

	Town of Chapel Hill, NC	Policy Number: PP 5-1	I. POLICY	Approved By:  Maurice Jones, Town Manager
	Anti-Harassment Personnel Policy	Reissue Date: July 1, 2019	II. PURPOSE III. PROCEDURE IV. FORMS/INSTRUCTIONS V. ADDITIONAL CONTACTS VI. DEFINITIONS VII. RESPONSIBILITIES VIII. APPENDICES IX. FAQ X. SCOPE XI. RELATED INFORMATION XII. POLICY HISTORY	

Anti-Harassment Policy

I. POLICY

All employees have the right to work in an environment free from offensive behavior, discrimination, and harassing conduct. Federal law prohibits discrimination based on race, sex, religion, national origin, age, color, disability, or genetic information. The [Town’s Code of Ordinances, section 14-09](#), extends this protection to affectional preference, gender identity, gender expression, and marital status. No employee shall engage in unlawful workplace harassment, discrimination, or retaliation; and no employment decisions shall be made on the basis of any of these prohibited grounds.

[Town of Chapel Hill Code of Ordinances 14-09](#)

Additionally, harassing or other inappropriate behaviors which fall outside those specifically prohibited under federal law or Town ordinances are covered under this policy. Appropriate disciplinary action will be taken against any employee who violates this policy.

[Equal Employment Opportunity Commission](#)

II. PURPOSE

The Town complies with all applicable laws and promotes a Safe workplace environment where employees can work free from intimidation and fear, and be treated with decency and respect. Unlawful harassment, discrimination, and retaliation, as well as unwelcome and inappropriate behaviors damage this environment and are not tolerated.



Safety: We strive to maintain our own mental and physical well-being and the well-being of those around us. We are dedicated to a work environment that minimizes risk of injury or accident. We are also dedicated to an environment that provides for honest and courteous discussion of workplace issues without fear of repercussion.

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	Anti- Harassment Procedures	Reissue Date: July 1, 2019	Cliff Turner, Director Human Resource Development	

III. Anti-Harassment Procedures

These procedures are issued by the Director of Human Resource Development to implement the Anti-Harassment Policy, PP 5-1, issued by the Chapel Hill Town Manager. These procedures may be periodically updated. This policy covers all regular full- and part- time employees, program support/temporary employees, and applicants. This policy also applies to employees in their interactions with the public.

A. Complaint and Investigatory Process:

B.

1. If you see or experience any kind of harassment or offensive behavior: Employees are encouraged to tell the person that the conduct is not welcome and ask the person to stop the conduct. This request gives the offender an opportunity to stop behavior that he or she may not realize is offensive or illegal, and often solves the problem at the most informal and least adversarial level.
2. Report Immediately: An employee who observes or experiences unwelcome, offensive behavior, and/or unlawful workplace harassment, discrimination, or retaliation should immediately report the situation to a supervisor, Department Head, and/or to Human Resource Development. (HRD)
3. Report to Department Head and HRD: Supervisors are obligated to report such incidents immediately to their Department Head and to Human Resource Development.
4. Investigation: Allegations of unwelcome or offensive behavior, harassment, discrimination, and retaliation are promptly investigated to determine whether the allegations can be corroborated. Investigations will remain confidential to the extent reasonably possible. Investigations may include, but are not limited to:
 - a) questioning the parties and other witnesses
 - b) reviewing documents and emails
 - c) Reviewing tapes
 - d) Reviewing the contents of computers, laptops, desks, lockers, and other work area

5. False or Malicious Reporting: Filing groundless or malicious complaints is an abuse of this policy and shall be considered detrimental personal conduct.

C. Actions Taken after Investigation:

1. Employee Notification: the complainant and the respondent will both be notified when the investigation is complete and whether the allegations were corroborated. Other parties with reasonable need to know, such as a Department Head or Town Manager, will also be notified.
2. If Allegations are Corroborated: If the allegations are corroborated, then appropriate disciplinary action, up to and including termination, will be taken against the offending employee in accordance with the Town's Disciplinary Policy PP 5-3. . Factors considered in what specific disciplinary action decisions is taken include, but are not limited to:
 - a) The severity, frequency, and pervasiveness of the conduct
 - b) Prior complaints made by the complainant
 - c) Prior complaints made about the respondent
 - d) The quality of the evidence

The specific disciplinary actions taken are considered confidential personnel information.

3. If Allegations are not Corroborated: Even if allegations are not corroborated, the Department Head and/or HRD may require, at their discretion, that employees receive training, coaching, or other assistance designed to reinforce the Town's Anti-Harassment Policy and help employees clearly understand what behaviors constitute unlawful workplace harassment and/or offensive and unwelcome conduct.
- D. Rights of Grievance: An employee who is not satisfied with the outcome of an investigation into violations of Federal law involving allegations of harassment, discrimination, or retaliation, may access the town's grievance process. . Please refer to the [Town's Grievance Policy and Procedures, PP 5-2.](#)
- E. No Right of Grievance: The outcome of investigations into allegations of unwelcome or offensive behavior not rising to the level of violating Federal laws cannot be grieved.
- F. Prevention Strategies: The Town shall develop strategies to prevent unlawful work place harassment. These strategies may include, but are not limited to:
1. Commitment throughout the Town to prohibit unlawful workplace harassment, discrimination and retaliation
 2. Education at New Employee Orientation
 3. Ongoing Supervisor Education and Training

4. Diversity Training and Awareness
 5. Prevention Strategies included in the Town's Equal Employment Opportunity Plan
- G. Alternative Legal Remedies: Nothing in this policy prevents the complainant from pursuing formal legal remedies or resolution through the appropriate state and federal agencies or the courts for any violation of law.

IV. FORMS/INSTRUCTIONS:

TBD

V. ADDITIONAL CONTACTS:

Human Resource Development 919-968-2700 or HR@townofchapelhill.org
Ombuds office 919-265-0806 or Ombuds@townofchapelhill.org
Employee Assistance Program 1-800-326-3864

VI. DEFINITIONS

The Town complies with all Equal Employment Opportunity (EEO) rules and regulations. The Town's Code of Ordinances, Section 14-09, extends protection beyond those required by EEO to include gender identity, gender expression, affectional preference, and marital status.

- A. Complainant: the person who is reporting unlawful workplace harassment
- B. Equal Employment Opportunity Commission (EEOC) The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.
- C. Code of Ordinances: Adopted by the Town of Chapel Hill, Section 14-09 extends protection beyond the federal laws to include gender identity, gender expression, affectional preference, and marital status. Although these characteristics are not protected under federal EEOC laws, Town policy prohibits unlawful workplace harassment due to these personal characteristics.
- D. Harassment: Conduct that demonstrates hostility or derision toward another person or group of persons on the basis of age, sex, race, color, religion, disability, genetic information, or national origin. Harassment may include conduct between supervisors and employees, between employees, and by members of the public toward employees. Harassing behavior by employees toward the public is considered a form of detrimental personal conduct.

Harassment in the workplace has the purpose or effect of:

- a) adversely affecting employment opportunities or conditions of employment or
- b) unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment

Examples include (but are not limited to):

- a) use of abusive or derogatory racial, age or gender-based terms, or such terms based on national origins, religion, affectional preference or disabling conditions
- b) unfair assignment of work on the basis of race or gender stereotypes rather than job class or skill/ability level
- c) displaying objects or pictures in the workplace that demonstrate hostility or a derogatory attitude toward members of protected groups
- d) threatening or intimidating actions
- e) jokes which are offensive to a person's religious beliefs or national origin, and are continued after the offended person has made his feelings known or
- f) Harassment or abusive/unfair treatment of any person on the basis of age, race, sex, color, national origin, religion, marital status, disability, gender identity, gender expression, or affectional preference.
- g) Harassment or abusive/unfair treatment of a youth or member of the public participating in Town activities on the basis of age, race, sex, color, national origin, religion, marital status, disability, gender identity, gender expression, or affectional preference.

E. Respondent: The person who is alleged to have engaged in unlawful workplace harassment.

F. Retaliation: is any adverse action taken against an individual for filing a discrimination charge; testifying or participating in any way in an investigation, proceeding, or lawsuit related to discriminatory employment practices based on prohibited grounds; or because of opposition to employment practices in violation of the unlawful workplace harassment policy.

G. Sexual Harassment: Sexual harassment includes harassment as defined above. In addition, sexual harassment is any unwelcome sexual advance, request for sexual favors or other written, verbal or physical 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, or a factor in, decisions affecting that individual's employment.
- c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can be of a female by a male, a male by a female or it may be same sex harassment. Examples include (but are not limited to):

- a) unwelcome touching, hugging, kissing or patting,
- b) unwelcome flirtatious or sexually suggestive comments, e-mails, notes, letters or other communications
- c) threatening negative employment actions on the basis of denying sexual favors, or promising positive actions if favors are granted,
- d) pressure for dates, or sexual favors,
- e) displaying objects or pictures in the workplace that are sexually suggestive or
- f) unwelcome sex-oriented verbal kidding, teasing and jokes.

H. Unlawful workplace Harassment: Unsolicited and unwelcomed speech or conduct based upon race, sex, religion, national origin, age, color disability, genetic information where

- a) Enduring the offensive conduct becomes of condition of continued employment or
- b) The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

VII. RESPONSIBILITIES

All Employees are expected to:

- a) Know and understand what behaviors constitute unlawful workplace harassment
- b) Refrain from unlawful workplace harassment
- c) Promptly report allegations of harassment
- d) Cooperative with investigations of unlawful workplace harassment
- e) Ask questions about anything they do not understand

All Supervisors/Managers are expected to:

- a) Provide ongoing guidance about what constitutes inappropriate workplace behaviors or workplace harassment
- b) Refrain from any harassment, retaliation, or discrimination in workplace operations or decisions.

- c) Promptly report any allegations of unlawful workplace harassment to their Department Head and HRD
- a) Make hiring, promotional, and work assignment decisions based on employee skills, abilities, competencies, and performance, not on personal characteristics that are protected under this policy.

All Department Heads are expected to:

- b) Assure that allegations of harassment, discrimination, and retaliation are promptly investigated
- c) Assure that employee receive ongoing training and information about unlawful workplace harassment
- d) Refrain from any harassment, retaliation, or discrimination in workplace operations or decisions.
- e) Make hiring, promotional, and work assignment decisions based on employee skills, abilities, competencies and performance, not on personal characteristics that are protected under this policy.

All Human Resource Development staff members are expected to:

- a) Assure that allegations of unlawful workplace harassment are thoroughly and promptly investigated.
- b) Protect the confidentiality of all employees to the extent possible
- c) Develop education and other strategies to prevent unlawful workplace harassment and assist departments in this process.
- d) Assure that hiring, promotional, and work assignment decisions are based on employee skills, abilities, competencies and performance, not on personal characteristics that are protected under this policy.

VIII. APPENDICES

None

IX. FREQUENTLY ASKED QUESTIONS

TBD

X. SCOPE

This policy replaces and supersedes any previous Town policies, departmental policies, handbooks, or unwritten policies or practices covering the same subject. Departmental policies in compliance with this policy are referenced in Section XI below, **Related Information**

XI. RELATED INFORMATION

[Town of Chapel Hill Code of Ordinances Section 14-09](#)

[Serious Incident Policy Guidance](#)

[Grievance Policy PP 5-2](#)

[Disciplinary Policy PP 5-3](#)

[Equal Employment Opportunity Commission](#)

XII: POLICY HISTORY

Adopted September 2001 (expanded from original Sexual Harassment Policy and practices)

Revised and reissued July 1, 2019 to include language prohibiting harassment and/or abusive/unfair treatment of youth and members of the public participating in Town sponsored activities.