

EFFECTIVE DATE 1/17/95

SUBJECT: PERSONNEL

ADMINISTRATIVE REGULATION NO. A-95-116

AMENDING ADMINISTRATIVE REGULATION NO. A-93-107 ESTABLISHING A SEXUAL HARASSMENT POLICY AND IMPLEMENTING INVESTIGATION PROCEDURES FOR THE CITY OF LAS VEGAS, NEW MEXICO.

PURPOSE: The purpose of this Policy is to enforce an environment in the workplace that is free of sexual, intimidating harassment of any type.

POLICY: Sexual harassment by a supervisor, co-worker, or subordinate is unlawful discrimination under State and Federal law. The City of Las Vegas is committed to providing a work environment that is free of sexual harassment for employees, non-employee volunteers, and others who work subject to the direct control of City authorities.

DEFINITIONS: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- A. Submission to such conduct is made either, explicitly or implicitly, a term or condition of an individual's employment;
- B. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or
- C. 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.

BEHAVIOR: Sexual harassing behavior may include, but is not limited to:

- A. Sexual or offensive photographs or media displayed or circulated in any area that can be viewed by others;
- B. Jokes or comments of a sexual nature;
- C. Eye contact or body language that may be offensive;
- D. Unwelcome out-downs, innuendos, propositions, touching, cornering, or off-color remarks that are of a sexual nature; or
- E. Persistent requests for a date.

PROCEDURE TO REPORT SEXUAL HARASSMENT: Sexual harassment of any form should be reported immediately to the Human Resource Director for guidance. Employees shall be assured that an appropriate investigation will be undertaken. There shall be no retaliation for having filed a complaint of sexual harassment.

PENALTY: Anyone violating this Policy shall be subject to disciplinary action, up to and including termination.

SEXUAL HARASSMENT INVESTIGATION PROCEDURES: The Human Resource Director will provide guidance and/or initiate a prompt, discreet investigation upon being informed of sexual harassment incidents.

Based upon the information provided by the complainant, the Human Resource Director will then determine if an investigation is appropriate. When an investigation is appropriate, the Human Resource Director or his/her designee will first inform the accused person's supervisor that there are allegations of sexual harassment and will then follow the procedure outline below:

- A. INTERVIEW THE COMPLAINANT. Allegations should be discussed in detail and all facts should be noted. The investigator shall interview the complainant to determine:
1. Dates, times, locations, acts, gestures, and dialogue.
  2. Whether the harassment has altered the complainant's working conditions or created a hostile work environment.
  3. What statements, acts, or gestures the complainant has made to let the offender know the behavior is unwelcome.
  4. Whether the complainant knows of others who may have been harassed by the offender.
  5. The names of any witnesses who may have seen or were told of the harassment.

This interview is to be documented in statement form and signed by the complainant.

- B. INTERVIEW WITNESSES. All potential witnesses should be interviewed at this time. If the alleged conduct took place in private, witnesses may also be people who have been told of the incident. Interviews of witnesses are also to be documented in statement form and signed by the witness. These statements shall become part of the evidence of the investigation.
- C. INTERVIEW THE ACCUSED. This interview must be handled with objectivity and sensitivity. The allegations will be explained and discussed in detail. The accused will:
1. Be made aware of the nature of the inquiry.
  2. Be asked if he or she has previously had any kind of conflict with the complainant.
  3. Be asked if he/she wishes to make a statement. The statement should be documented; if the accused does not wish to make a formal statement, the discussion between the investigator and the accused should be documented.
  4. The accused shall be advised that he/she is allowed to have a witness present during the interview. Said witness shall also sign the documented statement.
- D. Upon determining whether sexual harassment occurred, the Human Resource Director will recommend the appropriate disciplinary action to the accused employee's supervisor, and the supervisor will then proceed with such disciplinary action pursuant to the City's Personnel Rules and Regulations. Where the investigator is not the Human Resource Director, then the investigator will report the findings to the Human Resource Director who will then advise the appropriate supervisor.
- E. APPEAL. The accused, upon being advised of the findings of the investigation and of the disciplinary action to be administered, will also be advised of the right to appeal the findings and disciplinary action pursuant to the City's Personnel Rules and Regulations.

ACKNOWLEDGMENT OF RECEIPT BY CITY EMPLOYEE: This Policy and investigation procedures shall be distributed to each employee of the City of Las Vegas. Such employee (s) shall be required to sign a certificate (Attachment A, herein) acknowledging receipt and ascertaining they have read and understand the Policy and investigation procedures.

APPROVED:   
Les Montoya, City Manager

1/17/95  
Date

SEXUAL HARASSMENT POLICY

ADMINISTRATIVE REGULATION A-95-116

ATTACHMENT A

I, \_\_\_\_\_, hereby acknowledge receipt of the City of Las Vegas Sexual Harassment Policy. I have read the Policy and understand it. I understand that violation of this Policy will result in an investigation of my action as well as possible disciplinary action.

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
DATE