

## **MAYOR'S OFFICE DISCRIMINATION, HARASSMENT AND RETALIATION POLICY<sup>1</sup>**

The Mayor's Office is committed to maintaining a work environment free of discrimination, harassment and retaliation. Behavior may violate this policy even if it would not constitute a violation of federal, state and/or local law. This policy applies to all City employees as well as the Mayor, the Mayor's staff, and Mayoral appointees. For purposes of this policy, "Mayoral appointees" are those persons appointed by the Mayor who hold full-time paid positions with the City and County of Denver.

### A. Protected Characteristics

All City employees, as well as Mayoral staff and appointees, have the right to work in an environment free of discrimination and harassment based on their race, color, religion, creed, national origin/ancestry, sex, sexual orientation, transgender status, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, pregnancy or related condition, or any other status protected under federal, state and/or local law. These characteristics are referred to as "Protected Characteristics."

### B. Discrimination

Discrimination occurs when an employee or appointee experiences an adverse employment action based on one or more Protected Characteristics of the employee or appointee. Adverse employment actions include, but are not limited to, termination, suspension, involuntary demotion, and failure to promote.

### C. Harassment

Harassment based on one or more Protected Characteristics of an employee or appointee is a form of prohibited discrimination. There are two types of harassment:

1. Hostile Work Environment: This type of harassment exists when an employee or appointee is subjected to unwelcome and offensive conduct by someone with whom the employee or appointee interacts at work, at work-related functions, and/or when representing the City, when such conduct is based on a Protected Characteristic and is sufficiently severe or pervasive as to create an intimidating, hostile, or offensive work atmosphere. In order to constitute a hostile work environment, the conduct must meet all four of the following criteria:
  - based on one or more Protected Characteristics; and
  - subjectively offensive to the employee or appointee; and
  - objectively offensive to a reasonable person; and
  - severe or pervasive.

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<sup>1</sup> This policy supersedes the Mayoral Staff/Appointee Sexual Harassment Policy adopted in 2015.

Offensive conduct may be verbal, visual, or physical in nature, and may include derogatory comments, mocking, imitating, slurs, jokes, photographs, posters, cartoon drawings, social media content, gestures, unwanted touching and blocking normal movement, among other forms of conduct.

2. Quid Pro Quo (“This for that”): This type of harassment exists when a supervisor takes or threatens to take an adverse employment action or withholds or threatens to withhold an employment benefit based upon a subordinate engaging or refusing to engage in certain behaviors (typically sexual favors). The behavior must be based on, or related to, a Protected Characteristic.

### **Reporting Discrimination and Harassment**

An employee or appointee who experiences or witnesses discrimination or harassment by a career service employee or non-City employee/third party with whom the employee or appointee comes into contact as part of his or her job, is urged to promptly follow the steps outlined in Career Service Rule 16.

An employee or appointee who experiences or witnesses harassment in violation of this policy by an appointee or the Mayor is encouraged to make it clear to that person that such behavior is offensive or uncomfortable and request that it stop. If the behavior does not stop, or if the employee or appointee is not comfortable speaking with the appointee or the Mayor about their behavior, the employee or appointee is urged to promptly report the behavior as follows:

- A. For harassment by Mayoral appointees: An employee or appointee should report such conduct promptly to his or her supervisor, the Deputy Chief of Staff, the Chief of Staff, the Director of Administration, or the Office of Human Resources.
- B. For harassment by the Mayor: An employee or appointee should report such conduct to the Mayor’s Chief of Staff, the City Attorney, or the Executive Director of Human Resources.

An employee or appointee who experiences discrimination by an appointee or the Mayor should follow the procedure for reporting harassment set forth in paragraphs A and B above.

### **Investigation of Discrimination and Harassment**

Complaints against career service employees and non-City employees will be promptly investigated pursuant to Career Service Rule 18.

Complaints against Mayoral appointees will be promptly investigated, as appropriate, by the Office of Human Resources or a third-party investigator retained by the City Attorney’s Office. The City Attorney’s Office will coordinate the investigation. The outcome of the investigation will be communicated to the complaining employee or appointee as soon as practicable.

Complaints against the Mayor will be promptly investigated, as appropriate, by a third-party

investigator retained by the City Attorney's Office. The City Attorney's Office will coordinate the investigation and make recommendations based on the results of the investigation.

**Retaliation is Prohibited**

No employee or appointee will be retaliated against for making a good-faith complaint or for participating in an investigation of an alleged act of discrimination or harassment. However, any employee or appointee making knowingly false accusations may be subject to appropriate disciplinary action. Retaliation should be reported according to the procedures set forth above.

**Effective Date**

This policy takes effect July 30, 2018.

## MAYOR'S OFFICE ANTI-FRATERNIZATION POLICY<sup>1</sup>

The Mayor's Office of the City and County of Denver desires to foster a working environment marked by mutual respect and trust among co-workers. To this end, the Mayor's Office seeks to avoid favoritism and the perception of favoritism, actual or potential conflicts of interest, claims of sexual harassment, and other problems that can result from romantic relationships between co-workers. **As a result, the Mayor's Office discourages, and in some instances prohibits, inter-office dating, romantic relationships and flirtatious behavior in the workplace.** If employees and appointees of the Mayor's Office develop dating and/or romantic relationships with work colleagues, they are strongly cautioned not to let such relationships affect their job performance or the workplace environment in any manner.

To ensure that romantic relationships do not adversely affect the workplace, employees and/or appointees who enter into such relationships must:

- Review the Mayor's Office Discrimination, Harassment and Retaliation Policy;
- Behave professionally and avoid indiscreet behavior at all times in the workplace and while performing the functions of their jobs; and
- Refrain from public displays of affection, flirtation, sexual innuendo, sexually-oriented banter and joking, and suggestive comments, in the workplace and during the course of their job duties. This pertains to all forms of communication including, but not limited to, phone calls, emails, text messages, and social media.

**Prohibited Relationships:** No employee/appointee shall have a romantic relationship with an intern. No employee/appointee shall have a romantic relationship with a co-worker whom he or she directly supervises or whose terms or conditions of employment he or she may influence (examples of terms or conditions of employment include promotion, termination, discipline, and compensation). If a prohibited relationship develops, the Mayor's Office must be notified immediately. This notification will enable the Mayor's Office to consider potential options for resolving the conflict of interest.

Employees and appointees found to be in violation of this policy may be subject to disciplinary action, up to and including termination. Failure to cooperate with the Mayor's Office in resolving a conflict or problem caused by an inter-office romantic relationship may result in disciplinary action, up to and including termination. The Mayor's Office reserves the right to make personnel decisions in the best interests of the Office, including termination, where a conflict of interest or the appearance of a conflict of interest exists by virtue of an inter-office relationship.

Effective Date: This policy takes effect July 30, 2018.

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<sup>1</sup> This policy supersedes the Anti-Fraternization Policy adopted in 2015.