complaint, and/or participation in an investigation, proceeding or hearing.

IX. VIOLATION

Appropriate disciplinary action, up to and including termination from employment, will be taken against any employee who engages in conduct that constitutes sexual harassment or otherwise violates this policy.

Please contact the Department of Human Resources and Labor Relations with any questions concerns, complaints or requests for additional information.

Approved by:



Steve Francis, Interim Director of Human Resources

1 OCT 2019

Date



Luke Bronin, Mayor

02 OCT 2019

Date



CITY OF HARTFORD COMPLAINT PROCEDURE

The City of Hartford takes all complaints of discrimination, harassment, and sexual harassment seriously.

This procedure provides guidelines for individuals who feel that their rights as protected by the City's policies have been violated; including, but not limited to: 001 Affirmative Action and Equal Opportunity; 002 American with Disabilities Act, Discrimination; 003 Discrimination Prohibited on the Basis of Physical and/or Mental Disability; 005 Anti-Harassment and 006 Sexual Harassment.

The utilization of this procedure does not limit, alter, supersede, amend or negate the exercise of an individual's rights in accordance with state and/or federal law—including an employee's right to file a complaint with the Commission on Human Rights and Opportunities (ct.gov/chro) and/or the federal Equal Employment Opportunity Commission (eeoc.gov) —or with respect to any applicable collective bargaining agreement.

I. REPORTING AND FILING COMPLAINTS

Any employee who believes that he or she has been subjected to conduct that is unlawful and/or in violation of City policy, or who has witnessed said conduct, is required to report it to one of the following: any Department Head, any Deputy Department Head, the Chief Operating Officer, or to Karen Taylor, Director of the Office of Equity & Opportunity at (860) 757-9519. The City will evaluate whether any immediate remedial actions may be appropriate to ensure the safety of employees during the pendency of an investigation.

All supervisors and managers are required to report any conduct that they become aware of that may violate the listed City policies, including complaints received, to the Director of Equity & Opportunity. In the event the complaint is against the Director of Equity & Opportunity, the referring supervisor or manager shall direct the complaint to the Chief Operating Officer.

Supervisors and managers who fail to report or knowingly allow harassing or discriminatory conduct to continue will be subject to appropriate disciplinary action.

Complaints may be brought orally or in writing. While filing a written complaint is not required, an employee may submit a letter or other document that describes his or her complaint, including the names of all relevant parties and a detailed explanation giving rise to the events. Supervisors and managers who receive an oral complaint must promptly summarize the allegations in writing and forward that document to the Director of Equity & Opportunity, Director of Human Resources, or Chief Operating Officer when applicable.

Complaints may be filed at any time. However, the prompt filing of complaints ensures that any improper conduct can be more quickly and effectively remedied.

II. INVESTIGATION

All complaints shall be accepted by the Director of Equity & Opportunity, or the Chief Operating Officer when applicable, and referred to an independent third-party for formal investigation. Investigations into any claimed violation of a listed City policy will be promptly conducted and completed.

Every thirty (30) days during the pendency of the investigation, the investigator will communicate with the Complainant regarding the status of the investigation.

Except as otherwise provided by law or required by circumstance, all practicable confidentiality will be afforded to all discrimination or harassment complaint records.

III. THE OFFICE OF EQUITY & OPPORTUNITY ACTION

At the completion of each investigation, the investigator will report the outcome of the investigation to the Director of Equity & Opportunity. The Director of Equity & Opportunity will review the report and supporting documentation in order to determine whether to approve and adopt the findings of the investigator.

The Director of Equity & Opportunity will issue letters of determination to the parties, notifying them whether the allegations were substantiated. If a violation of the City's policy is found to have occurred, the Human Resources Department and/or the applicable department head shall determine the appropriate corrective measures and remedy the violation.

Appropriate disciplinary action, up to and including termination from employment, will be taken against any employee who is found to have violated any of the listed City policies.

IV. PROHIBITION AGAINST RETALIATION

Retaliation against any employee who reports, files a complaint, or assists in the investigation of a complaint is prohibited. Furthermore, retaliation against any employee who opposes conduct he or she reasonably believes to be unlawful and/or a violation of listed City policies also is prohibited. A charge of retaliation may be raised at any stage of the investigation or may form the basis of a new complaint.

Please contact the City's Office of Equity & Opportunity at 860-757-9789 with any questions or assistance in the complaint procedure.