

**TOWN OF VIENNA, VIRGINIA
ADMINISTRATIVE REGULATIONS**

<u>Subject:</u> WORKPLACE STANDARDS: DISCRIMINATION, HARASSMENT, AND VIOLENCE	<u>Regulation No:</u> 2.1	<u>Effective Date:</u> August 15, 2018
	Supersedes: August 1, 2002; November 8, 2007	

I. PURPOSE

The Town of Vienna is committed to providing its employees a safe workplace and its public a welcoming, non-threatening environment. Any practice that is an obstacle to this commitment will not be tolerated in the Town workplace or at places where our employees conduct their work.

The categories that include the term “harassment” in this regulation are all part of discriminatory practices that are illegal and not permitted in the Town of Vienna. They are highlighted to indicate specific importance individually but, together, constitute systemic violations of the Civil Rights Act, the Americans with Disabilities Act, and the Age in Discrimination Act. While those areas concerning “violence” and “bullying” may be outside of a legally protected class threshold, in the Town of Vienna, they are prohibited as being against public policy. Hence, they are addressed herein.

II. EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Town of Vienna (“Town”) to provide equal opportunity in employment and to administer employment policies without regard to race, color, religion, sex, gender, gender identity/expression, age, pregnancy, national origin or disability. This policy applies to every aspect of employment practices including, but not limited to, the following:

- A. Recruiting, hiring and promoting in all job classifications will be based solely on a candidate’s qualifications for the position to be filled, without regard to race, color, religion, sex, gender, gender identity/expression, age, pregnancy, national origin or disability, except where such a factor can be determined a bona fide occupational qualification.
- B. All decisions for termination, promotion, demotion and other personnel actions, such as compensation, benefits, transfers, layoffs, training, or assignments, will be based on objective criteria, including qualifications, without regard to race, color, religion, sex, gender, gender identity/expression, age, pregnancy, national origin or disability.

III. WORKPLACE HARASSMENT

Workplace harassment is a form of discrimination. The Town prohibits any form of

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discriminatory harassment and is committed to having a diverse workforce, with all employees valued for their individual capabilities and contributions. The Town complies with federal, state and local laws on equal opportunity, and strives to provide a workplace free from tensions arising from conduct that does not relate to the Town’s business.

- A. The damaging atmosphere created by non-work related conduct, including ethnic, racial, sexual, or religious remarks, animosity, unwelcome sexual advances, requests for sexual favors, or other similar conduct will not be tolerated.
- B. Language or behavior that may be considered harassing in a discriminatory manner includes, but is not limited to, offensive, intimidating, or embarrassing comments, stereotypes, jokes, slurs, insinuations, or rumors based on race, color, national origin, age, religion, pregnancy, disability, sex, gender, gender identity/expression or any other status protected by federal, state or local law; presentation or circulation of material that could be embarrassing to or disparaging of others, based on those same characteristics; ostracizing, threatening, intimidating or hostile behavior based on those same characteristics, or any other status protected by federal, state or local law. These are prohibited.

C. Zero Tolerance for Workplace Harassment

The Town is committed to providing a work environment free from harassment, intimidation and/or coercion based on or related to any of the legally protected characteristics. The following is an illustrative list of behaviors inconsistent with the Town’s values of respect, compassion, and professionalism; they constitute illegal harassment and, therefore, will not be tolerated.

- 1. Offensive or abusive physical contact
- 2. Use of offensive nicknames or terms of affection
- 3. Unwelcome comments about a person’s race, color, national origin, age, religion, pregnancy, disability, sex, gender, gender identity/expression, or any other legally protected status
- 4. Offensive jokes or unwelcome innuendos

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5. Any suggestion that sexual activities, race, color, religion, sex, gender, gender identity/expression, age, pregnancy, national origin, disability or other protected classification would affect another's job, promotion, performance evaluation, working conditions, or other terms or conditions of employment
6. Displaying offensive objects or pictures
7. Use of Town materials, supplies, equipment or electronic systems to retrieve or transmit offensive, harassing or descriptive messages
8. Any other conduct referring to one of the legally protected characteristics that, even if not objectionable to some employees, creates a working environment that another may reasonably find offensive

IV. SEXUAL HARASSMENT

The Town's sexual harassment policy is intended to protect men and women in our organization from unwanted sexual advances or bias; to give them guidelines for reporting incidents of sexual harassment; and to assure them of the Town's intent to investigate all reported incidents of sexual harassment. If founded, the Town will take all appropriate steps necessary to return the workplace to a safe and harmonious environment.

A. Zero Tolerance for Sexual Harassment

1. The Town will not tolerate sexual harassment in our workplace. We are grounded on core values; among these are respect, professionalism, and compassion. Sexual harassment is a serious violation of these principles.
2. This policy applies to every person in our organization, regardless of gender, gender identity/expression, sexual orientation, or any protected characteristic; level, function, seniority, or status. All are obligated to comply with this policy.
3. The Town will not tolerate sexual harassment from inside or outside of the organization.

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Employees, contractors, vendors, customers and all other persons interacting with the Town are covered by this policy.

4. No supervisor or coworker shall intimate, either explicitly or implicitly, that an employee's submission to or rejection of sexual advances will in any way influence any decision regarding an employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment.

B. What is Sexual Harassment?

1. Sexual harassment has many forms of varying levels of seriousness. A person sexually harasses someone when they:
 - a. Insinuate, propose or demand sexual favors of any kind.
 - b. Invade another person's personal space; touch someone inappropriately.
 - c. Stalk, intimidate, coerce or threaten another person to get them to engage in sexual activities.
 - d. Send or display sexually explicit objects, images, or messages.
 - e. Comment on someone's looks, dress, sexuality or gender in a suggestive or objectifying manner, or a manner that makes another person uncomfortable.
 - f. Make obscene comments, jokes or gestures that humiliate or offend someone.
 - g. Pursue or flirt with another person persistently without the other person's willing participation; flirting with someone at an inappropriate time (e.g., in a group situation), even when these advances would have been welcome in a different setting.
2. The most extreme form of sexual harassment is sexual assault. This is a crime and the Town will support employees in exercising their rights against bona fide offenders.

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V. HOSTILE WORK ENVIRONMENT

- A. A type of workplace harassment is hostile work environment harassment, which results from unwelcome verbal or physical conduct by supervisors, employees, customers, contractors or anyone with whom the victim interacts, based on any of the legally protected status or characteristics, such as:
1. The conduct is severe or pervasive enough to unreasonably interfere with an employee's work performance or create a hostile, intimidating or offensive work environment.
 2. The behavior may include telling off-color jokes, discussing sexually-related topics, using crude language, displaying insensitive images, etc.
- B. The Town prohibits the creation or exacerbation of an intimidating, offensive or hostile environment in the workplace.
- C. A claim of hostile work environment harassment generally requires several elements, including:
1. The complaining party must be a member of a protected class;
 2. The complaining party was subjected to unwelcome verbal or physical conduct related to his or her membership in that protected class;
 3. The unwelcome conduct was based on the complaining party's membership in that protected class; and
 4. The unwelcome conduct affected a term or condition of employment and/or had the purpose or effect of unreasonably interfering with the complaining person's work performance and/or creating an intimidating, hostile or offensive work environment.

VI. HARASSMENT REPORTING PROCEDURE

- A. If you believe that you are the victim of workplace harassment, sexual harassment, hostile

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work environment, or you witnessed what you believe to be illegal harassment or discrimination, you must use the following reporting procedure:

1. If you believe you are being harassed or subjected to discrimination, or believe you have witnessed such behavior and you are comfortable speaking to the offending person, you are encouraged to speak to that individual about his or her conduct and explain that you are offended by it and ask them to stop immediately.
2. If you believe you have been harassed or subjected to discrimination or have witnessed such behavior and you are uncomfortable approaching the offender, have done so without success, or you simply want to alert the Town, you should report such facts immediately to your supervisor, so that the Town can take appropriate action.
3. If you are uncomfortable approaching your supervisor, or you feel that the matter is not being adequately addressed, you should bring the matter to the attention of the Human Resources Director, by completing a Harassment Reporting Form.
4. The Harassment Reporting Form, No. HR 2.1-1, is found on the Town’s Intranet website. Once completed, it should be addressed, confidentially, to the Human Resources Director.
5. The reporting form is not intended to create obstacles, is not mandatory, and is not the only way a person may report an initial complaint. However, a completed form provides the Human Resources Director the preliminary information necessary to formulate next steps.
6. Regardless of the person to whom you report your complaint, or how you choose to report it, you must do so as soon as possible, preferably within 48 hours of the incident you believe constituted the illegal harassment. Nothing can be done to remedy a problem that Town Management do not know exists.
7. The Town will investigate all complaints and take appropriate remedial action, as necessary. Confidentiality will be maintained to the fullest extent without jeopardizing an investigation.

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VII. WORKPLACE VIOLENCE

- A. The Town of Vienna has zero tolerance for violence in the workplace and is committed to the safety of its employees, residents and visitors.
- B. The Town prohibits any acts or threats of violence by any employee or other person against any employee or person in or about town facilities or elsewhere any time.
- C. The Town will not condone any acts or threats of violence against its employees at any time while they are engaged in the delivery of services.
- D. Town employees are to contact the Vienna Police Department directly when they are in fear for their welfare by the acts of other persons, including citizens and customers.
- E. The Town is committed to the following:
 - 1. To provide a safe and healthful work environment.
 - 2. To take prompt remedial action, up to and including termination, against any employee who engages in threatening behavior or act of violence or who uses any obscene, abusive or threatening language or gesture.
 - 3. To prohibit employees, former employees, residents, and visitors from bringing unauthorized firearms or other weapons onto Town premises.
 - 4. An employee may bring a legally possessed firearm and ammunition to Town property, as long as these are safely kept in a locked private motor vehicle, pursuant to §15.2-915, of the Virginia Code.
 - 5. To take appropriate action when dealing with employees, former employees, residents, or visitors to Town facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.
 - 6. To inform employees that they have a “duty to warn” their supervisors or the Human

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Resources Department of any suspicious workplace activity, situation or incident(s) that they observe or of which they are aware, which involve other employees, former employees, residents, or visitors.

7. To ensure all department heads, supervisors and employees are responsible and accountable for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.
- F. The Town reserves the right to delay delivery of services to any resident, customer, or property of a customer who threatens, or poses a threat to, any employee until the threat is removed.
- G. Allegations of violence committed by or against sworn officers in the course of their official duties are to be referred to the Police Chief and law enforcement authorities as may be appropriate. However, this policy covers such employees against violence that may result from interaction with co-workers.

VIII. VIOLENCE REPORTING PROCEDURE

If you have been the victim of or have witnessed workplace violence, you are to:

- A. Call 9-1-1 immediately for workplace violence involving injury or death; otherwise, report the incident to your supervisor or to the Human Resources Director.
- B. Carefully describe the act and the person(s) responsible for the workplace violence.
- C. Do not change anything at the scene where the violent act occurred.
- D. Do not clean up, reset furniture or equipment, or touch any objects handled by the person responsible for the workplace violence.
- E. In the event of sexual assault, do not wash yourself or change clothes until a doctor has completed an exam.

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IX. WORKPLACE BULLYING

- A. This policy reaffirms the intent of the Town’s commitment to provide a work environment that reflects the highest level of ethical, respectful and lawful conduct. To that end, this policy prohibits conduct known as bullying that is intimidating, oppressive, hostile; verbally or physically abusive.
- B. What is bullying?
1. The Town defines bullying as repeated and/or deliberate abusive behavior, either direct or indirect, whether verbal, physical or psychological, conducted by one or more persons against another (or others) that impact the person or persons’ ability to do their job.
 2. The Town considers the following types of behavior examples of bullying:
 - a. Verbal bullying: mocking, slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; offensive remarks and mistreatment.
 - b. Physical bullying: pushing, shoving; kicking; poking; tripping; assaulting, or threatening to assault; blocking passage; damaging or deliberately interfering or tampering with a worker’s personal effects or work equipment, including phone, computer, email, internet, or software.
 - c. Gesture bullying: non-verbal threatening gestures; glances that can convey threatening messages.
 - d. Exclusion: socially or physically excluding or disregarding a person in work-related activities.
 3. Additionally, the following are examples of what may constitute or contribute to evidence of bullying in the workplace:
 - a. persistent singling out of one person

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- b. shouting, raising voice at an individual(s) in public and/or in private
- c. public humiliation or scolding
- d. constant criticism on matters unrelated or minimally related to the person’s job performance or job description
- e. persistently ignoring/interrupting an individual at meetings
- f. repeatedly accusing someone of errors that cannot be documented
- g. spreading rumors and gossip regarding an individual(s)
- h. encouraging others to disregard a supervisor’s instructions or to disrespect a supervisor
- i. manipulating the ability of someone to do their work (i.e., overloading, under-loading, withholding information, setting meaningless tasks, setting unrealistic deadlines, giving deliberately ambiguous instructions, or supplying incorrect information)
- j. consistently taking credit for another person’s ideas
- k. refusing reasonable requests for leave without legitimate work-related justification

X. REPORTING BULLYING OR VIOLENCE

- A. All threats of (or actual) workplace violence, both direct and indirect, and acts of bullying are to be reported immediately to the employee’s supervisor or to the Human Resources Director.
- B. Employees may report threats, acts of violence and bullying to any supervisor or department head, when it would not be appropriate to report to their immediate supervisor or the Human Resources Director. This includes threats or bullying by employees, as well as threats by customers, residents, vendors, or other members of the public.
- C. The Town will actively intervene promptly at any indication of a possibly hostile or violent situation.

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XI. CONFIDENTIALITY AND PROTECTION FROM RETALIATION

A. Confidentiality

1. Personal information obtained in the course of an investigation under this Administrative Regulation shall be confidential and not subject to public disclosure, except as may be necessary as part of the disciplinary process or as otherwise required by law.
2. Employee reports made pursuant to this Administrative Regulation will be held in confidence to the maximum possible extent.

B. Retaliation Prohibited

1. There shall be no retaliation by any Town representative or employee toward another, because of the other person's exercise of their rights under the law and/or participation in an investigation.
2. Retaliation against a person for having made a good faith complaint or report of discrimination, workplace harassment, sexual harassment, hostile work environment, workplace violence or bullying is prohibited.
3. Any person who believes that he/she has been subject to such retaliation is to bring evidence supporting such belief to the attention of the Human Resources Director for investigation and resolution.

XII. CONSEQUENCES

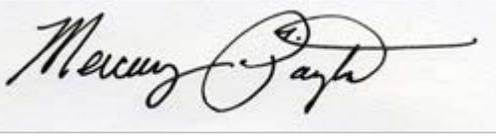
- A. Any employee, including managers and supervisors, found to violate any of the policies contained within this Administrative Regulation will be subject to disciplinary action up to and including termination of employment.
- B. Any manager or supervisor who is aware of any possible violation of this policy and fails to act as needed, such as take corrective action or notify the Human Resources Director, will be subject to disciplinary action, up to and including termination of employment.

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XIII. APPLICABLE DOCUMENTS

Harassment Reporting Form No. HR 2.1-1

<i>Signature of Town Manager:</i>	<i>Date:</i>
	August 15, 2018