CITY OF PROVIDENCE

2.2 NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

Purpose

The City of Providence is committed to a work environment in which all individuals are treated with respect and dignity. Every individual has the right to work in a professional atmosphere which promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the city expects that all relationships among employees will remain professional and free of discrimination, prejudice, and harassment.

Any employee who has questions or concerns about these policies should either talk to their direct supervisor or with the Equal Employment Opportunity Officer for the City of Providence, who may be reached via telephone at 401-680-5615, or via the City's HR Hotline at 401-680-5714 or email at hrhotline@providenceri.gov.

Scope

This policy applies to all employees, applicants, contractors, and volunteers associated with the City of Providence and refers to conduct either by city employees, by constituents, or other individuals not directly employed by the City of Providence (e.g., outside vendors, consultants, or customers).

The conduct addressed by the policy below is not allowed in the workplace or in any work-related setting outside the workplace, such as during business trips, business meetings, or business-related social events.

Policy

1. **Equal Employment Opportunity**

The City of Providence is committed to ensuring equal employment opportunity for all its employees without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law.

2. **Retaliation**

The City of Providence prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

3. **Discrimination**

   A. The City of Providence is a workplace free of discrimination, and discriminatory practices will not be tolerated.

   B. Discrimination is defined by disparate treatment of an individual as a result of their membership in a class protected under Title VII of the US Civil Rights Act, Age Discrimination in Employment Act (ADEA), Americans with Disabilities Act (ADA), and other laws. These include:

      1. Race
      2. Color
      3. Religion
      4. Sex (including pregnancy, sexual orientation, and gender identity)
      5. National origin
      6. Age (40 or older)
      7. Disability
      8. Genetic information (including family medical history)

C. When a nexus exists or appears to exist between any derogatory employment decision and an employee's membership in a protected class, discrimination may exist.
D. In addition to ethical and moral concerns raised by discriminatory behavior in the workplace, discriminatory behavior on the part of management staff represents a significant legal liability to the employer, a disincentive to employee engagement and retention, and a trigger for disciplinary action for the employee found to have been acting in a discriminatory manner.

4. **Sexual Harassment**
   A. The City of Providence has a zero-tolerance policy regarding sexual harassment, which constitutes a form of discrimination and is illegal under federal, state, and local laws.
   B. Sexual harassment is defined 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 such individual.
      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.
   C. Title VII of the Civil Rights Act recognizes two types of sexual harassment:
      1. Quid pro quo
      2. Hostile work environment
   D. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include:
      1. unwanted sexual advances or requests for sexual favors
      2. sexual jokes and innuendos
      3. verbal abuse of a sexual nature
      4. commentary about an individual's body
      5. sexual prowess or sexual deficiencies
      6. leering
      7. whistling
      8. touching
      9. insulting or obscene comments or gestures
      10. display in the workplace of sexually suggestive objects or pictures
      11. and other physical, verbal, or visual conduct of a sexual nature.
   E. Refer to the Sexual Misconduct Policy for more information.

5. **Other Types of Harassment**
   A. Harassment on the basis of any protected characteristic is also strictly prohibited.
   B. Under this policy, harassment is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of relatives, friends, or associates, 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.
      3. Otherwise adversely affects an individual's employment opportunities.
   C. Harassing conduct may include, but is not limited to:
      1. Epithets
      2. slurs or negative stereotyping
      3. threatening
      4. intimidating or hostile acts
      5. denigrating jokes

6. or written or graphic material which demonstrates hostility, aversion, or contempt toward an individual or group and which is posted on walls or elsewhere on city property or otherwise circulated in the workplace on company time or using company equipment, by e-mail, phone, text message, social networking site, or any other means.

6. **Reporting an Incident of Harassment, Discrimination, or Retaliation**
   A. The City of Providence encourages employees to report any perceived incident of discrimination, harassment, or retaliation to which they have been subjected or have witnessed, regardless of the offender's identity or position.
   B. Employees who believe they have been the victim of such conduct should discuss their concerns with the City of Providence's Equal Employment Opportunity Officer (Phone: 401-680-5615 or email: hrhotline@providenceri.gov).
      1. Alternatively, individuals may choose to report their experience to a member of management or supervisor, who should in turn refer them to the EEO Officer.
      2. Reports of discrimination or harassment should not be handled at the department level.
      3. See the complaint procedure described below for a detailed account of the process.

7. **Complaint Procedure**
   A. Employees who believe they are subjected to any discriminatory or harassing behavior should, if comfortable doing so, advise the offender that their behavior is unwelcome and request that it be discontinued immediately.
      1. This action alone may stop the behavior in process and may thereby resolve the immediate situation.
      2. The employee may prefer to disengage from the situation and pursue the matter through the City's complaint procedure and is encouraged to do so.
   B. Any supervisor in receipt of a complaint of discrimination, harassment, or any other prohibited behavior by an employee, should refer the complaining employee to the Department of People and Culture – Employee Experience, and also follow up with the Equal Employment Opportunity Officer
   C. All complaints of harassment or discrimination must be reported promptly so that rapid and constructive action can be taken, thereby avoiding further instances of harassment.
      1. When at all possible, a complaint about problematic behavior should be made within thirty (30) days of the first occurrence of the incident.
      2. Early reporting and intervention are considered the most effective method of resolving actual or perceived incidents of harassment.
   D. All reported incidents of harassment, discrimination or retaliation will be investigated within thirty (30) days of the complaint being filed.
   E. Investigations may include individual interviews with the parties involved or, where applicable, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
      1. The City of Providence will maintain confidentiality throughout the investigatory process to the degree possible, while ensuring adequate investigation and appropriate corrective action.
      2. While complete confidentiality cannot be assured due to the nature of the process, the City will make every effort to maintain the highest degree of confidentiality attainable to the particulars of the situation.
   F. Acts of retaliation should be reported promptly to the City's EEO Officer to be investigated and addressed.
   G. Once the investigatory process has been completed, the complainant will receive a summary report informing them that the process has been completed and the final determination of the investigation. The specifics of any disciplinary action taken will not be provided, just the fact that disciplinary or corrective action was taken, if applicable.
   H. An effective sexual harassment policy requires the support of all city personnel. Anyone who engages in sexual harassment and/or retaliation or who fails to cooperate with any city-sponsored investigation may be disciplined by suspension or termination from employment.

8. **Appeals**

If a party to a complaint does not agree with its resolution, that party may appeal to the City of Providence's Chief People Officer, the Rhode Island Commission on Human Rights, or the Federal Equal Opportunity Commission.

9. **Compliance**
   A. The City will act upon employee misconduct found by investigation to constitute harassment, discrimination, or retaliation through disciplinary action.
      1. Depending on the severity of the infraction, this may include:
         1. mandatory training
         2. additional disciplinary action such as a warning,
         3. suspension without pay,
         4. immediate termination from employment
         5. Such discipline will be issued as the City deems appropriate under the particular circumstances.
   B. There is a zero-tolerance for sexual harassment and discrimination, egregious violations are considered grounds for immediate termination.
   C. Any retaliation against an individual for reporting harassment or discrimination or for participation in an investigation of a claim of harassment or discrimination is a serious infraction and, like harassment or discrimination itself, will be subject to disciplinary action.

Related Policies:
Discipline Policy
Code of Conduct
DEEO Policy
Whistleblower - Anti-Retaliation Policy
Sexual Misconduct Policy

Other Related Information:
Local 1033 Collective Bargaining Agreement