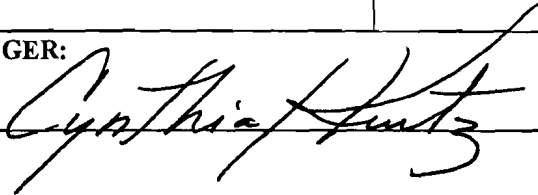
	MANUAL OF PERSONNEL RULES, PRACTICES, AND PROCEDURES	SECTION: 5.00 Equal Employment
		SUBJECT: 5.15 Sexual Harassment Prevention Policy
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APPROVED BY THE CITY MANAGER: 		

SEXUAL HARASSMENT PREVENTION POLICY - CITY OF PASADENA

I. Introduction

It is the goal of the City of Pasadena to promote a workplace that is free of sexual harassment. Sexual harassment of/by employees/applicants/customers or contractors, occurring in the workplace or in other settings is unlawful and will not be tolerated by the City.

II. Definition of Sexual Harassment

In California, the legal definition for "sexual harassment" is "sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or (b) such advances, requests or conducts have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment."

TYPES OF SEXUAL HARASSMENT:

1. Quid Pro Quo

Quid Pro Quo harassment occurs when a supervisor makes demands of a sexual nature to a subordinate. ("Quid Pro Quo" means "this for that.") Quid Pro Quo is when a supervisor makes submission to sexual conduct a term or condition of employment and uses it as a basis for employment decisions that affects subordinates.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

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2. Hostile Environment

A hostile environment is created when:

- a. There is conduct occurring that a "reasonable" person standing in the shoes of the victim (whether female or male) would find offensive;
- b. The conduct interferes with the victim's peace of mind, ability to do her (or his) job, or alters the nature of the working environment or employment relationship (even if the employee's salary, benefits, promotional and advancement opportunities and the like, are not affected). Generally, for sexual harassment to exist, more than an isolated incident must occur.

The legal definition of sexual harassment is broad and encompasses other sexually oriented conduct, whether it is intended or not, that is both unwelcomed and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcomed, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities; and
- Use of electronic media to violate this policy.

Retaliation:

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

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The retaliation clause is a part of Title VII of the Civil Rights Act of 1964, as amended. Title VII prohibits an employer from discriminating against an employee or applicant because he or she "opposed an unlawful employment practice, " or "made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing."

Title VII and California FEP (Department of Fair Employment & Housing) statutes prohibit retaliation against any person who opposes or complains about sexual harassment or sex discrimination in the workplace, or who participates in any investigation into such unlawful conduct.

An employer can be held liable for retaliation, separate and apart from any liability for the underlying harassment or discrimination. The same remedies are available for a retaliation claim as for any other violation of Title VII. The purpose of the retaliation clause is to protect an employee who utilizes the tools provided by Congress to protect his or her rights

III. Complaints of Sexual Harassment

If any City of Pasadena employee/applicant/customer or contractor believes that he or she has been subjected to sexual harassment, they have the right to report the incident to any manager or supervisor, and the right to file a complaint with the Department of Human Resources. The Director of Human Resources or his/her designees shall interview individuals filing a complaint and he/she may be accompanied by a person of his/her choice. Other individuals will be interviewed as necessary.

Complaints of acts of sexual harassment or retaliation that are in violation of the City's Sexual Harassment Prevention Policy will be accepted in writing or orally, and any anonymous complaint will be taken seriously and investigated. Anyone who has observed sexual harassment or retaliation should report it to the Director of Human Resources. A complaint need not be limited to someone who was the target of harassment or retaliation.

Additionally, individuals can also file complaints with EEOC (Equal Employment Opportunity Commission) within 300 days and with DFEH (Department of Fair Employment & Housing) within 365 days of the most recent alleged discriminatory act.

IV. Sexual Harassment Investigation

When the Department of Human Resources receives a complaint, the allegations will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable.

If it is determined that a violation of this policy has occurred, the City will act promptly to correct the offending conduct, and where it is appropriate disciplinary action will be imposed.

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V. Disciplinary Action

If it is determined that a violation of this policy has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as is appropriate under the circumstances.

VI. Management Responsibility

It is the responsibility of every City of Pasadena manager and supervisor to:

1. Inform all employees of City policy and their rights to recourse for activities which come under the Sexual Harassment Prevention Policy.
2. Immediately begin action when informed of any alleged violations of the Sexual Harassment Prevention Policy by informing the Director of Human Resources and seek consultation regarding any remedial or investigative action.
3. Recognize that managers and supervisors should report to the Department of Human Resources, instances of sexual harassment of which they are aware, and instances of harassment of which they should be aware in the normal course and scope of their management responsibility.