

City of Virginia Beach Workplace Harassment Policy	Policy Number:	6.13
	Date of Adoption:	April 1995
	Date of Prior Revision:	Not Applicable
	Date of Current Revision:	October 12, 2015
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1.0 PURPOSE:

To set forth the City of Virginia Beach’s commitment to ensuring a workplace free from discrimination and harassment, in accordance with Title VII of the Civil Rights Act of 1964, as amended, and other federal and state laws; and to hold all employees accountable for the prevention of all illegal harassment and discrimination.

2.0 APPLICABILITY:

2.1 This policy shall apply to:

- A. All part-time and full-time employees in all departments and agencies under the administrative authority of the City Manager and the City Council;
- B. All applicants in consideration for employment with the City of Virginia Beach;
- C. All temporary contract workers employed through temporary service agencies; AND
- D. All volunteers providing services to the City.

3.0 POLICY STATEMENT:

3.1 The City prohibits any discrimination and harassment on the basis of race, color, sex, religion, national origin, disability, age, pregnancy or childbirth, genetics, military status, sexual orientation and gender identity.

3.2 The City also prohibits discrimination and harassment in the interaction with all citizens, vendors, contractors, clients and customers on the basis of race, color, sex, religion, national origin, disability, age, pregnancy or childbirth, genetics, military status, sexual orientation and gender identity.

- 3.3** Additionally, the City also prohibits discrimination and harassment including, but not limited to:
- A. Discrimination or harassment against an individual because of their marriage to or other familial relationship to an individual who has lodged a complaint of discrimination or harassment based on race, color, sex, religion, national origin, disability, age, pregnancy or childbirth, genetics, sexual orientation and gender identity, religion, or military status;
 - B. Employment decisions based on stereotypes or assumptions regarding the abilities, traits, or performance of individuals based on their race, color, sex, religion, national origin, disability, age, pregnancy or childbirth, genetics, sexual orientation and gender identity, religion, or military status; AND
 - C. Any conduct that violates any federal, state or local law, statute or regulation.
- 3.4** The City shall promptly investigate complaints of unlawful discrimination and harassment, in accordance with the City's [Equal Employment Opportunity Policy and Complaint Procedure, No. 6.06](#).
- 3.5** Employees found to be in violation of this policy shall be subject to discipline, up to and including dismissal, in accordance with the City's [Discipline Policy and Procedure, No. 4.02](#).
- 3.6** Any volunteers found in violation of this policy shall be removed from their assignment with the City of Virginia Beach.
- 3.7** Any other individuals, including temporary contract workers, found in violation of this policy shall not be permitted to work for the City pursuant to the contract.

4.0. WORKPLACE HARASSMENT:

4.1 Workplace Harassment

- A. Workplace Harassment is a form of discrimination, which may occur when an employee is subjected to unwelcome behavior based on race, color, sex, sexual orientation, gender identity, religion, national origin, age, disability, pregnancy or childbirth, or military status which has the purpose or effect of interfering with the employee's work performance or creates a hostile, intimidating, or offensive work environment. Additionally unlawful and prohibited harassment can arise when an employee's reaction to the prohibited conduct is used as a basis for employment decisions affecting the employee and/or when an employee's submission to the conduct is an explicit or implicit term or condition of employment.
- B. The City expressly prohibits any and all acts of workplace harassment.

4.2 Harassment, under City policy, includes, but is not limited to:

- A. verbal conduct such as epithets, derogatory name calling or insults, derogatory nicknames, threats, humiliating or derogatory jokes or stories, slurs, inappropriate open discussions, unwelcome advances or invitations, propositions, abusive language, verbal abuse, degrading comments, mimicking, teasing, lewd noises or whistles, criticizing, joking, request for favors, flirtations, subtle pressure or phone calls;
- B. visual conduct such as display of derogatory or offensive material, posters, cartoons, objects, bulletins, symbols, drawings, e-mails, videos, text messages, pictures and other written or non-written materials;
- C. physical conduct such as coercion, blocking normal movement, leering, lewd gestures, hand gestures, stares, unwanted physical contact or physical interference with work; AND/OR
- D. other conduct that an individual might reasonably find to be offensive.

4.3 Interactions between two or more employees that do not rise to the level of unlawful discrimination or harassment may fall within the context of misconduct as described in the City's Discipline Policy and Procedure, #4.02 and/or Violence Prevention Policy, #6.17.

4.4 Sexual Harassment

- A. Sexual harassment is any unwelcome sexual advances, requests for sexual favors, or any other conduct of a sexual nature when:
- (1) submission to the conduct is either an explicit or implicit term or condition of employment;
 - (2) an employee's reaction to the conduct is used as a basis for employment decisions affecting that employee; AND/OR
 - (3) the conduct has the purpose or effect of interfering with the employee's work performance or creating an intimidating, hostile or offensive work environment.
- B. The City expressly prohibits any act of sexual harassment, whether by the same or opposite sex.
- C. Sexual harassment is not limited to demands for sexual favor or unwanted physical contact such as kissing, hugging, grabbing, pinching, or touching. Sexual harassment also may include, but is not limited to:
- (1) Sexual oriented kidding, teasing, jokes;
 - (2) Sexual flirtations, advances or propositions;
 - (3) Verbal abuse of a sexual nature;
 - (4) Graphic or degrading comments about an individual or his/her appearance;
 - (5) The display, posting, sharing, emailing, and/or texting of sexually suggestive objects, pictures, cartoons, drawings, videos, movies, cards, and/or photographs;
 - (6) Subtle pressure for sexual activity;

(7) The verbal description or discussion, implied or explicit, of sexual acts, conduct, content, or of a sexual nature; AND/OR

(8) Physical gestures of a sexual nature.

D. Dating between supervisory personnel and employees in the supervisor's chain of command in the same division, workgroup or work unit is prohibited.

5.0 PROCEDURES AND RESPONSIBILITIES FOR REPORTING:

Refer to the City's [Equal Employment Opportunity Policy and Complaint Procedure, No. 6.06](#).

6.0 RETALIATION:

6.1 The City prohibits retaliation against any individual for filing a complaint of discrimination and/or harassment, providing information, participating in any complaint investigation, and/or opposing perceived discriminatory practices.

6.2 No employee or applicant shall be subject to retaliation that may include but are not limited to:

A. any adverse employment act such as: failure to hire or promote; disciplinary actions; termination; OR

B. any action that would dissuade an individual from bringing a complaint of discrimination.

6.3 Any employee, who is found to have retaliated against an individual, may be subject to disciplinary action, up to and including dismissal, in accordance with the City's [Discipline Policy and Procedure, No. 4.02](#).

7.0 POLICY REVISIONS:

The City Manager, or his designee, may revise or rescind this policy, or any portion thereof, at any time.