



## Discrimination, Harassment and Conduct

The City of Gainesville does not discriminate on the basis of race, color, gender, age, religion, national origin, marital status, sexual orientation, disability, or gender identity (protected characteristics) and will not tolerate any such discrimination by or against its employees or citizens utilizing City services, programs, and activities. This policy against discrimination applies to all aspects of employment with the City, including recruitment, hiring, training, working conditions, compensation, promotion, discipline and termination and all City services, programs, and activities.

One type of discrimination occurs when the terms and conditions of an individual's employment are based on these protected characteristics and not on the qualifications and abilities of the individual to do the job. Examples of this type of discrimination include basing hiring and firing decisions on the protected characteristics of an individual and not offering available opportunities to an individual because of a protected characteristic.

Another type of discrimination occurs when an individual is subject to harassment in the work environment or while utilizing City services because of a protected characteristic. As with any other form of discrimination, the City will not tolerate inappropriate behavior by or against its employees based on a protected characteristic. This includes inappropriate behavior by other employees, elected and appointed officials, customers, vendors, contractors, or citizens coming into the workplace.

Inappropriate behavior becomes actionable in a court of law when it is severe or pervasive enough to create a work environment that is hostile or abusive. However, the City desires to provide for its employees and citizens utilizing its services an environment that is free of all inappropriate behavior as described below as opposed to tolerating the inappropriate behavior until it becomes severe or pervasive.

It is inappropriate for an employee or citizen to be subject to unwelcome speech, conduct, or other behavior that interferes with the conditions of work or City services and is based on one of the protected characteristics. Inappropriate behavior includes such things as making insulting or derogatory comments based on a protected characteristic, frequent teasing regarding a protected characteristic, or any other behavior based on the protected characteristic of another may create an intimidating, hostile, or offensive working or service environment.

Inappropriate behavior based on gender may include not only the above, but such things as unwanted physical touching, unwelcome sexual advances or requests for sexual behavior, the display of sexually suggestive objects or pictures in the workplace, and basing employment or service decisions on an employee's or citizen's refusal to engage in sexual conduct.

Employees or citizens utilizing City services who believe that they are being discriminated against or being subjected to inappropriate behavior or harassed, whether by City employees, co-workers, supervisors, managers, elected or appointed officials, may firmly and promptly notify the offender that the behavior is improper or unwelcome. At the same time, or in the alternative, if the employee or citizen does not desire to confront the offender, the employee or citizen may notify any manager with whom the employee or citizen is comfortable discussing the matter or may directly notify the Equal Opportunity Director of the situation. For City employees, there is no requirement to adhere to the chain of command in making complaints under this policy. Notices will be placed in appropriate work and service areas notifying employees and citizens that they have a right to notify the City's Equal Opportunity Director if they believe or have observed someone being harassed or discriminated against.

The City will swiftly and thoroughly investigate any complaints brought to the attention of management or the Equal Opportunity Director. In order for this to occur, it is recommended that the complainant contact City management or the Equal Opportunity Director as soon as possible. The investigation of the complaint will be handled as confidentially as possible, taking into account the desires of the complainant, the rights of the accused, the nature of the investigation, and the need to take corrective or disciplinary action. If the City determines that applicable policies, laws, or procedures have been violated, the City will take appropriate corrective action, including, but not limited to, disciplinary action, up to and including termination, or in the case of citizens, necessary steps to prevent any inappropriate behavior.

Participants involved in the complaint investigation will be treated courteously. The making of a good faith complaint shall in no manner be used adversely against the complainant. The City will take corrective action that is effective and appropriate to the circumstances, including, but not limited to, disciplinary action, up to and including termination against any person attempting to retaliate against the complainant, or in the case of a citizen, whatever legally appropriate steps are necessary to prohibit retaliation.

All employees have an obligation to report observed discrimination or harassment so that the City can take appropriate action. Supervisors and managers have an obligation to report and take appropriate action in regard to discrimination, harassment, or inappropriate behavior observed or reported. Such failure to report observed discrimination or harassment may result in corrective action. Managerial and supervising employees will be trained regarding their responsibility upon

receiving a verbal or written complaint and their responsibility to advise the complainant of available avenues to resolve the complaint. All new employees will receive training as to this City's Equal Opportunity Policy. This Policy will be distributed to employees and available in City workplaces. Copies of the Equal Opportunity Complaint Policy and Procedures shall be available to employees and distributed to the participants in an investigation.

As stated above, it is the City's policy to prevent and prohibit inappropriate behavior based on an individual's protected characteristics whether or not the behavior is severe or pervasive enough to become actionable in a court of law. Thus, employees and managers are encouraged to deal with inappropriate behavior as soon as it occurs so as to prevent any similar behavior from occurring. Managers and supervisors who have been made aware of prohibited inappropriate behavior shall within three days communicate that information directly to the City's Equal Opportunity Department Director or designee for training and compliance purposes. Employees engaging in inappropriate behavior may be subject to counseling, discipline, or other corrective action regardless of whether their behavior rises to the level of harassment or discrimination actionable in a court of law. In the case of citizens utilizing City services who engage in inappropriate behavior, they will be dealt with in accordance with any legal remedy available to the City that may prevent the inappropriate behavior.

This policy applies to elected and appointed officials, managers, supervisors, employees, contractors, or vendors. Employees of the City who violate this policy will be subject to corrective action that is effective and appropriate to the circumstances, including, but not limited to, disciplinary action, up to and including termination. Elected and appointed officials, contractors, or vendors whose actions are deemed to constitute violations of this policy will be dealt with as provided for by law, contract, or other available means.

The Equal Opportunity Director or designee shall be responsible for formal and informal investigations as requested or needed under this policy and shall be the custodian of complaints filed under the Equal Opportunity Complaint Policy.

Effective Date: 08/28/00  
Revised: 03/28/08  
Revised: 09/04/08