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RESOLUTION NO. 8-88

A RESOLUTION OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, ADOPTING A POLICY PROHIBITING SEXUAL HARASSMENT BY OR AGAINST CITY EMPLOYEES; AND ESTABLISHING PROCEDURES FOR DEALING WITH VIOLATIONS OF THE POLICY.

WHEREAS, the Equal Employment Opportunity Commission guidelines interpreting Title VII of the Civil Rights Act of 1964 state that employers are responsible for preventing sexual harassment in the workplace, and for establishing procedures for dealing with sexual harassment when it does occur; and


WHEREAS, the City of Mesquite desires to protect itself from potential liability for sexual harassment by adopting a written policy that prohibits sexual harassment of City employees, establishes procedures for investigating and resolving complaints of sexual harassment, and provides for disciplining offenders.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:


SECTION 1. That the "City of Mesquite Policy Against Sexual Harassment in the Work Place" attached hereto as Exhibit "A" is adopted in full as set out therein.

SECTION 2. That this resolution take effect immediately from and after its passage as the law in such cases provides.

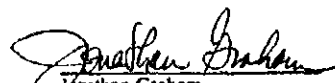
DULY RESOLVED by the City Council of the City of Mesquite, Texas on this the 4th day of April, A.D., 1988.

  
George A. Vencer, Sr.  
Mayor

ATTEST:

  
Lynn Krugel  
City Secretary

APPROVED:

  
Jonathan Graham  
City Attorney

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EXHIBIT "A"

CITY OF MESQUITE  
POLICY AGAINST SEXUAL HARASSMENT  
IN THE WORK PLACE

A. STATEMENT OF POLICY

It is the policy of the City of Mesquite that all employees are entitled to a work environment conducive to productivity that is free from sexual intimidation and any unwelcome sexual advances. Sexual harassment, harassment based on race, color, religion, or national origin, is an unlawful practice in violation of Section 703 of Title VII of the Civil Rights Act of 1964. It is the policy of the City to strictly prohibit any conduct which constitutes sexual harassment and to discipline any employee guilty of committing such conduct. Employees are encouraged to report sexual harassment if it does occur.

B. SEXUAL HARASSMENT DEFINED

The Equal Employment Opportunity Commission defines sexual harassment in the work place as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- (2) submission 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.

Further examples of verbal or physical sexual harassment may include, but shall not be limited to: subtle pressure to engage in sexual activity; patting, pinching, brushing against, embracing or touching another person's body; demanding sexual favors accompanied by implied or over threats concerning an individual's employment status; offensive gestures or motions; explicit comments; sexual remarks or jokes that are objectionable or discomforting to the recipient; or questions of a sexual nature about an employee's private life.

C. GRIEVANCE PROCEDURE

- (1) Any employee who believes that he/she has been subjected to any form of sexual harassment may take the following actions:
  - (a) Confront the individual(s) involved, making him/her aware of your feelings about the activity or incident they you believe is a form of sexual harassment, and ask that the activity cease immediately and not be repeated. *Confrontation is not a*

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*prerequisite to reporting instances of sexual harassment, as provided below.*

- (b) The employee shall report incident(s) of sexual harassment to a City administrator in higher authority, e.g., a division head, department head, Personnel Director, or the City Manager. The reporting process is purposely left flexible to enable the employee to choose an organizational level that he/she is comfortable with in reporting the incident.

The administrator receiving the complaint shall forward the information to the City Manager. The City Manager shall assign the complaint for investigation to either the Personnel Director and/or the Department Director in charge of the department in which the person accused of sexual harassment works. Other appropriate investigators may be chosen when deemed necessary by the City Manager. In the event that the complaint involves an employee who reports directly to the City Council, the City Council shall determine an appropriate investigative procedure.

- (2) The employee shall make a written statement regarding the incident(s) of sexual harassment, giving as much detail as possible, including the name of alleged offender, type of harassment, date(s) and place(s) of occurrence, and name(s) of any witnesses to the harassment. The written report by the employee shall be made in a timely manner, but may occur after an initial contact is made with a City administrator.
- (3) The City shall give immediate and thorough attention to all complaints or grievances relating to sexual harassment, regardless of the position or title of the alleged offender. The City shall, as far as practical, investigate allegations of sexual harassment in a sensitive manner, calculated to protect the rights of all of the concerned parties until the investigation is complete.
- (4) Any employee accused of sexual harassment shall have the right to defend him/herself of the charges either in writing or verbally to the investigating authorities.
- (5) If the investigation substantiates the complaint, the City shall take prompt and appropriate disciplinary action against the persons charged with sexual harassment.

#### D. DISCIPLINARY ACTION

Where it has been determined by the investigative process that sexual harassment, as defined herein, has occurred, such determination shall constitute grounds for disciplinary action in accordance with Subsections F, I and L of Section 8.1 of the City of Mesquite Civil Service Rules and Regulations.

The severity of the discipline will be determined on a case-by-case basis, taking into consideration the nature of the offense, the context in which it occurred and the past record of the employee. The disciplinary action chosen may include verbal

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warning, written warning as a part of personnel records, demotion and reduction in pay, suspension without pay, or dismissal from employment, depending on the circumstances. The department director shall determine the appropriate disciplinary action, contingent upon the approval of the City Manager. Where the person complained of is a City Council appointee, the City Council shall determine an appropriate disciplinary action.

**E. MANAGEMENT RESPONSIBILITIES**

It is the responsibility of each department director, division head, or supervisor to create and maintain an atmosphere free of sexual harassment. This includes informing each employee of the policy on sexual harassment and making a strong statement that unprofessional behavior that creates a hostile working environment will not be tolerated. All employees of the City are responsible for cooperating with any investigation or related activity resulting from this Policy. Any supervisor or manager who is aware of any form of sexual harassment occurring within the work place should take appropriate action to see that the harassment stops, including reporting the harassment to a supervisor.