

## 15.106 SEXUAL HARASSMENT

### **Reference:**

Procedure 15.105, Equal Employment Opportunity (EEO) Complaint Process  
 Manual of Rules and Regulations - 1.06 D, 1.13  
 City Manager's Administrative Regulation #25  
 Cincinnati Municipal Code 308-79, Protected Employee Actions  
 Ohio Revised Code Chapter 4112, Civil Rights Commission  
 Title VII of the Civil Rights Act of 1964, As Amended  
 Equal Employment Opportunity (EEO) Commission Guidelines (1980)

### **Definitions:**

Sexual harassment is defined as:

Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a 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 the 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.

Specific behaviors that are prohibited include, but are not limited to:

- Offensive sexual flirtation, advances, or propositions.
- Verbal abuse of a sexual nature.
- Graphic verbal commentaries about an individual's body.
- Offensive comments, jokes, or suggestions about another employee's gender or physical attributes.
- Lewd or obscene jokes or gestures.
- Leering, pinching, patting, and/or swearing, particularly when sexual terms are used.
- The posting of sexually offensive and/or explicit posters, photographs, jokes, calendars, cartoons or related material at the work place.
- Questions or discussions about one's personal sex life.
- Open display and/or discussion of sexual relations between employees (either sworn or non-sworn).

- Social invitations accompanied by discussion of terms or conditions of employment or a performance evaluation.
- Requests or instructions that clothing be worn for sexual effect.
- Suggestive body language.
- Display of sexually suggestive objects.

***Purpose:***

Allow all Department employees to work in an environment free from unsolicited and unwelcome conduct of a sexual nature.

Establish an Equal Employment Opportunity (EEO) complaint reporting process for sexual harassment complaints.

***Policy:***

Sexual harassment is against the law and is a prohibited personnel practice. It is the responsibility of every employee to prevent a climate in the workplace that promotes, condones, tolerates, or ignores any form of harassment, including sexual harassment. Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. Complaints of sexual harassment shall be examined impartially and resolved promptly. Employees who violate this policy are subject to the disciplinary process.

A non-employee who subjects an employee to any form of sexual harassment in the workplace will be informed of the harassment policy by the employee's supervisor or manager. Other action may be taken as appropriate.

Supervisors notified of an EEO complaint originating within the Department will prepare a Form 17 to the Chief.

Complaints of sexual harassment will be investigated by the Internal Investigations Section. Internal Investigations Section supervisors investigating a sexual harassment complaint that has been filed through the Human Resources Department (HR) will complete the "Department Response to Employee Relations/EEO Complaint" form.

***Information:***

Completing the Department Response to Employee Relations/EEO Complaint form allows supervisors to document facts and organize thoughts for an accurate response to an EEO complaint. Maintaining records of EEO complaints assists HR and the Law Department in identifying facts associated with the complaint.

Personnel Section is the Department liaison with HR. Personnel Section is responsible for maintaining a file of all EEO complaints. District/section/unit supervisors must insure copies of EEO complaints originating within the Department are forwarded to Personnel Section.

The Police Chief's Office will forward to Personnel Section copies of EEO complaints filed through HR on behalf of or involving Department members. The Police Chief will determine the district/section/unit responsible for the investigation of an EEO complaint. Complaints of sexual harassment will be investigated by the Internal Investigations Section.

**Procedure:**

A. Reporting Sexual Harassment

1. Department employees encountering sexual harassment are encouraged to inform the person their actions are unwelcome and offensive. However, employees are not obligated to do so.
2. Department employees who feel they have been a victim of sexual harassment or have knowledge of conduct constituting sexual harassment may report a complaint to:
  - a. Any supervisor.
    - 1) Notification to a Department supervisor can be done orally or in writing.
  - b. Any EEO counselor.
  - c. The City's EEO Office (Human Resources Department)  
Two Centennial Plaza  
805 Central Avenue, Suite 200  
Cincinnati, OH 45202  
Telephone number: 352-2400
  - d. The Ohio State Civil Rights Commission  
7162 Reading Road, Suite 1001  
Cincinnati, OH 45237  
Telephone number: 852-3344
  - e. The Federal Equal Employment Opportunity Commission  
John W. Peck Federal Building  
550 Main Street, Suite 10019  
Cincinnati, OH 45202  
Telephone number: 684-2851

B. Supervisor Responsibilities:

1. Each supervisor is responsible for preventing acts of sexual harassment by:
  - a. Monitoring the work environment on a daily basis.
  - b. Counseling all employees on the types of behavior prohibited and the Department's procedure for reporting and resolving complaints of sexual harassment.

- c. Stopping any observed acts that may be considered sexual harassment and taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision.
  - 2. When a Department supervisor is notified of a sexual harassment complaint originating within the Department, the supervisor will prepare a Form 17 to the Chief.
    - a. The Form 17 should include the names of all persons involved, time and location where the alleged incident(s) occurred, the nature of the harassment complaint, and any action taken.
    - b. The supervisor will place the Form 17 in a sealed envelope. Do not route through the chain of command.
    - c. The Form 17 will be sent directly to the Police Chief for determination of an investigation.
      - 1) A copy of the Form 17 will be placed in a sealed envelope and forwarded to Personnel Section.
- C. Internal Investigations Section (IIS) Responsibilities
  - 1. IIS will conduct an investigation of the sexual harassment complaint, pursuant to their standard operating procedures (SOP). All complaints of sexual harassment will be investigated promptly, fairly, and completely. Each case will be handled as discreetly as possible.
  - 2. IIS will immediately report all sexual harassment complaints to HR. All documents and/or evidence relating to the sexual harassment complaint must be forwarded to HR and Personnel Section.
    - a. Upon completion of the investigation, a copy of the IIS report must be submitted to HR and Personnel Section.
  - 3. Complete the Department Response to Employee Relations/EEO Complaint form.
- D. Notification of Sexual Harassment Complaints Received from the Human Resources Department
  - 1. Upon notification of a sexual harassment complaint received by HR, IIS will conduct an investigation and complete the Department Response to Employee Relations/EEO Complaint form. Forward a copy of the IIS report along with the Department Response to Employee Relations/EEO Complaint form to Personnel Section via interdepartmental mail.
    - a. Completing the Department Response to Employee Relations/EEO Complaint form is required **only** when the complaint has been filed through HR.

E. Personnel Section Responsibilities

1. Serve as the Department liaison with HR.
2. Receive and forward a copy of the EEO complaint to the appropriate district/section/unit for investigation by a supervisor.
3. Ensure the copy of the EEO complaint and the Department Response to Employee Relations/EEO Complaint form are forwarded to HR.
4. Maintain a file of all EEO complaints.
5. Notify the Police Chief's Office of the status of all EEO complaints.

F. Harassment by a Service Provider

1. Services provided through a service provider under contract with the City are to remain free of any form of sexual harassment. Personnel who believe they have been subjected to sexual harassment or have knowledge of conduct constituting sexual harassment have a responsibility to notify any resource listed in Section A.1.a. through A.1.e.

G. Retaliation

1. There will be no retaliation against any employee for filing a sexual harassment complaint, or for assisting, testifying, or participating in the investigation of such a complaint.

H. False and Malicious Claims

1. Complaints determined to be false and malicious will be treated in the same manner as other forms of serious misconduct.