

STANDARD PROCEDURE

CITY OF WILSON

PERSONNEL MANUAL

SUBJECT	NUMBER	EFFECTIVE DATE	SUPERSEDES	
Anti-Harassment and Complaint Procedure Policy	A-4	8/1/2024	11/2015	Page 1 of 4
Prepared By: Human Resources		Approved By: Will Aycock, Enterprise Services Director		

1.0 Purpose

The City of Wilson is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the City expects that all relationships among persons in the office will be business-like and free of explicit bias, prejudice and harassment.

The purpose of this policy is to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. The City of Wilson affirms that harassment based on race, color, sex, sexual orientation, gender identity, religion, national origin, age, disability, veteran status or any other reason prohibited under federal, state or local laws is unacceptable conduct. This policy provides employees alternatives for addressing and resolving complaints of harassment by supervisors, fellow employees or other individuals doing business with the City of Wilson, including but not limited to, contractors, temporary agency employees, customers or vendor representatives. The City will make every reasonable effort to ensure that any complaint in violation of this policy will be investigated and resolved appropriately.

2.0 Scope

All employees are covered under this policy.

3.0 Policy

3.1 Sexual Harassment: Sexual harassment does not require physical contact, but instead may encompass any type of unwelcome conduct. It includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 3.1.1 Submission to the conduct is made a term or condition of an individual's initial employment (either explicitly or implicitly);
- 3.1.2 Submission to or rejection of the conduct is used as the basis for employment decisions affecting that individual;
- 3.1.3 The conduct is sufficiently severe, persistent or pervasive to interfere with the individual's work performance or to create an intimidating, hostile or offensive working environment for the individual and/or others.

Occasional compliments of a socially acceptable nature do not constitute sexual harassment.

3.2 Other Unlawful Harassment:

- 3.2.1 May consist of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of the individual's race, color, gender, gender identity, sexual orientation, religion, national origin, age, disability, veteran status or any other reason prohibited under federal, state or local laws, or that of the individual's relatives, friends or associates; and,
- 3.2.2 Has the purpose or effect of interfering unreasonably with an individual's work; or,
- 3.2.3 Otherwise adversely affects an individual's employment opportunities.

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- 3.3 **Prohibitions:** Any act, comment or behavior that constitutes sexual or other unlawful harassment is strictly forbidden and will not be tolerated of any employee, either on or off City of Wilson owned property. For purposes of this policy, this includes but is not limited to:
 - 3.3.1 Slurs, jokes (verbal or graphic), or physical conduct relating to an individual’s race, color, gender, gender identity, sexual orientation, religion, national origin, age, disability, veteran status or any other reason prohibited under federal, state or local laws.
 - 3.3.2 This prohibition covers not only the relationships between employees of the City of Wilson, but also each employees’ relationship with residents or other customers of the City of Wilson, and with employees of other entities encountered in the course of performing the duties of their job.
- 4.0 **Procedures**
 - 4.1 **Reporting an Incident of Harassment, Discrimination or Retaliation**
 - 4.1.1 The City of Wilson encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender’s identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, other department leadership or human resources or any ombudsman. (See the complaint procedure described below).
 - 4.1.2 In addition, The City of Wilson encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. The City recognizes, however, that an individual may prefer to pursue the matter through established complaint procedures.
 - 4.2 **Complaint Procedure**
 - 4.2.1 Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, other departmental leadership or Human Resources.
 - 4.2.2 The City of Wilson encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken to minimize potential negative impacts on employees and the work environment. While no fixed reporting period is being established, early reporting and intervention facilitate greater efficiency and effectiveness in resolving actual or perceived incidents of harassment.
 - 4.2.3 Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
 - 4.2.4 The City will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.
 - 4.2.5 Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action up to, and including termination, as the City believes appropriate under the circumstances.

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- 4.2.6 Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, may be subject to disciplinary action up to, and including termination. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.
- 4.2.7 False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of disciplinary action up to, and including termination.
- 4.2.8 The appeal process for disciplinary actions initiated under this policy will follow applicable City policy *D-5: Disciplinary Policy guidelines*.

5.0 **Administrative Guidelines**

- 5.1 The officers, directors, managers and supervisors will be responsible for ensuring policy guidelines are adhered to and violations are addressed when potential violations occur. Departmental leadership should notify Human Resources as applicable.
- 5.2 Human Resources is responsible for overall compliance and maintenance of personnel and other related records in accordance with applicable laws and regulations.

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I acknowledge receipt of the Anti-Harassment Policy and Complaint Procedure. I have read and understand the information outlined, have had the opportunity to ask questions for clarification, and agree to abide by the policy.

Print Name: _____

Employee Signature: _____

Department: _____ Date: _____