

DIVERSITY MANAGEMENT PROGRAM AND SEXUAL HARASSMENT AWARENESS

POLICY:

It is the policy of the City of Miami Beach to provide equal employment opportunity for all, regardless of race, gender, color, national origin, religion, age, disability, marital status, familial status, citizenship, and/or sexual orientation.

It is the policy of the City of Miami Beach to provide an atmosphere and environment to protect and safeguard individuals recruited, selected, hired, and promoted within the City employment system by promoting and maintaining equal employment opportunity by means of affirmative action.

As part of its continuing diversity management efforts, in keeping with the guidelines on sexual discrimination issued by the Equal Employment Opportunity Commission, the City of Miami Beach fully supports legislation to protect and safeguard the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to sexual harassment or discrimination of any kind in the work-place. It is the policy of the City of Miami Beach to provide an environment free of sexual harassment.

Sexual Harassment Awareness

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964. As such, each City of Miami Beach employee, male or female, as a condition of employment, and in accordance with the policies of the City, commits to uphold and affirm such Harassment Policy as the City has adopted and in so committing agrees to:

- a. not making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of any employee's employment;
- b. not making employment decisions based on submission to or rejection of such conduct; and
- c. not creating an intimidating, hostile, or offensive working environment by any such conduct.

Definitions

Sexual harassment refers to behavior that is personally offensive, fails to respect the rights of others, lowers morale and, therefore, interferes with work effectiveness. Sexual harassment may be overt or subtle. Some behavior which is appropriate in a social setting may not be appropriate in the work-place. Sexual harassment can be insulting and demeaning to the recipient and cannot be tolerated in the work-place.

Sexual harassment may take different forms including:

- | | |
|-------------------|--|
| Verbal | Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats. |
| Non-verbal | Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures. |
| Physical | Unwanted physical contact including touching, pinching, brushing the body, sexual assault. |

All employees will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur.

It is the responsibility of each supervisor to maintain a work environment free of sexual harassment. This responsibility includes but is not limited to informing employees under his or her supervision of the City's Sexual Harassment policy.

When a supervisor becomes knowledgeable of an incident of sexual harassment, it is the responsibility of the supervisor to inform the Affirmative Action Officer whether or not the individual subjected to the harassment wishes to seek remedial action.

Given the nature of this type of discrimination, the City recognizes that invalid, unfounded, or false accusations of sexual harassment can have serious effects on innocent individuals. A thorough investigation of all the facts in the complaint will be done to determine the most appropriate disposition of the complaint.

Counseling and/or appropriate disciplinary action will be taken with any employee who violates this policy. In accordance with the City's policy of progressive discipline and based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination.

PROCEDURES:

Filing a Sexual Harassment Complaint

1. Any employee who believes he or she has been the subject of sexual harassment should report the alleged act immediately to his or her supervisor, department director, or Affirmative Action Officer.
2. If a complaint involves a Department Director, the complaint shall be filed directly with the Affirmative Action Officer.
3. Complaints will be investigated in a confidential and timely manner. Information concerning a complaint will not be released by the City to third parties or to anyone within the City who is not involved with the investigation. The purpose of this provision is to protect the confidentiality of an employee who files a complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of any employee wrongfully charged with sexual harassment.
4. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Employees shall be guaranteed impartial and fair treatment. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.
5. If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be recommended to the Department Director.
6. If the complaint is found to be false and a deliberate misrepresentation of the facts, and made with malicious intent, the party filing the false complaint shall face disciplinary action.

Filing Other Discrimination Complaints

1. Any employee or applicant for City employment, who believes he or she has been discriminated against when applying for a job, on the job, or in the terms and conditions of employment because of race, color, national origin, gender, sex, religion, disability, age, marital status, familial status, citizenship or sexual orientation may file a complaint through the Affirmative Action Officer in the Human Resources Department.

2. **The Affirmative Action Officer will seek a solution to the complaint either through an informal or formal fact-finding investigation. The completion of the fact-finding inquiry should be handled in a confidential and timely manner. The Department Director will be officially advised as to the nature of the complaint and the fact-finding process.**
3. **Upon completion of the initial investigation, the Affirmative Action Officer will make a determination if there is "reasonable cause" or "no cause" to believe discrimination has occurred.**
4. **If a determination is made that "reasonable cause" exists, then the Affirmative Action Officer will reach a conciliated disposition of the complaint. This may include employee counseling, supervisory sensitivity training, or a disciplinary action recommendation. If a determination of "no cause" is made, the Affirmative Action Officer may still recommend employee counseling or supervisory sensitivity training to improve the work environment.**