



PREVENTING HARASSMENT, A SUPERVISOR'S RESPONSIBILITY

City of Minneapolis Harassment Policy

The goal of the City of Minneapolis in implementing and maintaining this policy is to establish a work environment in which all employees are respected. Harassment in the workplace based on race, color, creed, religion, national origin, affectional preference, marital status, status about public assistance, disability, sexual orientation, or age is unacceptable and will not be condoned or tolerated. Such harassment may be in violation of the Minneapolis Civil Right Ordinance, the Minnesota Human Rights Act, and the Civil Rights Act of 1964, as amended.

Sexual Harassment

Sexual harassment of a City employee, a Step Up participant, an applicant for employment, or the public, by City officials or employees is prohibited. The City of Minneapolis has adopted the following definition of sexual harassment:

Sexual advances, requests for sexual favors, and other verbal or physical acts of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual.
- 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.



Courts have recognized acts of harassment directed at a person because of gender to be sexual harassment even though there was no behavior of a sexual nature. The City adopts this interpretation as part of its policy. Sexual harassment is a violation of federal and state laws and the Minneapolis Civil Rights Ordinance and may expose not only the City but individuals to significant liability under the law.

The following are examples of acts of sexual harassment:

Physical assault of a sexual nature, such as:

- Rape, sexual battery, molestation or attempts to commit those offenses, or committing an act with intent to cause fear in another of immediate bodily harm or death.
- Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or touching the clothing covering the immediate area of the complainant's intimate parts.

Sexual advances, propositions, or other comments, such as:

- Sexual-oriented gestures, sounds, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee.
- Preferential treatment or promise of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threatening to subject, an employee to sexual attention or conduct or intentionally making job performance more difficult because of the employee's sex or sexual orientation.

Display of publications anywhere in the workplace such as:

- Displaying or publicizing pictures, posters, cartoons, calendars, graffiti, objects, promotional materials, reading materials, music, or other materials that are sexually revealing, sexually suggestive, sexually demeaning, or pornographic. (Exceptions will be considered in situations where nudity or sexually explicit language is necessary to convey a message important to public health and/or safety.
- A picture will be presumed to be sexually suggestive if it depicts a person of any sex who is nude or semi-nude and/or posed for the obvious purpose of displaying or drawing attention to private portions of their body).
- Displaying signs or other materials purporting to segregate employees by sex in any area of the workplace other than rest rooms and similar semi-private lockers/changing rooms.

Sexual favoritism. Impact on other employees:

- Where employment opportunities and benefits, including but not limited to job assignments or promotions, are granted because of an individual's submission to an employer's sexual advances or request for sexual favors, the employer may be held liable for sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit. Such actions constitute sexual favoritism, which is a violation of the policy.

Other Forms of Harassment



Physical or verbal conduct that is based on the individual's race, color, creed, religion, national origin, sex (other than sexual harassment), affectional preference, marital status, status with regard to public assistance, disability, sexual orientation, immigration status or age constitutes harassment when the conduct:

- Has the purpose or effect of creating an intimidating, hostile or offensive working environment.
- Has the purpose or effect of substantially or unreasonably interfering with an individual's work.
- Otherwise adversely affects an individual's employment opportunities, such as compensation, terms, conditions, or privileges of employment.

Whether a work environment is intimidating, hostile, or offensive is determined by looking at all the circumstances, which may include the frequency of the conduct, its severity, whether it is physically threatening or humiliating or merely offensive, and whether it unreasonably interferes with the employee's work performance.

An employee has the obligation to notify the supervisor of any religious requirements that are relevant to the performance of his or her duties. The employee may request specific considerations for religious dress requirements, religious prayer time during the workday and time off for religious holidays. The agency should consider an employee's religious requests. The agency should not grant a request if it would create an undue hardship because of cost, or health and safety concerns.

The following are examples of acts of harassment in the workplace:

(Based on race, color, creed, religion, national origin, sex, affectional preference, marital status, status with regard to public assistance, disability, sexual orientation, or age):

- Making derogatory remarks, gestures, or comments directed at or made in the presence of any employee. Examples include, but are not limited to, telling someone who was born outside of the United States to go back to where they came from; making fun of someone's accent; calling a pregnant woman fat; making negative remarks about an employee's race or culture; teasing someone for wearing religious dress requirements, such as a turban or sari, or for praying during the workday or asking gender related or sexual orientation questions.
- Using derogatory terms directed at, made in the presence of, or behind the backs of any employee, such as racial epithets. These can include anything referring to someone's race, color, creed, religion, national origin, gender, affectional preference, marital status, status with regard to public assistance, disability, sexual orientation, or age.
- Taking adverse employment action against any employee, such as demoting or terminating an employee.

- Intentionally making job performance more difficult for an employee. For example, making an employee the target of practical jokes because they are gay; excluding an employee from a team or duties because of their religion; refusing to supervise or work with an employee because of the employee's national origin; and giving an employee undesirable job duties based on the employee's gender.
- Displaying derogatory publications anywhere in the workplace, included in but not limited to publications such as: posters, cartoons, calendars, graffiti, objects, promotional materials, reading materials, music e-mails, web sites, or other materials.
- Making derogatory jokes. For example, making jokes about an employee's religious beliefs; joking about an employee's accent; or telling homophobic jokes.
- Forcing a female-identified, male-identified or non-binary trans young person to abide by or outing, their birth gender.

Any person who feels they are being subjected to harassing behavior of any kind is encouraged to object to the behavior and report the behavior to their supervisor or other appropriate official.

Any supervisor who receives a harassment complaint or who has reason to believe harassment is occurring must take prompt action to address the complaint.

Supervisor's Responsibility

As a supervisor you play a vital role in maintaining a respectful work environment free from sexual or other forms of harassment. In this role you are responsible for ensuring your work area is free of materials, actions, and behaviors.

This responsibility can be managed by committing to a respectful work environment where harassment, of any kind, is not tolerated. Your personal actions can especially influence the work environment and help prevent charges of hostile work environment from occurring. Some of the actions you can take to prevent this form of sexual harassment are:

- Provide an orientation to all youth workers that includes information about prevention of sexual harassment. Discuss who the intern should contact if they have a concern.
- Express strong disapproval of sexual harassment (or any harassment in general) to ensure the work environment is free from even an implied acceptance of harassing behaviors/attitudes. In circumstances where you overhear employees telling lewd jokes or making comments of a sexual nature, intervene and tell the employees their behavior and language is unacceptable and will not be tolerated. Follow through with a write up if necessary.
- Monitor your worksite to ensure there are no postings, drawings, objects, graffiti, or other items that may be offensive to other employees. Examples of prohibited items may include posters and calendars with semi-clad or nude models where the nudity does not have an important public health and/or safety message, cartoons of a sexual nature, pornographic materials, etc.

Allegations of harassment brought forward by an individual require immediate attention and appropriate action.

- Listen actively and objectively to the complaint.
- Inform the Level 1 Program Manager of the allegations or problem behavior and discuss appropriate action to be taken. Maryan Sharif-Abdinassir: 612-673-2106
- At minimum you should speak directly to the alleged harasser and inform them that continued behavior of this nature will lead to formal disciplinary action. You may need to address the entire workgroup (orally) and discuss why what you observed or were reported to you may be a violation of the City’s Policy on Preventing Harassment. Be sure to follow the Step Up “Effective Discipline” procedures from the “Improving Performance and Work Habits” section of this manual.

Take action immediately when allegations or observations indicate that harassment may be occurring. It is your responsibility to take allegations seriously, to intervene and stop the harassing behavior.

Retaliation is Prohibited

It is a violation of this policy to retaliate or engage in any form of reprisal because a person has raised a concern, filed a complaint of, been a witness to, or otherwise participated in an investigation related to harassment based on race, color, creed, religion, national origin, sex, affectional preference, marital status, status with regard to public assistance, disability, sexual orientation, immigration status or age.

Complaint Procedures

Each Step Up Intern must be oriented to the complaint procedure in the Summer Youth Handbook. Allow each worker time to read this procedure and ask questions about it as part of their comprehensive orientation.

There are two types of complaints that can be filed by an intern: program complaints and discrimination complaints.

Program complaints address issues regarding the operation of the program. Discrimination complaints address alleged mistreatment due to race, color, creed, ancestry, religion, sex, national origin, age, disability, affectional preference, immigration status, marital status, or status with regards to public assistance.

The next section provides details about the complaint process. It supplements the information that is provided to each intern in the Summer Youth Handbook. If a Step Up Intern wishes to file a complaint, you can use the following information to help you guide them through the process.





Program Complaints

If an intern has a complaint relating to Minneapolis Employment and Training's Step Up Program they may state their complaint by calling 612-673-6220 or writing to:

Jeremy Lundborg, Minneapolis Employment and Training

505 Fourth Avenue South, Suite 320, Minneapolis, MN 55415

Interns can file a written complaint with Minneapolis Employment and Training within one year of the occurrence of the alleged violation. The written complaint must contain an intern's name, address and phone number, the basis of the complaint and a brief statement of the allegations. It must be signed and dated.

Discrimination Complaints

The Minneapolis Civil Rights Ordinance specifies that it is illegal to discriminate based on race, color, creed, ancestry, religion, sex, national origin, age, disability, affectional preference, immigration status, marital status or status with regards to public assistance.

It is also illegal to retaliate against any person because he/she opposed discrimination; conceal information about discriminatory acts; aid, abet, compel, coerce, incite or induce another person to discriminate; use advertisement, application forms or any other mechanism to bring about discrimination. If an intern feels that they have been discriminated against for any of the reasons listed, they may file a complaint within one year of the incident. The written complaint must contain the youth's name, address and phone number, the basis of the complaint and a brief statement of the allegations. It must be signed and dated.

Step Up Interns can file their complaint by contacting: Jeremy Lundborg
Minneapolis Employment and Training
505 Fourth Avenue South, Suite 320, Minneapolis, MN 55415
612-673-6220

or

Intake Officer
Minneapolis Department of Civil Rights (MDCR)
City Hall-Room 239, 350 South Fifth Street, Minneapolis, MN, 55415 612-673-3012 (TTY 612-673-2044)



The Complaint Investigation Unit will perform a full, fair, and impartial investigation of a discrimination complaint occurring in Minneapolis.

MDCR Discrimination Complaint Filing

It is not difficult to file a complaint with the Minneapolis Department of Civil Rights. The Intake Officer will meet with anyone wishing to discuss their right to file a complaint because of an incident that happens in Minneapolis.

During the meeting(s), the Intake Officer explains the civil rights law and may collect information that will later be used to draft a formal charge of discrimination. Please note the MDCR does not offer legal advice. For such advice Complainants may wish to contact the Lawyer's Referral and Information Service at 612-752-6666 or the Legal Aid Society at 612-332-1441.

Some things to remember about filing a complaint:

- Discrimination is a community concern. A person does not have to be directly affected by discrimination to file a complaint.
- Respondents should keep track of dates, documents, witnesses, and other possible evidence that would help the investigation.
- Keep the Investigator updated of changes in address, home and work phone number, legal representation, throughout the investigation.
- Respondents have the right to legal representation throughout the investigation or during hearings.
- Cases must be filed within one year of discriminatory incidents.