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20 U.S.C. § 1703  
29 U.S.C. § 794  
38 U.S.C. § 4211  
42 U.S.C. § 2000  
42 U.S.C. § 12101  
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## EQUAL EMPLOYMENT OPPORTUNITY (EEO)

### I. INTRODUCTION

The City of Boise complies with all federal, state, and local equal employment opportunity laws. In all hiring and employment practices, the city makes every effort to ensure that it does not discriminate. This regulation addresses the city's commitment to providing equal opportunity employment for all employees.

This regulation applies to all employees and volunteers.

### II. NON-DISCRIMINATION PLEDGE

The City of Boise is committed to providing equal employment opportunity for all employees regardless of race, color, religion, sex, age, national origin, citizenship status, disability, genetic information, veteran status, sexual orientation, or gender identity/expression. These are collectively referred to as "protected characteristic" throughout this regulation. Equal opportunity extends to all aspects of the employment relationship, including hiring, promotions, training, working conditions, compensation, and benefits.

### III. PROHIBITED CONDUCT

The city strives to keep its workplace free from harassment and discrimination. Employees are prohibited from discriminating against or harassing co-workers, applicants, vendors, or customers whether the conduct or incidents occur on premises and whether the conduct or incidents occur during working hours. Employees found to be involved in harassment or discriminatory activities are subject to disciplinary action, up to and including termination.

The following are examples, not a definitive list, of prohibited conduct:

1. Slurs, jokes or derogatory remarks related to a protected characteristic
2. Telling stories containing sexual, lewd, or derogatory jokes related to a protected characteristic.
3. Sending or forwarding sexually suggestive or derogatory communications letters or other materials based on a protected characteristic
4. Unwelcome touching or contact
5. Sharing or displaying offensive pictures, drawings etc.
6. Any other verbal or physical conduct that has the purpose or effect of creating an intimidating, or offensive work environment.
7. Basing personnel actions and practices on stereotypical characterizations of an employee's protected characteristic.
8. Basing wages, salaries, benefits, and other terms and conditions of employment on the employee's protected characteristic, rather than on job content, market factors, and other objective factors.
9. Intimidation and implied or overt threats of physical violence motivated by the employee's protected characteristic.
10. Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the employee's protected characteristic.
11. Demeaning jokes, taunting, slurs, and derogatory nicknames, innuendoes, or derogatory remarks relating to the employee's protected characteristic.

Any oral, written, graphic, or physical conduct relating to an employee's protected characteristic that has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive employment environment is strictly prohibited.

Acts of harassment/discrimination may be evident from the explicit statements of those involved or may be inferred from the surrounding circumstances.

#### IV. OBLIGATION TO REPORT AND COOPERATE

Employees shall immediately notify their supervisor or Human Resources regarding any known or alleged violations relating or similar to the types of harassment/discrimination prohibitions described in this regulation. As a condition of employment all employees, supervisors, and managers shall fully cooperate with investigations. This includes, but is not limited to:

- A. Answering all questions completely and truthfully
- B. Not withholding information or evidence
- C. Not covering up or disposing of evidence

In addition to being obligated to fully cooperate with investigations, employees are prohibited from interfering with investigations in any way. This includes, but is not limited to, contacting (directly or through others) potential witnesses to seek information, influence their statements, or solicit support, and failing to fully disclose all information known about the incident or event. Interference also includes involving, or attempting to involve or influence, individuals who did not

participate or witness the incident or are not otherwise involved in the investigation.

#### V. COMPLAINT PROCESS

When a harassment/discrimination complaint based on a protected characteristic is received, the complainant will be asked to place their concerns in writing on the EEO Intake Complaint Form (see Exhibit 1.03e). The supervisor or designee shall arrange for an investigation with the assistance of Human Resources.

In the case where the complainant's supervisor is the cause of the complaint, the complainant may file a complaint with Human Resources who will arrange for the investigation with the appropriate department supervisor.

BPD officers with Equal Employment Opportunity complaints may go to HR and OIA, and the decision on how to handle the complaint will be determined jointly between HR and OIA.

Upon completion of the investigation the complainant and the respondent will receive written notification of the investigation conclusion and finding. The notification shall not reveal what corrective action, if any, was administered to the other party.

The procedures available under this regulation do not preempt or supersede any legal procedures or remedies otherwise available to a victim of discrimination or harassment under state or federal law. Should a complaint be received by a department directly from a compliance agency, the complaint shall be forwarded to the Human Resources Department immediately.

A substantiated charge of harassment or discrimination against an employee shall subject that employee to disciplinary action, up to and including termination.

#### VI. APPEAL PROCESS

If either the complainant or respondent disagrees with the investigation finding, either party may within five (5) workdays of receiving the written notice of the investigation's conclusion and finding, file a formal appeal with Human Resources using the Equal Employment Opportunity Appeal Form (see Exhibit 1.03f).

Human Resources will review the information and provide a written response within ten (10) workdays of receiving the completed Appeal Form. If the Human Resources Department issued the decision on the initial complaint, the appeal will be forwarded to the City Attorney's Office for determination. The final decision will be issued within ten (10) workdays of receiving the appeal. The response from Human Resources, or if applicable, the City Attorney's Office, constitutes the final decision.

If either the complainant or the respondent is disciplined in accordance with the city's Corrective Action Policy and Regulation, the employee's appeal rights are outlined in the Corrective Action Regulation. In that situation, the employee is precluded from following the appeal rights outlined in this regulation.

Because this regulation includes its own appeal process, the city's Problem-Solving Policy and Regulation does not apply to a complaint filed in accordance with the city's Equal Employment Opportunity Policy and Regulation, and related subject matter.

For this regulation a "workday" shall mean any Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., excluding recognized holidays. For purposes of this regulation, the term "supervisor" also includes the supervisor's designee.

## VII. CONFIDENTIALITY

All inquiries, complaints, and investigations are treated confidentially to the extent possible. Information is revealed on a need-to-know basis. However, the identities and statements of all the parties involved in an investigation may be revealed as a result of the investigatory or appeal process.

Employees who are interviewed as a part of an investigation are expected to keep the nature of the investigation confidential. This includes not sharing unauthorized information with others about the investigation or their interview.

## VIII. ANTI-RETALIATION

The City of Boise strictly prohibits any form of retaliation against a person who has reported a concern in good faith, or has provided information in an investigation, hearing or other form of administrative review. Retaliation includes, but is not limited to, adverse employment actions, direct or indirect threats, teasing, taunting, negative or derogatory comments about or to the person, silent treatment, refusal to work with or avoiding the person. Retaliation also includes informing others about the complaint, portraying the claimant and/or witnesses in a negative light, or soliciting support for one side versus the other. All incidents of retaliation shall be reported to Human Resources immediately.

All employees, including supervisors and managers, who engage in retaliation or discriminating/harassing conduct are subject to disciplinary action, including possible termination of employment.