

Policy Prohibiting Discriminatory Harassment, Intimidation and Insult

Current Revision: August 2, 2009

Last Revision: January 1, 2005

Purpose

Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Vocational Rehabilitation Act, the Kansas Act Against Discrimination and the Americans With Disabilities Act and their amendments require that an employer maintain an atmosphere free of discriminatory harassment, intimidation and insult.

Definitions

Any slur, joke or demeaning and derogatory language or behavior, whether written or spoken, against a person because of their race, sex, color, religion, national origin, ancestry, physical or mental disability, familial relationship, or age, marital status, or veteran status can be considered discriminatory harassment, intimidation or insult. Although sexual orientation is not a protected class, harassment based on sexual orientation is also prohibited.

Policy

It will be a violation of this policy for any person employed by the City to harass, intimidate or insult, as defined above, any other City employee. The City of Wichita will not tolerate such discriminatory harassment, intimidation or insult and will vigorously enforce this policy. City employees who violate this policy will be promptly and severely disciplined.

Any person employed by the City as a supervisor or in a supervisory capacity who knows of incidents which violate this policy should take corrective action, or when no corrective action is taken, report the incident to the appropriate department head. The failure to do so is itself a violation of this policy. The failure to observe and take action when the supervisor or person in a supervisory capacity should have known of the incidents involved can also be a policy violation. All City supervisors or persons acting in a supervisory capacity observing a violation of this policy and who take corrective actions pursuant to this policy must document the incident and the corrective action taken and retain such documentation for a period of three years. Copies of such documentation must be provided to the Affirmative Action Administrator in Personnel.

Enforcement of Policy

Each department head will ensure that this policy is made known to the departmental employees and that copies of this notice and the attached notice are posted in all work places within the department.

Prevention is the best tool for elimination of discriminatory harassment, intimidation and insult. However, in the event such incident is not prevented from occurring, this policy will be strictly enforced and those violating this policy will be subject to the disciplinary authority of the appropriate department head or the City Manager. The minimum discipline for any employee violating this policy shall be as follows: first violation -- written reprimand; second violation --

three-day unpaid suspension for non-exempt employees, five days (or the equivalent of one work week) for exempt employees; and third violation -- termination. Discipline more than the minimum may be imposed if the severity of the violation warrants such action.

Any City employee who is subjected to language or behavior which violates this policy has the right to file a discrimination complaint with the City's Affirmative Action Administrator, any department EEO Officer, or any person within the employee's chain of command. The employee may also file a grievance by following the applicable memorandum of agreement or the City's Grievance Procedure as outlined in the City of Wichita Human Resources Policy, if protesting lost wages or unfair discipline.

A City employee subjected to language or behavior which violates this policy also has the right to file a complaint with the Equal Employment Opportunity Commission, Kansas City District Office, 911 Walnut Street, Room 500, Kansas City, Missouri, 64106; and/or the Kansas Human Rights Commission, 130 S. Market, Suite 7050; Wichita, KS 67202.

Employee Cooperation

All City employees are directed to cooperate in any investigation conducted pursuant to this policy. Any employee who fails or refuses to cooperate may be subject to disciplinary action.

Confidentiality

All investigations and proceedings conducted pursuant to this policy will be confidential. Only persons with a "need to know" will have knowledge of the actions related to the investigation and resolution of the incident. All records, reports, written statements or documents which are a part of an investigation or any proceeding pursuant to this policy will not be a part of the public records of the City. All persons, including witnesses participating in any way in any investigation, hearing or proceeding, will exercise extreme care to assure the confidentiality of any information relative to the investigation, hearing or proceeding. However, the confidential nature of these proceedings will not prevent witnesses from discussion of the facts pertaining to the complaint with the City Attorney, the City Manager, Employee Relations Officer, the department head or the attorney or union representative of the accused party.

Application of Policy to City Boards and Agencies

This policy will apply to all employees of the City and authorities of the City, including but not limited to the Wichita Art Museum and Wichita Library Board.

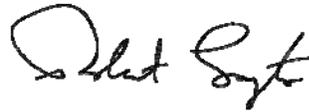
Responsibility

All Department Directors are responsible for instructing departmental personnel in Administrative Regulations as appropriate and employees are responsible to adhere to it. No exceptions will be made to this policy without the express written permission of the City Manager. Any employee who violates the guidelines in this policy will be disciplined in accordance with the City's City of Wichita Human Resources Policy.

Relationship to Previously Established Procedure

No qualifying statement, previously established rules or procedures shall be used to negate the spirit or intent of this statement of policy.

Effective Date: 8/2/09

A handwritten signature in black ink, appearing to read "Robert Layton". The signature is written in a cursive style with a large initial "R".

Robert Layton
City Manager

Attachment: Equal Employment Opportunity Notice

Equal Employment Opportunity is THE LAW

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under the following Federal authorities:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, prohibits job discrimination because of disability and requires affirmative action to employ and advance in employment qualified individuals with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

VIETNAM ERA, SPECIAL DISABLED, RECENTLY SEPARATED, AND OTHER PROTECTED VETERANS

38 U.S.C. 4212 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, prohibits job discrimination and requires affirmative action to employ and advance in employment qualified Vietnam era veterans, qualified special disabled veterans, recently separated veterans, and other protected veterans.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 or call (202) 693-0101, or an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor

Private Employment, State and Local Governments, Educational Institutions

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under the following Federal laws:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex or national origin.

DISABILITY

The Americans with Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, as amended (see above), the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment. Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by all of these Federal laws.

If you believe that you have been discriminated against under any of the above laws, you should contact immediately:

The U.S. Equal Employment Opportunity Commission (EEOC), 1801 L Street, N.W., Washington, D.C. 20507 or an EEOC field office by calling toll free (800) 669-4000. For individuals with hearing impairments, EEOC's toll free TDD number is (800) 669-6820.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX

In addition to the protection of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment

discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal assistance.

INDIVIDUALS WITH DISABILITIES

Sections 501, 504 and 505 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance in the federal government. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

If you believe you have been discriminated against in a program of any institution which receives Federal assistance, you should contact immediately the Federal agency providing such assistance.