



CITY OF KINSTON

Personnel Policy

Subject: Prohibition of Sexual Harassment and other Unlawful Harassment and/or Discrimination	Section: Human Resources		Review Responsibility: Director of Human Resources		
	Policy #: 10	Effective Date: 04/21/2023	Rev. #: 3	Revision Date: 06/01/2022	Page: 1 of 3
	Supersedes: 7/20/1998	Prepared By: Lea Mills <i>Lea Mills</i>	Approved By: Rhonda Barwick <i>R. Barwick</i>		

1.0 Purpose

To establish a policy strictly prohibiting any form of sexual harassment in the workplace of employees or persons seeking employment, assigning where appropriate accountability to the supervisor for such conduct by individuals under his/her supervision, and providing the means to effectively and promptly investigate and resolve allegations of sexual harassment. Inclusion in this policy is a strict prohibition of any other forms of harassment or discrimination based on Title VII of the federal Civil Rights Act of 1964, which prohibits discrimination based on age, sexual preference, religion, race, color, national or ethnic origin, disability, veteran status or any other unlawful factor.

2.0 Organizations Affected

2.1 All city employees working in all departments

3.0 Policy

The City of Kinston is committed to the maintenance of a workplace free from harassment, intimidation and discrimination. All city employees are prohibited from engaging in conduct that may be defined as sexual harassment or discrimination. No personnel decision shall be made on the basis of the granting or denial of sexual favors, nor shall any personnel decision be made on the basis of age, sexual preference, religion, race, color, national or ethnic origin, disability, veteran status or any other unlawful factor.

4.0 Definitions

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

4.1 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment

4.2 Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or

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4.3 Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive or discriminatory work environment.

4.4 Quid Pro Quo (This for That) Harassment occurs when an employee is requested to engage in a sexual act as a term or condition of a job benefit or assignment.

Harassment or Discrimination includes but is not limited to:

- 4.1.1 Offensive or unwelcomed ethnic or sexual jokes, use of racial epithets, and stereotyping individuals on the basis of age, sexual preference, religion, race, disability or national origin
- 4.1.2 Behavior toward an employee or applicant for employment which is intentional and so extreme and outrageous as to cause severe emotional distress.

5.0 Accountability

It is the responsibility of the immediate supervisor to ensure that the work site is free of sexual harassment and discrimination. The supervisor is accountable for the harassing and discriminating behavior of an employee under his/her supervision and shall be subject to disciplinary action if he/she knew or should have known of such and failed to take corrective action.

It is the responsibility of every City employee to conduct himself or herself so as to contribute to an environment free of sexual harassment and discrimination.

6.0 Procedures

Any employee who feels that he/she has been sexually harassed and/or discriminated against in violation of this policy or who has witnessed sexual harassment or discrimination against another employee has a duty to report the behavior to his or her supervisor, department Head or the Human Resources Director immediately. Allegations of sexual harassment or discrimination made to the supervisor or department head shall be reported to the Human Resources Director immediately.

In addition to the Human Resources Director any member of the Human Resources/Employee Health department are available to alleged victims of sexual harassment and/or discrimination who may feel the need to seek advice or counseling, rather than file an immediate complaint. Employees may contact any staff member by phone or in person. It shall be the responsibility of the staff to inform the complainant of their rights and obligations under the policy, as well as the proper procedures for filing a complaint. All information shared shall have the affirmative obligation to inform the Director of Human Resources that an allegation has been made and the steps being taken to address the issue with the complainant.

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Upon the filing of a formal complaint of an allegation of sexual harassment and/or discrimination, a prompt and thorough investigation shall be made with review of the entire record and the totality of the circumstances to determine if the alleged conduct constitutes sexual harassment and/or discrimination. The City Manager shall be informed of the situation as soon as reasonably practicable and without undue delay.

This policy shall not be used to bring frivolous or malicious charges against employees, supervisors, managers or agents of the City.

Any conduct which, upon thorough investigation and review, is determined to be sexual harassment or which is discriminatory in any other respect shall result in appropriate disciplinary action up to or including termination.

Retaliation, which is defined as the exercise of internal interference, coercion, restraint, or reprisal against any person complaining of alleged sexual harassment and/or discrimination, is strictly prohibited. Any person guilty of retaliation shall be subject to disciplinary action up to and including dismissal.