

POLICY PROHIBITING DISCRIMINATION, HARASSMENT OR HOSTILE ENVIRONMENTS IN THE WORKPLACE

I. POLICY

The City of Camden is committed to providing every employee with a workplace free from unlawful discrimination. All forms of unlawful employment discrimination based upon race, creed, color, national origin, ancestry, age, sex marital status, familial status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability are prohibited and will not be tolerated. Sexual harassment is a form of unlawful gender discrimination and, likewise, will not be tolerated.

Unlawful discrimination/harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. This policy applies to all employees and applicants for employment. The City will not tolerate harassment or discrimination by anyone in the workplace including supervisors, co-workers, or non-employees. This policy applies to conduct which occurs in the workplace and also extends to conduct which occurs at any location that can be reasonably regarded as an extension of the workplace, such as any field location, any off-site business-related social function, or any facility where city business is being conducted and discussed.

This policy also applies to third party harassment. Third party harassment is unwelcome behavior of a sexual, racial or derogatory nature regarding any protected category, that is not directed at an individual but is a part of that individual's work environment. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

This policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development.

II. PROHIBITED RACIAL, GENDER, NATIONAL ORIGIN OR ANCESTRY, AGE, RELIGIOUS, DISABILITY, AFFECTIONAL OR SEXUAL ORIENTATION, MARTIAL STATUS, FAMILIAL STATUS, ATYPICAL HEREDITARY CELLULAR OR BLOOD TRAIT, GENETIC INFORMATION, LIABILITY FOR SERVICE IN THE ARMED FORCES OF THE UNITED STATES DISCRIMINATION OR HARASSMENT.

It is a violation of this policy to engage in any employment practice or procedure which treats an employee less favorably based upon a person's race, gender, national origin or ancestry, religion, age, disability, affectional or sexual orientation, marital status, familial status, atypical hereditary cellular or blood trait, genetic information, or liability for service in the Armed Forces of the United States. It is also a violation of this policy to use derogatory or demeaning slurs to refer to a person's race, gender, age, religion, disability, affectional or sexual orientation, or ethnic background which have the effect of harassing an employee or creating a hostile work environment. Harassment or the creation of a hostile work environment can occur even if there was no intent on the part of an individual to harass or demean another.

Examples of Behaviors That May Constitute Prohibited Workplace Discrimination, Hostile Work Environment and Harassment Include, But Are Not Limited To:

- Discrimination against an individual with regard to terms and conditions of employment because of that individual's race, gender, age, religion, disability, affectional or sexual orientation, place of origin, or his/her ancestor's place of origin.

- Treating an individual differently because of race, gender, age, religion, disability, affectional or sexual orientation, place of origin, or his/her ancestor's place of origin, or because an individual has the physical, cultural or linguistic characteristics of a racial or national origin group.
- Treating an individual differently because of marriage to or association with persons of a racial, religious or national origin group; or due to membership in or association with an organization identified with the interests of a racial, religious or national origin group; or because an individual's name or spouse's name is associated with a racial, religious or national origin group.
- Calling another by an unwanted nickname which refers to one or more of the above characteristics, or telling ethnic jokes which harass an employee or create a hostile work environment.
- Using derogatory references regarding any of the above characteristics in any job-related communication.
- Engaging in threatening, intimidating, or hostile acts, in the workplace, based on the foregoing classifications.
- Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning, based upon any of the foregoing classifications.

I. SEXUAL HARASSMENT

It is a violation of this policy to engage in sexual harassment of any kind. For the purposes of this policy, sexual harassment, with or without sexual conduct, is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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 generally falls into two categories: quid pro quo and hostile work environment harassment:

- A. Quid Pro Quo Sexual Harassment is a form of harassment that may include unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct based on the gender of the affected employee when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions.

It shall be a violation of this policy for any person to use his or her authority to make any sexual advance toward an individual over whom the person is authorized to make, recommend or otherwise to influence personnel actions; to grant, recommend, or refuse to take personnel action on the basis of an employee's gender or sexual orientation or in exchange for sexual favors; or to take or fail to take a personnel action as reprisal against any employee for rejecting or reporting a

sexual advance. Sexual advances or requests for sexual favors can be in the form of either expressed or implied comments, writings, or actions.

- B. Hostile Work Environment Sexual Harassment is a form of harassment that may include unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Gender-based harassment may give rise to a claim of a hostile environment whether or not sexual activity or language is involved, if it has the purpose or effect of abusing, devaluing or subordinating the members of one sex and it adversely affects an individual's employment opportunities.
- C. Third party harassment is unwelcome behavior of a sexual nature or based on sex that is not directed at an individual but is a part of an individual's work environment.

Examples of Prohibited Behaviors That May Constitute Sexual Harassment:

Behavior that may constitute sexual harassment include but are not limited to:

- Generalized gender-based remarks and comments.
- Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement.
- Verbal or written sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, invitations, gestures or inappropriate comments about a person's clothing.
- Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals.
- Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention.
- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluations or promotional opportunity.
- Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

I. EMPLOYEE RESPONSIBILITIES

Any employee who believes that she/he has been subjected to any form of prohibited discrimination/harassment, including sexual harassment, or who witnesses other being subjected to such harassment or discrimination is encouraged to promptly report the incident(s) to either their supervisor or directly to their respective department head or the Equal Employment Opportunity/Affirmative Action Officer or to any other persons designated by their department head to receive workplace discrimination complaints. All employees are expected to cooperate with investigation undertaken pursuant to Paragraph VI of this policy. Failure to cooperate in an investigation may result in disciplinary action, up to and including termination.

II. SUPERVISOR RESPONSIBILITIES

Supervisors should make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Supervisors are expected to take all allegations of discrimination/harassment, including sexual harassment, seriously, and to immediately refer the matter to the individual(s) responsible for receiving such complaints. Those individuals should include persons reference in this Policy Manual and the Affirmative Action/Equal Employment Opportunity Complaint Procedure. All complaints will be reviewed and prompt and appropriate remedial action will be taken to address any substantiated claim. All supervisors receiving complaints of unlawful discrimination/harassment must immediately advise the department head or the Equal Employment Opportunity/Affirmative Action Officer of the complaint.

III. COMPLAINT PROCESS

The City of Camden will make every effort to maintain a secure working environment for every employee; however, there is a shared responsibility for early action. The City of Camden will proactively attempt to identify areas of concern and take immediate action to strengthen each identified weakness. The employee is responsible for initiating action regarding discriminatory or harassing practices that he or she finds within the City of Camden.

Any employee who believes he/she is a victim of sexual harassment should immediately bring the matter to the attention of their immediate supervisor. The supervisor shall notify the Business Administrator or the City Attorney or the complaint notwithstanding the fact that the complaint may have been resolved. The Business Administrator shall immediately refer the complaint to an independent investigator for investigation. The independent investigator will be experienced or trained in conducting investigations of employee misconduct. These investigators will be responsible for handling entire investigations, preserving confidentiality, and effectuating a timely follow through.

If an elected official, the Business Administrator, or the City Attorney is the source of the complaint, the complaint may be brought to the Mayor, Business Administrator or City Attorney as appropriate. If the supervisor is the source of the sexual harassment, the complaint may be brought directly to the Business Administrator or the City Attorney. The employee should report offensive behavior, both verbally and in writing, keeping a duplicate copy of the written complaint.

Regardless of who is first made aware of any such complaint, the City of Camden is committed to the following:

1. The complaint will be investigated promptly and thoroughly, and if found to have merit, immediate steps will be taken to end the harassment and appropriate disciplinary action will be taken.
2. The complaint and the complainant's identity will be kept confidential except to the limited extent necessary to investigate the allegations.
3. The complainant will, under no circumstances, be subject to retaliation for having registered the complaint.

When a complaint is made of alleged sexual harassment, the designated independent investigator shall take immediate and appropriate steps to investigate the complaint. The independent investigator will:

1. Conduct an interview with the employee who made the claim within three (3) business days;
2. Obtain any facts and/or documentation pertaining to the alleged incident;
3. Ensure that the matter will be kept confidential except to the limited extent necessary to investigate the allegations.
4. Notify the immediate supervisor of the employee and the City Attorney of the alleged incident.
5. Conduct a thorough and prompt investigation of the claim, including:
 - a. Checking personnel files of the involved parties for previous complaints or problems;
 - b. Examining the work records of all involved parties;
 - c. Keeping the identify of an alleged offender confidential from any third-party witnesses; and
 - d. Interviewing the allege offender and any witnesses to the alleged incident.
6. After a thorough investigation is made, the designated independent investigator will prepare detailed written reports of all investigations, and shall submit such reports to the Business Administrator.
7. The Business Administrator shall review the reports and make a final determination of whether there is a basis for a claim of sexual harassment. If there is no basis to the claim, the Business Administrator shall so advise the complainant. If the investigation reveals that there is a basis for the claim of sexual harassment, the Business Administrator shall direct the appropriate department head to promptly institute disciplinary action against the alleged harasser. The following disciplinary actions should be taken in accordance with established disciplinary procedures:
 - a. Reprimand and counseling together with demotion and/or reassignment; or
 - b. Reprimand and counseling together with suspension; or
 - c. Termination.
 - d. Such other action as is deemed appropriate.
8. The Business Administrator will prepare a file of the detailed written reports of all investigations. A copy of all reports will be sent to the City Attorney.
9. The complainant will not be informed of the nature of the discipline imposed, except to the extent that the matter has been investigated, action has been taken, and that the City expects no reoccurrence.

IV. PROHIBITION AGAINST RETALIATION

Retaliation against any employee who alleges that she/he was the victim of discrimination/harassment, or against any employee who provides information in the course of an investigation into claims of

unlawful discrimination/harassment in the workplace is prohibited by this policy. Any employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy will not be subjected to adverse employment consequences based upon such involvement or be the subject of retaliations.

Retaliation in any form against a complainant who exercises his or her right to make a complaint under this policy is strictly prohibited, and will itself be cause for appropriate disciplinary action. In addition, the failure by a department head, to promptly initiate disciplinary action after having been directed to do so by the Business Administrator will also be cause for appropriate disciplinary action.

V. FALSE ACCUSATIONS AND INFORMAITON

If any employee knowingly makes a false accusation of unlawful discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, such conduct may be ground for discipline. Complaints made in good faith, however, even if found to be unsubstantiated, will not be considered a false accusation.

VI. CONFIDENTIALITY

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstance, confidentiality will be maintained throughout the investigatory process. In the course of an investigation it may be necessary to discuss the claims with the alleged harasser and other persons who may have relevant knowledge. It therefore may be necessary to disclose information to persons with a legitimate need to know about the matter. All persons interviewed will be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with the confidentiality directive may result in disciplinary action.

VII. DISCIPLINARY ACTION

Any employee found to have violated this policy may be subject to appropriate disciplinary action which may include: reprimand, suspension, reassignment, or termination of employment. Referral to another authority for review for possible violation of State and Federal statutes may also be appropriate.

VIII. TRAINING

All departments should make efforts to provide employees with information regarding the prevention of unlawful discrimination/harassment and the complaint procedure to be followed in filing complaints when unlawful harassment/discrimination has occurred. All departments should make efforts to provide supervisors and managers with training that will inform them of the appropriate steps to be taken to address complaints of unlawful discrimination/harassment.