

# City of Saint Paul Workplace Conduct Policy

## A Policy Against Discrimination, Violence, Harassment, and Offensive Behavior in the Workplace

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It is the policy of the City of Saint Paul to maintain a respectful work and public service environment. The City of Saint Paul will maintain a work and public service environment free from discrimination, violence, harassment, and offensive behavior. The City of Saint Paul will not tolerate retaliation or intimidation directed toward anyone who makes a complaint or participates in an investigation under this policy. This policy applies to each and every employee and official of the City of Saint Paul, including the Mayor, City Council members, and members of boards and commissions. The City of Saint Paul will not tolerate such behavior by or toward any employee or officer. Any employee or officer of the City of Saint Paul who engages in such behavior is subject to consequences, up to and including termination.

### **DEFINITIONS**

**Discriminatory behavior** includes inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, gender identity, or status with regard to public assistance, Veteran's status, or any other reason protected by local, state, or federal law, ordinance or regulation.

**Violent behavior** includes the use of physical force, harassment, intimidation, or abuse of power or authority when the impact is used to control by causing pain, fear or hurt. Violent behavior also includes verbal abuse and/or acts, words, comments, or conditions that would lead a person to reasonably believe a violent act could occur.

**Harassment** **Harassing behavior** includes words or conduct that is severe or pervasive, and that a reasonable person would find abusive.

**Offensive behavior** includes words or conduct that a reasonable person would find reprehensible, although the conduct is neither severe nor pervasive.

**Other behavior** prohibited by this policy also includes requests to engage in illegal, immoral or unethical conduct, ~~or retaliation for making a complaint under this policy.~~

**Conduct** includes acts and the dissemination or display of discriminatory, violent, harassing or offensive material at work, at work-related functions, or in work vehicles, computers, lockers, cubicles, emails, other written or electronic documents, and other work locations or functions. It also includes the dissemination or display of such material if it is located on an employee's personal equipment, like PDAs and cellphones, if that material is displayed or disseminated at work. Words and conduct prohibited by this policy can include discriminatory, harassing or offensive:

- Remarks, slurs, epithets, or jokes;
- Material displayed or disseminated in pictures, posters, cartoons or written or electronic communications, including emails, websites, social media posts, texts, and all other forms of communication; or
- Impeding movement, blocking, or intimidating conduct and acts.

**Sexual Harassment.** One specific kind of discriminatory and offensive behavior is sexual harassment. Sexual harassment, which can consist of a wide range of unwanted and unwelcome sexually-directed behavior, is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1. Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or of obtaining public services;
- 2. Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment or the delivery of public services; or
- 3. Such conduct has the purpose or results of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work or public service environment.

Behavior prohibited by this policy can include unwanted or unwelcome: sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive facial expressions, kissing, touching, and sexual contact.

- Sexual remarks, jokes, slurs or compliments;
- Sexual innuendo or propositions;
- Sexually-suggestive facial expressions, leering or ogling;
- Display or dissemination of sexually oriented material in pictures, posters, cartoons or written or electronic communications, including emails, websites, social media posts, texts, and all other forms of communication;
- Kissing, touching, or other sexual physical contact; or
- Impeding movement, blocking, or intimidating conduct and acts.

All sexually harassing behaviors prohibited by this policy have not been explicitly covered herein. The examples used are for illustrative purposes and are not meant to be all-inclusive.

**Retaliation** is the commission of an adverse action towards an employee who has either filed a complaint against or participated in an investigation of a complaint by one against whom a complaint was filed. Retaliation can be blatant or it can be subtle.

**Intimidation** is behavior that induces fear or a sense of inferiority into in another person through threats, insults, badgering, bullying or aggressive behavior.

(All behaviors prohibited by this policy have not been explicitly covered herein. The definitions used are for illustrative purposes and are not meant to be all inclusive.)

## **REPORTING AND SUPERVISORY RESPONSE**

Any person who feels he or she is being subjected to discriminatory, violent, harassing, or offensive behavior of any kind ~~may feel free to~~ should object to the behavior, and shall report the behavior to their supervisor or to the Human Resources Director as soon as possible. In the case of violent behavior, the incident ~~needs to~~ must be reported immediately after the incident. An employee that feels they have been subjected to such conduct by a non-employee third-party, such as a vendor or members of the general public, should report the conduct in the same manner.

Any supervisor who receives a complaint of discriminatory, violent, harassing or offensive behavior ~~complaint~~ or who has reason to believe that such behavior is occurring shall report these concerns and forward the entire complaint to their Department or Office Director or to the Human Resources Director. A supervisor should not make an independent determination as to the validity of a complaint. A supervisor who fails to report the concerns as provided for in this paragraph is subject to consequences, up to and including termination of employment.

It is a violation of this policy to report a malicious or knowingly false claim.

## **INVESTIGATION AND RESOLUTION**

All complaints of discriminatory, violent, harassing or offensive behavior, retaliation, intimidation or filing a false or malicious claim will be investigated promptly, fairly, and completely. The facts shall determine the response to each complaint. Each situation will be handled as discreetly as possible consistent with applicable law.

The City of St. Paul will take prompt and effective remedial action to resolve complaints under this policy. The City of St. Paul may take immediate steps, at its discretion, to protect the complainant, other employees, or members of the public pending the completion of the investigation. Resolution of complaints can include, but is not necessarily be limited to, an apology, transfer, direction to stop the offensive behavior, counseling or training, verbal or written warning, suspension with or without pay, or termination of employment.

In the event that offensive behavior recurs, it should immediately be reported to the appropriate Department or Office Director or to the Human Resources Director.

~~Employees should understand that this applies to each and every employee and official of the City of Saint Paul, including the Mayor, City Council members, and members of boards and commissions. The City of Saint Paul will not tolerate retaliation or intimidation directed toward anyone who makes a complaint.~~<sup>1</sup>

(Revised July 2017)

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*The foregoing is a statement of policy and is not intended by the City of Saint Paul to create a contract. The City of Saint Paul reserves the unilateral right to amend, rescind and otherwise modify the foregoing policy.*

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<sup>1</sup> Note: This statement was moved to the policy statement in the first paragraph.