



COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVENUE, SUITE 1240  
DETROIT, MICHIGAN 48226  
PHONE: 313.224.4950  
FAX: 313.224.3434  
TTY: 711

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**EMPLOYEES POLICY AND GUIDELINES REGARDING WORK PLACE VIOLENCE,  
DISCRIMINATION AND SEXUAL HARRASMENT IN THE WORKPLACE**  
**Executive Order 2014-1 and Executive Order 2014-2**

**I. POLICY**

The City of Detroit is committed to providing every City of Detroit employee with a work environment free from prohibited workplace violence, discrimination and sexual harassment, as provided in Executive Order 2014-1 and Executive Order 2014-2. Under this policy, forms of employment discrimination based upon the following protected categories are prohibited and will not be tolerated: race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, gender identity or expression.

To achieve the goal of maintaining a work environment free from workplace violence, discrimination and sexual harassment, the City of Detroit strictly prohibits the conduct that is described in this policy. This is a zero tolerance policy. This means that the City of Detroit reserves the right to take either disciplinary action or other corrective action to address any unacceptable conduct that violates this policy, regardless of whether the conduct satisfies the legal definition of discrimination or sexual harassment.

a. Applicability

This policy shall apply to all City of Detroit employees, contractors, and agents conducting business on behalf of the City or on City property. This policy applies to the conduct of the above-mentioned person(s) functioning in the course and scope of employment and to persons providing services to the City on a contractual basis. This policy shall also extend to off-duty conduct that has an adverse impact on service delivery or any City employee's ability to perform their assigned duties and responsibilities in accordance with applicable city employment terms, labor agreements, Human Resources Rules, and Manual of Standard Personnel Practices. Prohibited workplace violence, discrimination and sexual harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. The City of Detroit will not tolerate workplace violence, discrimination or sexual harassment by



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anyone in the workplace including appointees, managers, supervisors, co-workers, and persons doing business with the City of Detroit.

## **II. PROHIBITED CONDUCT and DEFINITIONS**

**Workplace Violence** is an act(s) or threat(s) of violent or abusive or harassing behavior against persons or property that is sufficiently severe, offensive, or intimidating to alter the employment conditions, or to create a hostile, abusive or intimidating work environment for one or more employees. General examples of workplace violence include, but are not limited to:

- all threats or acts of violence occurring on City property, regardless of the relationship between the City and the parties involved in the incident;
- all threats or acts of violence not occurring on City property, but involving someone who is acting in their capacity as a representative of the City;
- all threats or acts of violence not occurring on City property, involving an employee of the City, if the threats or acts of violence affect the legitimate interests of the City;
- all communicated or reasonably perceived threats to destroy property or threat to use weapons of mass destruction (i.e., bomb threat);
- carrying or displaying weapons (unless the weapons are authorized by the City for a particular work assignment), destroying property, or throwing objects in a manner reasonably perceived to be threatening; possession of any ammunition, unless the specific ammunition is authorized by the city for a particular work assignment.

**Zero Tolerance** is the extreme intolerance of violent behavior which imposes severe penalties for a first offense; up to and including discharge.

**Intimidation** is any willful act/behavior directed toward another person resulting in reasonable fear for their safety or the safety of others. Intimidation also includes actions or behavior intended to frighten, coerce, or induce duress.



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**Bullying** is repeated unwanted offensive and malicious behavior which undermines an individual or group through persistently negative attacks, physically, emotionally, or otherwise.

**Stalking** involves harassing or pestering an individual, in person, in writing, by telephone, social media, or electronic format. Stalking also involves following an individual, spying on them, alarming the recipient or causing them distress and may involve the fear of violence.

**Threat** is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out. Threats can be classified as direct, indirect or conditional.

- Direct Threat – identifies a specific act against a specific target and is delivered in a clear, explicit manner
- Indirect Threat – intent to do harm or violence is implied or may be vague and leaves interpretation of message to intended victim
- Conditional Threat – warns that a violent act will happen unless certain demands or terms are met (i.e. blackmail)

**Physical Act** is an unwanted or hostile physical contact. The physical act is directed against another person (or group of persons) which is intended or has the effect to harm, injure, frighten or intimidate that person or persons; including but not limited to: striking, pushing, grabbing, constraining the person; displaying, aiming or discharging a firearm or other weapon; and wielding, thrusting any object in the direction of another person.

**Property Damage** is intentional damage to property and includes, but is not limited to property leased, rented, or owned by the City of Detroit, employees, customers, agents, or vendors.



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**Instigator** is a person or group of persons who initiates or incites a course of violent action(s). An Instigator(s) may be held completely or partially accountable for any violent threat or action that occurs as a result of their actions.

**Retaliation** means any adverse employment action taken against any employee, in retaliation as a result of the employee engaging in their right to file a complaint, warn, or otherwise participate in the investigation process.

**Weapon** is any instrument used to attack or defend; including but not limited to an unlicensed or licensed firearm, knife, box cutter, mace, etc...

### **Discrimination**

It is a violation of this policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the protected categories referred to in section I above. This policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion, discipline, compensation, fringe benefits, working conditions and career development.

It is also a violation of this policy to use derogatory or demeaning references regarding a person's race, gender, age, religion, disability, sexual orientation, ethnic background, or any other protected category set forth in section I above. A violation of this policy can occur even if there was no intent on the part of an individual to demean another.

**Examples of behaviors that may constitute a violation of this policy include, but are not limited to:**

- Discriminating against an individual with regard to terms and conditions of employment because of being in one or more of the protected categories referred to in I above;



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- Treating an individual differently because of the individual's race, color, national origin or other protected category, or because an individual has the physical, cultural or linguistic characteristics of a racial, religious, or other protected category;
  - Treating an individual differently because of marriage to, civil union to, domestic partnership with, or association with persons of a racial, religious or other protected category; or due to the individual's membership in or association with an organization identified with the interests of a certain racial, religious or other protected category; or because an individual's name, domestic partner's name, or spouse's name is associated with a certain racial, religious or other protected category;
  - Calling an individual by an unwanted nickname that refers to one or more of the above protected categories, or telling jokes pertaining to one or more protected categories;
  - Using derogatory references with regard to any of the protected categories in any communication;
  - Engaging in threatening, intimidating, or hostile acts toward another individual in the workplace because that individual belongs to, or is associated with, any of the protected categories; or
  - Displaying or distributing material (such as email or text messages) in the workplace that contains derogatory or demeaning language or images pertaining to any of the protected categories.

### **Sexual Harassment**

It is a violation of this policy to engage in sexual (or gender-based) harassment of any kind, including hostile work environment harassment, quid pro quo harassment, or same-sex harassment. Sexual harassment is defined as unwelcome and unwanted



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sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, 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 the basis for employment decisions affecting such individual; or
- 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.

Harassment does not have to be of a sexual nature and can include offensive remarks about a person's sex or the gender with which they identify.

Examples of prohibited behaviors that may constitute sexual harassment and are therefore a violation of this policy include, but are not limited to:

- Generalized gender-based remarks and comments;
- making offensive comments about women, men or persons that identify with a different gender;
- Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement;
- Verbal, written or electronic sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, text messages, invitations, gestures or inappropriate comments about a person's clothing;
- Visual contact, such as leering or staring at another's body; gesturing; displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals; or displaying sexually suggestive material on a bulletin board, on a locker room wall, or on a screen saver;
- Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention;



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- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluation or promotional opportunity; or
  - Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

### **Lesbian, Gay, Bisexual and Transgender. (LGBT)**

The City of Detroit does not discriminate in any way on the basis of sex, sexual orientation, gender identity, or gender expression. This policy is designed to create a safe and productive workplace environment for all employees.

This section of the policy sets forth guidelines to address the specific needs of lesbian, gay, bisexual, transgender and gender non-conforming employees. This policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming employees, and the needs of each transgender or gender non-conforming employee must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of transgender or gender non-conforming employees.

### **Definitions**

The definitions provided here are not to label employees but rather to assist in understanding this policy and the legal obligations of employers. Employees may or may not use these terms to describe themselves.

- Bisexual – A term for individuals attracted to both men and women
- Gay - Reference to people, practices, and culture associated with people attracted to someone of the same gender. Often used to describe men attracted to men.
- Gender Identity – Identification with socially constructed roles and characteristics related to sex. Gender may be the same or difference that an individual's sex (men, women, fluid etc.).
- Lesbian - A term for women attracted to other women.
- LGBT - A term used to refer collectively to those who identify as Lesbian, Gay, Bisexual, and Transgender.



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- Sexual Orientation - A pattern of emotional romantic, and/or sexual attraction to men, women, both or neither (heterosexual, homosexual, or bisexual etc.).
  - Gender Expression – Outward characteristics that signal gender.
  - Transgender - A general term applied to a variety of individuals who express their gender differently from what most people expect of them.

### Policies Regarding Transgender Employees

Employees have the right to discuss their gender identity or expression openly, or to keep that information private. The individual employee gets to decide when, with whom, and how much to share private information. Information about an employee's transgender status (such as the sex they were assigned at birth) can constitute confidential medical information under privacy laws like HIPAA.

All City of Detroit employees must not disclose information that may reveal an employee's transgender status or gender non-conforming presentation to others. That kind of personal or confidential information may only be shared with the transgender or gender non-conforming employee's consent.

#### a. Official Records

The City of Detroit will change an employee's official record to reflect a change in name or gender upon request from the employee. Certain types of official records, like those relating to payroll and retirement accounts, require a legal name change before the person's name can be changed. In those instances, the City of Detroit will change such records once documentation of the legal name change is provided

An employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity.

As quickly as possible, and at the employee's request, the City of Detroit will make every effort to update any photographs at the transitioning employee's workplace so the transitioning employee's gender identity and expression are represented accurately.

If a new or transitioning employee has questions about records or ID documents, the employee should contact Human Resources.





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b. Names/ Pronouns

An employee has the right to be addressed by the name and pronoun(s) that correspond to the employee's gender identity, upon request. A court-ordered name or gender change is not required. The intentional or persistent refusal to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) can constitute harassment and is a violation of this policy. An employee who is unsure what pronoun a coworker might prefer is encouraged to either not use pronouns to refer to the individual, used neutral pronouns such as their, they or them. The employee can also politely ask the coworker how they would like to be addressed.

c. Transitioning on the Job

Employees who transition on the job can expect the support of management, human resources and the Civil Rights, Inclusion and Opportunity Department. The Civil Rights, Inclusion and Opportunity Department will work with each transitioning employee individually to ensure a successful workplace transition. Employees should contact the Human Resources Department to coordinate the necessary steps for the transition.

d. Restroom Accessibility

Employees shall have access to the restroom corresponding to their gender identity and/or gender expression. No employee, however, shall be required to use a specific restroom. All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity and/or expression, regardless of the employee's sex assigned at birth. For avoidance of doubt, transgender women must be permitted (but not required) to use the women's restroom, and transgender men must be permitted (but not required) to use the men's restroom. That decision should be left to the transgender employee to determine the most appropriate and safest option for them.

Where possible, an employer will make available a unisex single-stall restroom that can be used by any employee who has a need for increased privacy, regardless of the underlying reason.



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e. Locker Room Accessibility

All employees have the right to use the locker room facilities that corresponds to their gender identity and/or expression. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, can be provided with a reasonable alternative changing area such as the use of a private area.

**III. EMPLOYEE RESPONSIBILITIES**

Adherence to this policy is required of all City of Detroit employees. It is the responsibility of every City of Detroit employee to assist and cooperate in making the City workplace as safe as possible and free of discrimination or sexual harassment. In order to accomplish this task, all employees need to fully understand and adhere to the Zero Tolerance Policy as it relates to workplace violence, discrimination and sexual harassment.

Any employee who believes that she or he has been subjected to workplace violence, discrimination or sexual harassment, or who witnesses others being subjected to such workplace violence discrimination or sexual harassment should report the alleged violations directly to their supervisor or the Civil Rights, Inclusion and Opportunity Department via the CRIO Hotline (313) 224-ZERO [9376] or by submitting the approved Workplace Violence, Discrimination and Sexual Harassment Complaint/Incident form to the Civil Rights, Inclusion and Opportunity Department. No employee shall be subject to criticism, reprisal, retaliation, or disciplinary action for reporting acts pursuant to Executive Order 2014-1 and 2014-2 or this policy.

All employees are expected to cooperate with investigations undertaken pursuant to VII below. Failure to cooperate in an investigation may result in disciplinary action.

**IV. SUPERVISOR RESPONSIBILITIES**

Adherence to this policy is required of all supervisory personnel. It is the responsibility of all supervisors to report any suspected violation of this policy to the Civil Rights, Inclusion and Opportunity Department and to the Department or Agency Head. Supervisors shall document all suspected violations of this policy



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which have been brought to their attention. Supervisors shall make every effort to maintain a work environment that is free from any form of prohibited discrimination or sexual harassment. Supervisors shall immediately refer allegations of prohibited discrimination or sexual harassment to the Civil Rights, Inclusion and Opportunity Department. A supervisor's failure to comply with these requirements may result in disciplinary action. Supervisors will be asked by the Civil Rights, Inclusion and Opportunity (CRIO) Department to assist in the assessment, investigation and management of workplace violence, discrimination or sexual harassment situations. Such assistance may include, but is not limited to:

- Notifying the CRIO department and director immediately.
- Determining if a complaint or incident of workplace violence is a high, medium, or low security risk.
- Assessing a threat of violence, or the severity of a violent act to determine if the police or medical personnel should be notified.
- De-escalating a threat or act of workplace violence if the Civil Rights, Inclusion and Opportunity Department is not immediately available.
- Assisting the Civil Rights, Inclusion and Opportunity Department by allowing employees to attend investigation interviews; both on-site and off-site.
- Ensuring that complaint and incident forms are complete.
- Collecting witness statements
- Implementing an office safety plan. (i.e., develop signals, code words, etc...)
- Cautioning all parties not to discuss the investigation.
- Directing employees back to work who are talking about the accused or the complainant in regards to the incident or investigation.
- Working to keep up morale in the work area and ensure work is being accomplished.
- Having established expectations in place that do not allow gossiping and other non-productive or destructive activities.

Supervisors play a critical role in the creation of a respectful workplace environment by reducing the potential for workplace violence, discrimination or sexual



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harassment incidences through the fair, impartial, and consistent application of standard operating procedures, work rules and applicable labor agreements.

**V. DIRECTOR AND AGENCY HEAD RESPONSIBILITIES:**

Adherence to this policy is required of all Directors and Agency Heads. It is the responsibility of the Director or Agency Head to continually review current security measures at work sites and, where needed, shall implement changes to make work sites safer for City of Detroit employees and the public.

Directors and Agency Heads must encourage and allow their employees and supervisors the opportunity to meet with and discuss their concerns with the Civil Rights, Inclusion and Opportunity Department during working hours. The Civil Rights, Inclusion and Opportunity Department will consult with the department to ensure that minimal disruption occurs as a result of an investigation.

**VI. CIVIL RIGHTS, INCLUSION AND OPPORTUNITY DEPARTMENT RESPONSIBILITIES:**

Pursuant to Executive Order 2014-1 and 2014-2, the Civil Rights, Inclusion and Opportunity Department is responsible for investigating all claims of workplace violence, discrimination and sexual harassment and issuing a written report containing the Department's findings and disciplinary recommendations. The Civil Rights, Inclusion and Opportunity Department will partner with all City of Detroit departments and agencies to ensure that employees are trained and have access to filing complaints without fear of reprisal or retaliation.

The Civil Rights, Inclusion and Opportunity Department will also make every attempt to serve as a primary responder in all instances of workplace violence. The Civil Rights, Inclusion and Opportunity Department will also partner with Supervisors within each department/agency to respond when threats or acts of violence occur on the premises.



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## **VII. COMPLAINT PROCESS**

Employees who believe that they have been subjected to workplace violence, discrimination based on the protected categories, or to harassment on the basis of sex, shall file a written complaint with the Civil Rights, Inclusion and Opportunity Department.

Except under extraordinary circumstances, the Civil Rights, Inclusion and Opportunity Department should endeavor to complete the investigation and provide a written report to the employee's department director or agency head within sixty (60) days of the date the complaint was filed with the Department. The report shall contain a statement regarding the findings of the investigation and, if appropriate, a recommendation for corrective and/or disciplinary action. The complainant and the affected employee shall be provided with a written disposition of the investigation.

All investigations of discrimination or sexual harassment claims shall be conducted in a way that respects, to the extent possible, the privacy of all the persons involved. The investigations shall be conducted in a prompt, thorough and impartial manner.

The corrective or disciplinary action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action up to and including discharge.

## **VIII. PROHIBITION AGAINST RETALIATION**

Retaliation against any employee who alleges that he or she was the victim of discrimination or sexual harassment, provides information in the course of an investigation into claims of discrimination or sexual harassment in the workplace, or opposes a discriminatory practice, is prohibited by this policy. No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation.

Following are examples of prohibited actions taken against an employee because the employee has engaged in activity protected by this subsection:

- Termination of an employee;
- Failing to promote an employee;



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- Altering an employee's work assignment for reasons other than legitimate business reasons;
  - Imposing or threatening to impose disciplinary action on an employee for reasons other than legitimate business reasons; or
  - Ostracizing an employee (for example, excluding an employee from an activity or privilege offered or provided to all other employees).

#### **IX. FALSE ACCUSATIONS AND INFORMATION**

An employee who knowingly makes a false accusation of prohibited work place violence, discrimination or sexual harassment or knowingly provides false information in the course of an investigation of a complaint, may be subjected to disciplinary action, up to and including termination of employment. Complaints made in good faith, however, even if found to be unsubstantiated, shall not be considered a false accusation.

#### **X. CONFIDENTIALITY**

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the course of an investigation, it may be necessary to discuss the claims with the person(s) against whom the complaint was filed and other persons who may have relevant knowledge or who have a legitimate need to know about the matter. All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in administrative and/or disciplinary action, up to and including termination of employment.

#### **XI. DISCIPLINARY ACTION**

Any employee found to have violated any portion or portions of this policy may be subject to disciplinary action which may include, but which shall not be limited to: referral for training, referral for counseling, written or verbal reprimand, suspension, reassignment, demotion or termination of employment.



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## **XII. TRAINING**

The City of Detroit shall provide all new employees with training on the policy and procedures set forth in this policy within a reasonable period of time after each new employee's appointment date. Additional training shall be provided to all employees, including supervisors, within a reasonable period of time of notifying the Civil Rights, Inclusion and Opportunity Department of the request.