

Chief Administrative Office POLICY MEMORANDUM	DATE OF ISSUE 4/16/97 2/11/04 revised 7/01/06 revised	Expiration Date NA	No. 5R
TO: ALL Divisions and Departments	Subject: Policy and Procedure for Harassment Complaints		
SIGNATURE:			
COMMENTS:			

It continues to be the policy of the Lexington-Fayette Urban County Government that unlawful harassment of its employees in any form is prohibited. The Urban County Government is committed to providing and maintaining a work environment that is free of unlawful harassment in compliance with local, state, and federal regulatory requirements.

Workplace harassment prohibited by this policy is defined as unwelcome verbal or physical conduct that slanders or shows hostility toward an individual because of their race, color, religion, national origin, age, disability, gender, gender identity, or sexual orientation, or any other factor that is prohibited by applicable law, and which has the purpose or effect of creating a hostile or intimidating environment and/or which interferes with an individual's work performance or employment opportunities. Workplace harassment also occurs when an employee is forced to choose between submitting to harassment and some unfavorable job consequence such as not being hired, being discharged, or losing a promotion. Verbal threats that are not carried out may also constitute harassment. Such behavior is prohibited whether between supervisors and employees, among co-workers, or directed at Urban County Government employees by non-employees and may consist of, but is not limited to the following:

1. **Hostile environment harassment:** Generally involves unwelcome comments or actions that relate to an employee's race, color, gender, religion, national origin, or other protected classification, intended to affect the employee's psychological well being at work and/or which creates an offensive or hostile work environment. Examples of prohibited behavior include, but are not limited to:
 - Racial or ethnic slurs.
 - Written or graphic material which shows hostility or ridicule toward an individual or group.
 - Jokes which are demeaning to a racial or religious group or to a particular nationality, gender, or other protected group of persons.
 - Hazing which can include humiliation, practical jokes, and horseplay.
 - Other behavior which is intended to create a hostile, intimidating work environment.

2 Policy Memorandum #5R

2. **Sexual harassment:** Generally involves unwelcome verbal or physical conduct of a sexual nature and occurs when (1) submission to such conduct is made either implicitly or explicitly 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 such 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. Examples of prohibited behavior include, but are not limited to:

- Demands for sexual favors accompanied by threats concerning an individual's employment status.
- Demands for sexual favors accompanied by promises of special treatment concerning an individual's employment status.
- Verbal, written, or graphic communications of a sexual nature.
- Unwelcome physical touching including patting, pinching, or other unnecessary/unwelcome contact with another's body.
- Offensive comments, jokes, innuendoes.
- Other sexually-oriented statements and sexual conduct that has the purpose, intent, or effect of interfering with an individual's work performance or which creates an intimidating, hostile, or offensive work environment.
 - Purely voluntary personal or social relationships between employees are not prohibited. Personal relationships between supervisors and any employee they supervise are strongly discouraged. Because it is sometimes difficult to determine whether a particular action or incident arose in a voluntary personal relationship or in a prohibited sexual harassment setting, the facts of each case must be examined carefully. Supervisors must realize, however, that their attention must be welcomed by the employee, not merely tolerated, in order to shield them from liability.

Any employee with questions or concerns about any type of harassment in the workplace or who believes he or she has been the subject of harassment or who has witnessed another employee as the subject of harassment should report the alleged problem immediately to the Division of Human Resources, Employee Relations Section. Employees are not required to first complain to the person they allege is the cause of the problem, nor are they required to complain to their supervisor, division director, or commissioner. However, should a supervisor, division director, or commissioner receive a complaint of harassment, he or she will be required to report the alleged problem immediately to the Division of Human Resources, Employee Relations Section and take no immediate action pending the advice of the Division of Human Resources, Employee Relations Section. All investigations of alleged harassment will be conducted by the Division of Human Resources, Employee Relations Section.

3 Policy Memorandum #5R

All reports will be treated as serious in nature. Once a report of a violation of this policy is received, it will be promptly and thoroughly investigated. Delays in reporting a complaint may hinder investigative procedures. An investigation may include witness interviews and statements concerning the complaint. As much confidentiality as possible will be maintained during the investigation. As a reminder, an employee is never required to file a complaint with the person against whom the complaint is directed.

Retaliation against an employee for filing a bona fide complaint under this policy or for assisting in an investigation of a potential violation of this policy is strictly prohibited and should be reported. Similarly, all employees must realize that this policy does not support false accusations.

Any supervisor or employee who has been found, after appropriate investigation, to have harassed another employee or to have violated any portion(s) of this policy will be subject to appropriate disciplinary action up to and including charges being filed for dismissal.

To ensure understanding of and compliance with this policy, the Lexington-Fayette Urban County Government will provide regular, periodic training for employees about harassment in the work place. Every employee shall receive a copy of this memorandum and a copy shall be posted on bulletin boards in each division.