



Hazing Complaint Procedure City of Los Angeles

On November 20, 2006, Mayor Antonio R. Villaraigosa issued his Executive Directive No. 8 (see Attachment A) establishing the City of Los Angeles' zero tolerance for hazing of fellow employees. Hazing is a form of harassment, a violation of official City policy and subject to investigation. The City's Policy regarding Zero Tolerance for Hazing is attached (see Attachment B). All allegations of hazing in the workplace shall be investigated in accordance with the procedures outlined in this document.

As used in this procedure, "employee" is any individual occupying a position in the classified civil service, and also includes interns, contract employees, volunteers, and employees exempted under provisions of the City Charter, including elected and appointed officials.

What is a hazing offense? Hazing activities are defined as any action taken or situation created in the workplace, which, causes or is likely to cause, bodily danger or physical harm, or personal degradation or disgrace resulting in physical or mental harm to another. Hazing includes but is not limited to any form of rite of passage or horseplay that involves: engaging in illegal, harmful, demeaning or dangerous acts that are not consistent with City policy and the performance of job-related activities.

Hazing consists of a broad range of behaviors that may place another person in danger of physical or psychological harm or activities that demonstrate disregard for another person's dignity or well being. Even when demeaning or embarrassing behaviors do not appear overtly harmful in themselves, as where the participants appear to engage in them willingly, they may constitute hazing if they might cause humiliation or be perceived by non-participants as demeaning or degrading. The determination of whether a particular activity constitutes hazing will depend on the circumstances and context in which that activity occurs. Some examples of conduct that may constitute hazing, when used to mistreat, intimidate or humiliate the participant, include but are not limited to the following: creation of excessive fatigue; physical and/or psychological shocks; forced, unnecessary exertions; engaging in public stunts or buffoonery; degrading or humiliating games and activities; inappropriate application of substances to the body of another; and any similar activities that violate City of Los Angeles, federal, or state laws.

Department managers have been instructed to take all necessary steps, including appropriate disciplinary action, to ensure and maintain a discrimination free work environment and to send and implement the message that hazing is not acceptable adult behavior. Appropriate disciplinary action for substantiated allegations of hazing will be administered in accordance with Policy 33 (Disciplinary Action) of the Policies of the Personnel Department.

A complaint of hazing must be filed within one year of the alleged act of harassment. Otherwise, the complaint may be considered untimely. In all cases, allegations of hazing will be fully and completely investigated. The employee making the hazing complaint can choose whether to approach a departmental supervisor, the employee's Department EEO Coordinator, or the Personnel Department, Office of Discrimination Complaint Resolution (ODCR).

Employee Rights and Responsibilities

The City of Los Angeles is committed to maintaining a discrimination-free workplace for all employees. An employee who perceives to have been the subject of hazing is encouraged to immediately and clearly communicate to that person that such behavior is unwelcome.

The following Hazing Complaint Procedure has been developed specifically for use by employees who believe that they have been subjected to act(s) of hazing.

Under City policy and procedures, any employee who believes he or she has been subjected to hazing has the following rights and responsibilities:

1. The complainant is encouraged to report the hazing to any or all of the following individuals: a supervisor, the Department's EEO Coordinator, or the Personnel Department's Office of Discrimination Complaint Resolution. Such immediate reporting is important because the sooner the allegations can be investigated, the sooner appropriate steps can be taken to end the hazing/harassment. **All employees are assured that they may make such reports without fear of retaliation by the City, Department, Management, their immediate supervisor, or any other employee. Such retaliation is absolutely prohibited.**
2. The complainant has the right to a confidential conference with the person to whom the hazing complaint is made. The complainant has the option to be represented during the conference and any subsequent investigation by a union representative, an attorney, or another individual of the complainant's choice.
3. Each complaint of hazing will be fully and completely investigated by the Department's EEO Coordinator or by the Personnel Department's Office of Discrimination Complaint Resolution, unless it is determined that the complainant has also filed a grievance or utilized another internal City administrative procedure, raising the same or similar hazing issues, in which case the complaint will be administratively closed so that the other procedure may be pursued.
4. All investigations will be handled with discretion, sensitivity, and due concern for the dignity of those involved. Every reasonable effort will be made to restrict information on the specifics of the complaint to those who are participating in the investigation, the complainant, the alleged harasser, witnesses, and department management, unless and until complaint findings are presented in a public hearing, such as before the Board of Civil Service Commissioners. All persons contacted or interviewed during the investigation will be requested not to discuss the subject matter of the investigation in order to protect the privacy of all those participating in the investigation.
5. All investigations will be as extensive as required, based upon the nature of the allegations. All persons named as potential witnesses by the complainant will be contacted during the course of the investigation, and those witnesses who have information relevant to the issues of the complaint will be interviewed. Any employee or non-employee who is alleged to have committed an act of hazing will be contacted during the investigation, be informed of the allegations being made against him or her, be given the opportunity to respond to the allegations, and be given the opportunity to

identify witnesses. Any accused employee has the option to be represented during the investigation by a union representative, an attorney, or other individual of his or her choice.

6. Any employee who observes what he or she believes to be hazing, whether physical, psychological or verbal should report such behavior to a supervisor, and/or EEO Coordinator. ALL EMPLOYEES ARE ASSURED THAT THEY MAKE SUCH REPORTS WITHOUT FEAR OF RETALIATION BY THE CITY, DEPARTMENT MANAGEMENT, THEIR IMMEDIATE SUPERVISOR, OR ANY OTHER EMPLOYEE. ANY ACTION BELIEVED TO BE RETALIATORY SHOULD BE IMMEDIATELY REPORTED.
7. Any employee who observes an incident of hazing should cooperate in the investigation. ALL EMPLOYEES ARE ASSURED THAT THEY MAY COOPERATE IN SUCH INVESTIGATION WITHOUT FEAR OF RETALIATION BY THE CITY, DEPARTMENT MANAGEMENT, THEIR IMMEDIATE SUPERVISOR, OR ANY OTHER EMPLOYEE. ANY ACTION BELIEVED TO BE RETALIATORY SHOULD BE IMMEDIATELY REPORTED TO THE PERSON CONDUCTING THE INVESTIGATION.
8. All employees who initiate or participate in the investigation of a complaint are protected from retaliation by the City, Department management, supervisors or any other employee. Employees found to have committed acts of retaliation will be subjected to disciplinary action in accordance with the provisions of Policy 33 (Disciplinary Action). Retaliation will be considered a serious act of misconduct, with appropriate discipline indicated in the Policy up to and including discharge. Because of their increased responsibility for enforcing the City's policies against hazing, supervisors will be held to a higher standard and can expect the most severe disciplinary measures for any proven act of retaliation.
9. The complainant may expect a timely resolution of complaints. The individual investigating the complaint will keep complainants apprised of the status of their complaint on a regular basis.

Responsibilities of the Department EEO Coordinator

EEO Coordinators responsible for investigating EEO complaints will now also investigate hazing complaints. An employee who believes he or she has been subject to hazing may choose to file a complaint with the Department EEO Coordinator. Each EEO Coordinator has the following responsibilities:

1. Upon receipt of a hazing complaint, the Coordinator shall meet with the complainant as soon as mutually convenient. The Coordinator shall inform the complainant that he or she may have a representative at the meeting. The Coordinator shall fully inform the complainant about the City's Zero Tolerance for Hazing of Fellow Employees policies and complaint procedures, and shall answer any questions that the complainant may have regarding the City policy. The Coordinator shall also inform the complainant about the other available options, such as filing with the Personnel Department's Office of Discrimination Complaint Resolution, and/or State and Federal compliance agencies as appropriate.

2. The Coordinator shall listen to the complainant's allegations and discuss the complained of actions with discretion, sensitivity, and due concern for the dignity of those involved. The complainant shall be asked what remedies he or she feels would resolve the complaint. The Coordinator shall inform the complainant that while every reasonable effort will be made to protect the confidentiality and privacy of the individuals involved, the conduct of an investigation requires that the alleged harasser be informed of the allegations, and that witnesses be interviewed.
3. The Coordinator shall fully record and document the complaint and the requested remedies.
4. The Coordinator shall conduct a complete and timely investigation into the complaint, including conducting interviews with witnesses and the alleged harasser(s). If the alleged harasser is the General Manager of the complainant's department, the advice of the City Attorney may be requested.
5. If the complaint is against a non-employee, the Coordinator shall conduct an investigation as indicated above. The extent of the City's control and any other legal responsibility that the city may have with respect to the conduct of the non-employee, shall be considered.
6. Upon completion of the investigation, the Coordinator shall draft a report on the investigation, which shall include findings on whether the allegations have been substantiated. Copies of the report shall be provided to the management of the Department. Where appropriate disciplinary actions have been taken, the complainant may be so informed without disclosing the specific nature of the actions. If the alleged harasser is the General Manager or another high-ranking supervisor of the complainant's department, the advice of the City Attorney may be requested.
7. If the complainant is not satisfied with the way the hazing complaint has been resolved, the Coordinator shall again fully inform the complainant of his or her additional rights under the law, including filing under the City's Discrimination Complaint Procedure or with State or Federal compliance agencies.
8. The Coordinator shall maintain all documentation of the complaint and the investigation, information concerning the resolution of the complaint, and whether the complainant was satisfied with the department's efforts, in accordance with the City's Records Retention Program. The documentation shall be made available to the Personnel Department, if requested, for further investigative or auditing purposes.

Responsibilities of the Personnel Department, Office of Discrimination Complaint Resolution

An employee who has been a victim of hazing may chose to file a complaint with the Personnel Department's Office of Discrimination Complaint Resolution. The Personnel Department's Coordinator has the following responsibilities:

1. The Coordinator will be available at (213) 473-9123 to discuss hazing issues with complainants, shall fully inform complainants about the City's hazing policies and

complaint procedures, and shall answer any questions that the complainant may have regarding the City's policy, or the other options available to them.

2. The Coordinator shall listen to the complainant's allegations and discuss the complained of actions with discretion, sensitivity, and due concern for the dignity of those involved. The complainant will be asked if the department has been informed of the allegations, if an investigation was conducted by the department, and the result of any such investigation. The complainant will be asked if he or she wishes the Coordinator to:
 - a. Pursue an informal investigation, and, where appropriate, seek a resolution to the complaint without a formal investigative report; or,
 - b. Open a formal investigation into the allegations.
3. If the complainant requests an informal attempt at resolution, the Coordinator shall, where appropriate, make preliminary efforts to resolve the complaint with the assistance of the department's EEO Coordinator. The actions taken by the Coordinator and the department will be documented, and the complainant will be informed of the outcome of the informal investigation.
4. If the complainant is not satisfied with the results of the informal investigation or resolution, he or she may file a formal complaint under the City's Discrimination Complaint Procedure. At the time of the filing of a formal complaint, the complainant shall also be informed of the other options available, including filing the complaint with the State or Federal compliance agencies.
5. Investigative procedures and protections for the complainant, the alleged harasser, and witnesses previously noted in this Procedure under **Employee Rights and Responsibilities** and **Responsibilities of the Department EEO Coordinator** shall apply to the conduct of an investigation by the Personnel Department's Office of Discrimination Complaint Resolution or other staff analysts. The report of the investigation of the complainant's allegation(s), including the investigator's findings and recommendations shall be presented to the Board of Civil Service Commissioners in accordance with the City's Discrimination Complaint Procedure, unless the Coordinator is able to resolve the complaint to the complainant's satisfaction prior to the scheduled hearing before the Commission.

The City's Hazing Complaint Procedure

The City's Hazing Complaint Procedure gives employees the right to file a written complaint with the City's Civil Service Commission. Complaints filed in accordance with the City's - Hazing Complaint Procedure must be filed within one year of the alleged act of hazing. The Civil Service Commission can be reached at the following address:

CITY OF LOS ANGELES CIVIL SERVICE COMMISSION

700 East Temple Street, Room 380
Los Angeles, CA 90012
(213) 473-9123

State and Federal Compliance Agencies

Employees who believe they have been victims of employment discrimination have the right to file a complaint with State and/or Federal compliance agencies and/or in State or Federal court. Every person is protected against unlawful discrimination in employment practices based upon membership in one or more protected groups. Examples of California State and/or U.S. Federal EEO law protections against discrimination in employment practices include race, color, religion, national origin, sex, age, disability, marital status, sexual orientation, creed, ancestry, medical condition, HIV/AIDS – acquired or perceived, and retaliation for having filed a discrimination complaint or participating in a protected activity. Time limits for filing complaints with compliance agencies vary, and complainants should check directly with those agencies for specific information.

The State and Federal compliance agencies may be contacted at the following addresses:

STATE	FEDERAL
Department of Fair Employment and Housing 1055 W. Seventh St., Suite 1400 Los Angeles, CA 90017 1-800-884-1684 TTY (800) 700-2320	Equal Employment Opportunity Commission 255 East Temple Street, Fourth Floor Los Angeles, CA 90012 1-800-669-4000

Attachment A – Mayor Antonio R. Villaraigosa Executive Directive No. 8

Attachment B – City of Los Angeles Policy – Zero Tolerance for Hazing of Fellow Employees

Issued by the Personnel Department, EEO and Employee Development Division – March 2007; updated March 2010