


CITY OF SAN ANTONIO

	Administrative Directive	AD 4.67 Equal Employment Opportunity/Anti-Harassment
	Procedural Guidelines	Guidelines to confirm the City’s commitment to equal employment, diversity and inclusion, and to establish procedures to prevent discrimination, harassment and sexual harassment.
	Department/Division	Human Resources, Employee Relations
	Effective Date	February 1, 1982
	Revision Date(s)	October 1, 1999; December 7, 2007; March 5, 2015; February 11, 2020
	Last Reviewed	N/A
	Owner	Human Resources Administrator

Purpose

This administrative directive confirms the City of San Antonio's (City) commitment to foster a work environment free from ***employment discrimination harassment and sexual harassment, including but not limited to gender identity and gender expression harassment.*** In addition, this policy establishes procedures and responsibilities for preventing, reporting, investigating, and resolving allegations of ***employment discrimination, harassment and sexual harassment.***

Policy

It is the policy of the City of San Antonio to provide a work environment to all employees and applicants free of ***employment discrimination, harassment and sexual harassment, including but not limited to gender identity and gender expression harassment.*** In addition, any behavior, regardless of intent or severity, that could be deemed inappropriate workplace behavior, but may not legally constitute ***employment discrimination, harassment, sexual harassment or gender harassment*** is prohibited. Any act in violation of Title VII of the Civil Rights Act of 1964, (as amended), the Civil Rights Act of 1991, the American with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), and related State of Texas statutes is prohibited. Retaliation against employees for opposing alleged ***employment discrimination, harassment, sexual harassment or gender harassment*** or for filing a charge, testifying, assisting, or participating in any manner in an Equal Employment Opportunity (EEO) investigation, proceeding, or hearing is prohibited.

This administrative directive is applicable to all employees of the City of San Antonio. Disciplinary actions outlined in this directive are not applicable to employees who are at-will (non-civil service) and uniformed employees who are subject to different disciplinary procedures.

Policy Applies To

<input checked="" type="checkbox"/> External & Internal Applicants	<input checked="" type="checkbox"/> Temporary Employees
<input checked="" type="checkbox"/> Full-Time Employees	<input checked="" type="checkbox"/> Volunteers
<input checked="" type="checkbox"/> Part-Time Employees	<input checked="" type="checkbox"/> Grant-Funded Employees
<input checked="" type="checkbox"/> Paid and Unpaid Interns	<input checked="" type="checkbox"/> Police and Fire Academy Trainees

Definitions

<p><u>Employment Discrimination</u></p>	<p>Employment decisions based on stereotypes or assumptions about abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, sexual orientation, gender identity, gender expression, political affiliation or belief, genetic information, individuals with disabilities or veteran status; and denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, political affiliation or belief, genetic information, or an individual with a disability. Discrimination is also defined by Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA).</p>
<p><u>Gender Expression</u></p>	<p>Gender expression refers to an individual’s characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine, feminine, or other.</p>
<p><u>Gender Identity</u></p>	<p>Gender identity refers to a person’s internal, deeply-felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth.</p>
<p><u>Harassment</u></p>	<p>Verbal or physical conduct designed to threaten, intimidate or coerce; verbal taunting or bullying which, in the employee's opinion, impairs his/her ability to perform his/her job.</p>
<p><u>Inquiry</u></p>	<p>An informal fact finding investigation conducted by a Department or Human Resources Representative under direction of the Human Resources Department.</p>
<p><u>Sexual Harassment</u></p>	<p>The Equal Employment Opportunity Commission defines sexual harassment as follows: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." 29 C.F.R. § 1604.11(a). Sexual harassment can be committed by the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, customers, or a nonemployee, toward any other employee, regardless of either's gender. The harasser's conduct must be unwelcome. Sexual harassment can take one of two forms, quid pro quo or hostile work environment.</p> <ol style="list-style-type: none"> 1. <u>Quid pro quo</u> - submission to or rejection of sexual conduct is used as the basis for making employment decisions, such as but not limited to promotions, pay increases, hiring and firing by a person in power. This type of sexual harassment is typically a direct sexual overture. 2. <u>Hostile work environment</u> - sexual conduct which unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment, even if it leads to no tangible or economic job consequence. This type of harassment can be committed by any employee and exists where the conduct is so severe or pervasive that it creates an intimidating, offensive workplace.

Policy Guidelines

The City is committed to investigate allegations of *employment discrimination* or *harassment* promptly, maintain confidentiality to the extent possible, and prohibit retaliation against employees who report incidents or participate in investigations. Violations of this policy will be dealt with as a disciplinary matter. Employees are encouraged to report a complaint of *employment discrimination, harassment, sexual harassment* and *gender harassment* as soon as possible. The City will investigate complaints that are filed. Violations of this policy will be dealt with as a disciplinary matter. Supervisors or managers are expected to take appropriate corrective action.

Department Management and/or the Human Resources Representative assigned to the department will notify the Human Resources Department when an EEO complaint is received. Every complaint shall be documented thoroughly and investigated promptly by the Human Resources Department. Inquiries or informal fact finding investigations, are conducted by a Human Resources Representative, or an individual appointed by the department Director.

Reporting Procedures

1. The complainant, the accused, persons identified by either the complainant or the accused, and all other persons reasonably believed to have knowledge of the alleged incident shall be interviewed and their statements reduced to writing. All employees interviewed will be asked to sign and adhere to a confidentiality agreement regarding the investigation. The personnel file and/or field folder of the complainant and the accused shall be reviewed to determine prior similar incidents. The EEO Investigators will relay the findings of the investigation to the department Director, and will defer to the Federal EEOC if there is a pending federal charge.
2. All information obtained as a part of an investigation of a complaint shall be released to management officials on a need-to-know basis only. All information shall otherwise be kept confidential, as permitted and required by law.
3. In all cases, the accused shall be afforded an opportunity to respond in writing to allegations before disciplinary action is initiated.
4. Upon resolution of the matter, or completion of the investigation by a department or Human Resources Representative, the original copy of resolution or investigation document(s) shall be submitted to the Human Resources Department.
5. At the conclusion of an investigation, the complainant shall be notified of the investigation results in writing.
6. Determination of violation of this policy does not equate to violation of a federal or state law.

Gender Identity & Gender Expression

1. The City of San Antonio prohibits discrimination on the basis of *gender identity* and *gender expression*. Every person shall be addressed in a manner that is consistent with the person's expressed gender preference. This includes the use of a person's pronoun, as well as chosen name, even if it is different from the person's legal name or former legal name. The refusal of managers, supervisors, co-workers and/or other employees to address individuals in a manner consistent with their expressed gender preference will not be tolerated and will be considered discrimination and/or harassment.

<p><u>Gender Identity & Gender Expression, cont.</u></p>	<p>2. If an employee’s chosen name is different from their legal name, Departments such as Human Resources and Information Technology Services Department will make every attempt to keep the employee’s legal name and/or all former legal names confidential, with the understanding that some systems auto populate names from the City’s system of record. This means that legal name confidentiality cannot be guaranteed, and will always remain accessible to staff who handle benefits and payroll, and Government and Public Affairs staff who handle public records requests.</p> <p>The City will ensure that employees can utilize their chosen name in their email addresses, Outlook address book, business cards, ID badges, phone caller ID, email voicemail notifications, and that their chosen name shows up on all printed employee rosters and lists utilized for signing in at trainings, meetings, etc.</p> <p>3. The City will make reasonable efforts to accommodate all employees who use gender-specific City facilities. All City employees shall have access to use City restroom facilities corresponding to their <i>gender identity or gender expression</i>. The employee decides which restroom facility to use. In facilities, such as locker rooms, where undressing in the presence of others may be unavoidable, the City will make reasonable efforts to accommodate the privacy concerns of the employee.</p> <p>4. Employees are permitted to dress consistent with their <i>gender identity and/or gender expression</i>. All dress codes must be gender neutral.</p>
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Roles & Responsibilities

<p><u>Employee</u></p>	<ol style="list-style-type: none"> 1. Employees are required to abide by the policy and procedures of this administrative directive. 2. Employees are required to avoid any conduct in violation of this policy and to immediately cease such conduct upon learning that such conduct is offensive and/or unwelcome. 3. Employees shall report offensive and unwelcome conduct through the hierarchy within his/her department, to any Human Resources Department staff. If the issue is with the immediate supervisor, the employee may report to the next level in the chain, or to any Human Resources Department staff. 4. Employees are responsible for indicating when advances and behavior are unwelcome. 5. Employees are prohibited from engaging in an intimate, romantic, or dating relationship with another employee within their chain of command. 6. Employees should indicate their intent to make a formal complaint under this policy. 7. Employees are expected to report any conduct in violation of this policy. Documentation should contain all relevant details of the incident such as time, place, date, and witnesses. 8. Employees are required to cooperate fully with investigations and maintain confidentiality in matters under investigation with coworkers, supervisor(s), and/or other individuals identified as witnesses unless authorized by appropriate authority.
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<p><u>Department Director/ Supervisor</u></p>	<ol style="list-style-type: none"> 1. Department Directors are responsible for creating and maintaining a positive and productive work environment free of <i>employment discrimination, harassment, sexual harassment</i> and <i>gender harassment</i>. 2. Department Directors should contact their Human Resources Representative to initiate an investigation. 3. Department Directors are responsible for providing an environment that is free from intimate, romantic or dating relationships between supervisors and subordinates. 4. Department Directors and Supervisors are responsible for working with their Human Resources Representative to determine means to mitigate instances of employment discrimination, harassment, or sexual harassment. This may mean employees shall be separated, pending an investigation, or an employee accused of violating this policy is placed on administrative leave pending the investigation outcome. 5. Supervisors are responsible for reporting EEO inquiries through the department hierarchy up to the department Director. 6. Supervisors have a personal responsibility for setting the tone and fostering a workplace free of harassment within their departments. As such, supervisors will be held accountable via possible disciplinary consequences, up to and including termination, for conduct constituting a violation of this policy. 7. Supervisors should inform employees of procedures (refer to Reporting Procedures) that may be used to report conduct believed to violate this policy. 8. Supervisors are responsible for ensuring that each employee under his or her supervision signs a written acknowledgment of receipt of this Administrative Directive 4.67 (see Attachment A). Furthermore, managers and supervisors are responsible for ensuring that each employee under his or her supervision is aware of the City's policy regarding <i>employment discrimination, harassment, sexual harassment</i> and <i>gender harassment</i>. 9. Supervisors will attend training as required by the City. This training shall include participation in the ongoing training programs conducted by the Human Resources Department. Every supervisor shall be held accountable for complying with all requirements of this administrative directive through appropriate disciplinary action.
<p><u>Human Resources Department</u></p>	<ol style="list-style-type: none"> 1. The Human Resources Department will coordinate training of all managers, supervisors, and employees. 2. Human Resources Department is responsible for informing all employees and supervisors of this policy, through distribution of this administrative directive during In-Processing. The Human Resources Representative at In-Processing ensures that an acknowledgment form is signed and forwarded to the employee's Personnel File. 3. Human Resources Department is responsible for accepting and investigating complaints of alleged discrimination including those involving <i>harassment, sexual harassment</i> or <i>gender harassment</i> in accordance with the procedures established in this administrative directive.
<p><u>Disciplinary Actions</u></p>	<p>Appropriate discipline, up to and including termination, will be taken against those employees who violate this policy. All disciplinary actions shall be reviewed by the Human Resources Department.</p>

This directive supersedes all previous correspondence on this subject. Information and/or clarification may be obtained by contacting the Human Resources Department.



CITY OF SAN ANTONIO

**EMPLOYEE ACKNOWLEDGMENT FORM
FOR**

**ADMINISTRATIVE DIRECTIVE 4.67
Equal Employment Opportunity/Anti-Harassment**

Employee:

I acknowledge that on _____, 20____, I received a copy of Administrative Directive 4.67 Equal Employment/Anti-Harassment. I understand if I should have any questions I should contact my Human Resources Representative.

Employee Name (Print)

Department

Employee Signature

Employee SAP ID Number

Attachment A
Personnel File (original)