

SUBJECT: Non-Discrimination, Harassment Prevention and Retaliation Policy

EFFECTIVE DATE: April 2, 2001

Purpose of Policy

This Policy is intended to prescribe procedures for creating a positive work environment by not allowing discrimination, harassment and/or retaliation in the workplace.

The City of Takoma Park 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 discriminatory practices and harassment.

Therefore, it is the policy of the City of Takoma Park to provide a work environment that is free from discrimination, insults, intimidation, and other forms of harassment. This Policy ensures equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, age, disability, marital status, national origin, political or union affiliation, or any other characteristic protected by law.

All employees share the responsibility for creating such a positive environment, maintaining high standards of honesty and integrity and conducting themselves in a manner that will assure the proper performance of their duties and responsibilities.

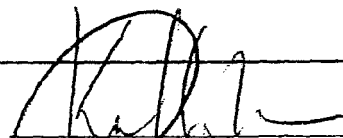
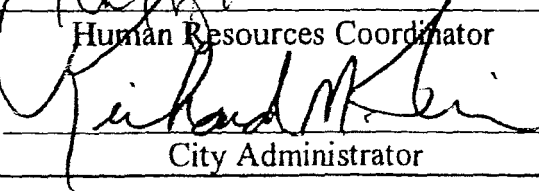
This Policy shall apply to all officers and employees of the City of Takoma Park, including, but not limited to, full and part-time employees, regular and temporary employees, as well as employees working under contract for the City and Volunteers.

The City shall not tolerate discrimination, harassment or retaliation against any of its employees and will take immediate steps to stop it when it occurs.

This Policy is not intended to usurp any rights afforded to employees under the City Code or any collective bargaining agreement.

Discrimination

Discrimination is strictly prohibited on the basis of race, color, religion, sex, sexual orientation, age, disability, marital status, national origin, political or union affiliation, or any other characteristic protected by law. For purposes of this Policy and according to Webster, discrimination is to make distinction in treatment, show partiality in favor of or prejudice; the act of distinguishing differences.

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Harassment

Harassment is strictly prohibited. Under this Policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because his/her race, color, religion, sex, sexual orientation, age, disability, marital status, national origin, political or union affiliation, or any other characteristic protected by law and that:

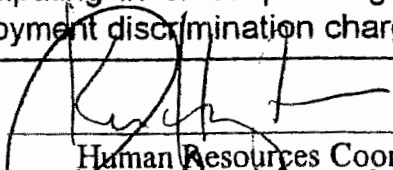
1. has the purpose or effect of creating an intimidating, hostile or offensive work environment;
2. has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. otherwise adversely affects an individual's employment opportunities.

Harassment can be obvious or subtle, verbal or non-verbal; it is demeaning and insulting to the recipient. Examples of harassment are verbal abuse; racial, ethnic, national or religious epithets; rumors, slurs or offensive jokes; remarks written or drawn or disseminated electronically; obscene gestures; or intimidation.

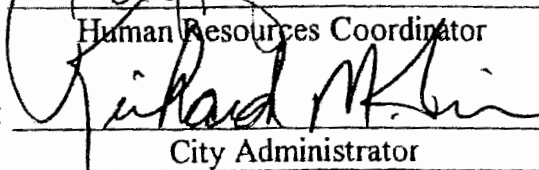
Retaliation

The City of Takoma Park requires the reporting of all perceived incidents of discrimination and/or harassment. It is the policy of the City of Takoma Park to address all reports. The City of Takoma Park prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports. Retaliation refers to discrimination against or directing hostility toward an individual by any supervisor or employee of the City because that individual has engaged in activities protected by this policy, including:

1. Opposing employment practices that the individual reasonably believes are discriminatory or retaliatory.
2. Filing an employment discrimination charge or complaint, either formal or informal, with the City, The Equal Employment Opportunity Commission (EEOC), or the Maryland Human Rights Commission; or
3. Participating in or cooperating with the investigation or litigation of any such employment discrimination charge or complaint.

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Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local law. There are two types of sexual harassment: Quid pro quo and hostile environment.

1. Quid pro quo: This Latin term means "this for that." Quid Pro Quo exists when employment decisions are based on a person's submission to or refusal of unwanted sexual favors. An example of this type of harassment includes being pressured for a sexual-related favor in return for a job benefit. Quid Pro Quo always involves someone in a position of authority with power to affect terms of employment.

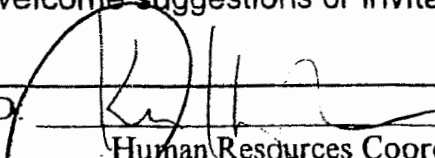
2. Hostile Environment - This refers to unwanted sexual comments, physical touching, or displays of objects that "unreasonably interfere" with work performance or that create intimidating, hostile or offensive work environment.

The Equal Employment Opportunity Guidelines define sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

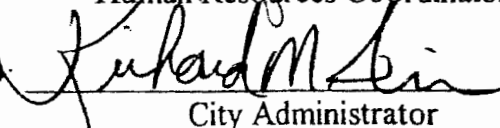
1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of obvious and subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:

- Unwanted sexual advances or requests for sexual favors;
- Sexual jokes and innuendo;
- Reference to a co-worker's body parts;
- Use of any offensive or demeaning terms which have sexual connotation;
- Spreading rumors or gossiping about someone's sexual preference or sexual conduct;
- Close physical proximity or physical contact that is objectionable to the recipient;
- Unwelcome suggestions or invitations to non-work-related social events;

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- Any indication, expressed or even implied, that an employee's job security, work assignment, conditions of employment, promotions, or opportunities to increase salary depend or may depend on the granting or refusal of sexual favors to any other employee supervisor or manager;
- The deliberate or careless creation of an atmosphere of sexual harassment or intimidation; and
- The deliberate or careless expression of off-color jokes or dissemination of materials, which have sexual content and which are not necessary for your work and other physical, verbal or visual conduct of a sexual nature.

Hostile Environment

The City of Takoma Park prohibits the creation of a hostile environment. Hostile work environment occurs when there exists multiple incidents and/or victims of discrimination or harassment in a workplace and the cumulative effect of the offensive behavior changes the employment conditions for the employee.

Management Responsibility

It is the responsibility of each supervisor and manager to provide the necessary support to ensure that discrimination in employment does not occur and that employees are assured of a workplace that is free from discrimination, harassment and retaliation.

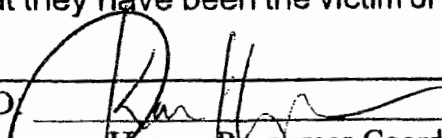
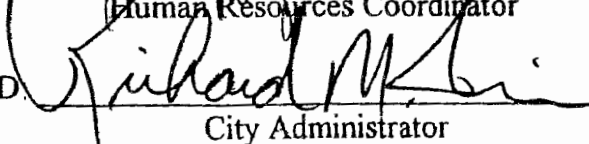
Managers/Supervisors shall ensure that all their employees have a copy of this Policy. When a manager or supervisor observes or is advised of possible discrimination, harassment or retaliation he or she should immediately report the incident to the City Administrator. Managers/Supervisors will be held accountable for policy implementation.

Employee Responsibility

It is the responsibility of each employee to ensure that the work place remains free of discrimination, harassment and retaliation. Employees are responsible for adhering to and being familiar with this Policy and reporting all incidents of suspected workplace discrimination, harassment or retaliation.

Reporting an Incident of Harassment, Discrimination or Retaliation

City of Takoma Park requires 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

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their supervisory staff, Human Resources Coordinator, Assistant City Administrator or City Administrator.

In addition, City of Takoma Park encourages individuals who believe they are being subjected to such conduct promptly to advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. City of Takoma Park recognizes, however, that an individual may prefer to pursue the matter through informal or formal complaint procedures as outlined below.

Complaint Procedure

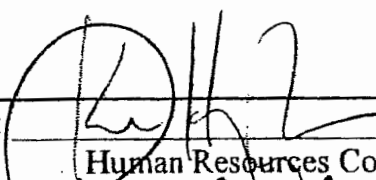
All records of complaints shall be confidential. The investigation of complaints shall reveal no more information than absolutely necessary to determine whether a violation of this Policy has occurred.

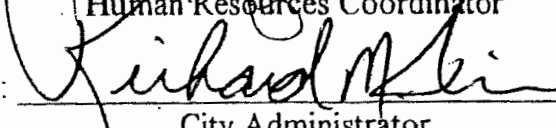
Any employee who feels he or she is being subjected to discrimination, harassment or retaliation should immediately contact their supervisor, Human Resources Coordinator, Assistant City Administrator or the City Administrator. Complaints may be addressed informally, i.e., through a request that the speech or conduct cease; or formally, through an investigation, findings, and discipline, if appropriate. Complaints may be made orally or in writing.

Time Limitations on Complaints - Prompt filing and investigation of complaints help ensure a fair resolution of complaints by preventing loss of evidence. All complaints must be filed within 45 days of the incident giving rise to the complaint. The City Administrator or his or her designee shall have the discretion to accept or reject complaints filed after the expiration of the 45 day time limit. In no event shall the City Administrator or his or her designee accept a complaint that is filed more than one year after the incident giving rise to the complaint occurred.

The employee should be prepared to provide the following information:

- Employee's name, department and position title.
- The name of the person or persons committing the discrimination, harassment or retaliation including their title/s if known.
- The specific nature of the discrimination, harassment or retaliation.
- Witness(es) to the discrimination, harassment or retaliation.
- Whether you have previously reported such discrimination, harassment or retaliation and if so, when and to whom.

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The Human Resources Department will keep all records pertaining to complaints.

Informal Resolution

Any employee having a complaint of discrimination may discuss the complaint with the immediate supervisor in an attempt at resolution on an informal basis. The supervisor must give a written record of the complaint that states the claims presented to the Human Resources Coordinator. The supervisor should give immediate attention to the complaint and attempt to resolve it by providing information, counseling, or taking action such as he/she may have authority to take. If the supervisor feels the complaint is not within his/her authority to resolve, he/she should seek the advice of a person to whom he/she reports for advice on how to proceed, to advise the employee, and assist in taking the complaint to the proper person for resolution. Upon the mutual agreement of the supervisor and the employee, other employees may be included in the discussions seeking to resolve the complaint. Informal resolution is appropriate only if the essential facts of the complaint are undisputed and both the victim and alleged perpetrator of the harassment agree to informal resolution. If attempts at informal resolution are unsuccessful, the complaint must be referred to the Human Resources Coordinator within three (3) work days.

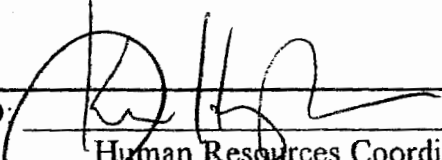
Alternative Dispute Resolution; Mediation

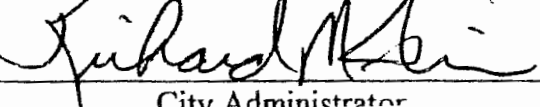
At any time, a complainant may file with the Human Resources Coordinator a request for mediation. The request must be in writing and must state the claims presented. The accused must consent, in writing, to the submission of the matter to mediation. The Human Resources Coordinator shall be responsible for requesting the accused's consent to mediation.

Investigation

All complaints that are not resolved informally or through mediation, no matter how trivial or frivolous they may appear, will be investigated to the extent necessary to determine if discrimination, harassment or retaliation has occurred and if management should take any action.

Reported incidents will be investigated by the City Administrator or his or her designee ("the Investigator"). Investigations will be conducted with care and sensitivity and will remain strictly confidential. The investigation shall include interviews with the complainant, the accused, and, if necessary, other witnesses. The Investigator shall issue a written report including findings and determinations.

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If the Investigator finds a violation of this Policy, the City Administrator or his designee shall take swift action sufficient to stop the discrimination, harassment or retaliation. The City Administrator or his or her designee shall discipline violators of this Policy. Disciplinary action for discrimination, harassment or retaliation may range from verbal and written warning to dismissal from employment depending on the severity of the violation. The City Administrator or his or her Designee may require Employees to attend counseling and/or training.

If the complaint is against the City Administrator or Corporation Counsel, the investigator will be appointed by the Personnel Review Board. (*Subject to Council amending ordinance.*) Upon receipt of a report on the investigation, the Mayor will present the report to the Council. If the Council determines that the complaint of harassment is founded, it may discipline the City Administrator or Corporation Counsel, consistent with its authority under the municipal charter, ordinances, resolutions or rules governing discipline of the City Administrator and Corporation Counsel.

In cases of harassment committed by a non-employee against a City employee in the workplace, the City Administrator will take all lawful steps to insure that harassment is brought to an immediate end.

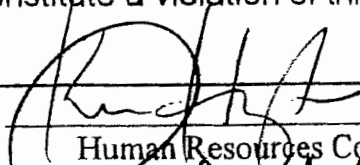
Abuse of Process

Complaints shall be dismissed when the Human Resources Coordinator finds that the complaint is part of a clear pattern of misuse of this Policy for a purpose other than the prevention and elimination of employment discrimination, harassment, or retaliation. A clear pattern of misuse of this Policy requires:

- (i) Evidence of multiple complaint filings; and
- (ii) Allegations that are similar or identical, lack specificity or involve matters previously resolved; or
- (iii) Evidence of circumventing other administrative processes, retaliating against the City of Takoma Park's administrative processes or overburdening this Policy's complaint system.

It is the intent of the City of Takoma Park to encourage victims of discrimination, harassment, and retaliation to come file complaints under this Policy. However, the intentional filing of false complaints of discrimination, harassment or retaliation undermines the effectiveness of this Policy and casts doubts upon legitimate complaints, and, therefore, constitute a violation of this Policy.

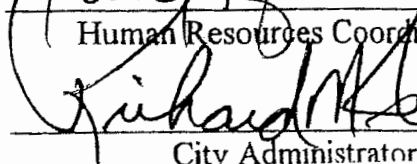
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Training and Education

The Human Resources office will be responsible for planning on-going education and training to inform employees of what the City's policy is on harassment and discrimination and to identify methods and procedures to prevent, identify and resolve complaints of discrimination, harassment and retaliation.

Distribution of Policy

This administrative procedure will be distributed to all employees of the City. Every employee will be required to acknowledge his or her receipt of this Policy in writing. A copy of that acknowledgment will be kept on file in the Human Resources Office. Department Heads/Team Leaders and supervisors will also be responsible for insuring that all employees under their direction are familiar with this administrative procedure. The Volunteer Manager is responsible for disseminating this administrative procedure to all volunteers. Managers who have contractual employees will be responsible for disseminating this administrative procedures to the contractor.


Implementation

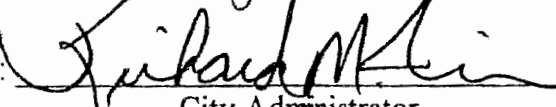
The Human Resources Coordinator may promulgate procedures that facilitate the implementation of this Policy.

Conclusion

City of Takoma Park has developed this Policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation.

Any employee who has any questions or concerns about these policies should talk with the Human Resources Coordinator.

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IMPORTANT PHONE NUMBERS AND ADDRESSES

City Administrator 301-270-1700 x268

Assistant City Administrator 301-270-1700 x203

Human Resources Coordinator 301-270-1700 x201

Fair Practices Team (Police Dept)	Professional Standards Manager	301-270-1700 x505
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Personnel Review Board

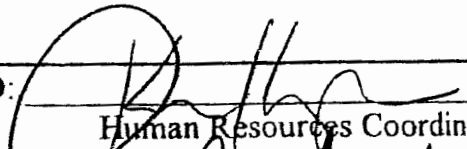
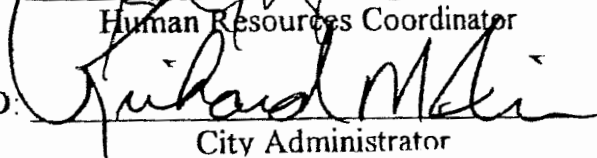
External Equal Employment Opportunity Agencies¹:

Equal Employment Opportunity Commission (Baltimore District Office) 10 South Howard Street, 3rd floor, Baltimore, MD Phone: 410-962-3932
Website: www.eeoc.gov

Montgomery County Human Relations Commission 110 N. Washington, St. 2nd floor Rockville, MD 20850 Phone: 240-777-8450

Maryland Human Relations Commission 6 St. Paul Street, 9th Floor, Baltimore, MD 21202-1630 Phone 410-767-8600

¹ The filing of a complaint under this Policy does not extend the deadlines for filing a complaint with any other agency.

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