



Office of the Mayor
City of Columbus
Ohio

ANTI-HARASSMENT AND SEXUAL HARASSMENT

POLICY

It is the policy of the City of Columbus to create and maintain a working environment free from discrimination or harassment of any kind, including sexual harassment.

The City of Columbus requires all employees to report any concerns or complaints of harassment and will take appropriate and immediate action in response to those complaints. Through enforcement of this policy and by education of employees The City will seek to prevent, correct and discipline behavior that violates this policy.

DEFINITION

For purposes of this policy, harassment is any verbal, non-verbal or physical conduct designed to threaten, intimidate or coerce an employee or any person working for or on behalf of the City, or any person from the public when said action occurs in connection to employment with the City of Columbus. The following are examples of harassment but are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's race, color, religion, sex, national origin, disability, ancestry, age, genetic information, sexual orientation, gender identity or expression or military status.
- Nonverbal harassment includes physical, threatening or intimidating, coercive or abusive behavior based on a person's race, color, religion, sex, national origin, disability, ancestry, age, genetic information, sexual orientation, gender identity or expression or military status.

Sexual harassment in the workplace is discriminatory conduct prohibited by Title VII of the Civil Rights Act of 1964 and by Section 4112.02 of the Ohio Revised Code.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may be verbal or physical in nature. Verbal sexual harassment may include sexual innuendos, suggestive comments and jokes of a sexual nature, lewd remarks about sex that denigrate women or men in general; sexual propositions, (this includes repeated, unwelcome requests for dates); invitations, or other pressure for sex; implied or overt threats of a sexual nature; and, making (sexual) gestures.

Physical sexual harassment may include unwelcome touching, patting, pinching, brushing against the body, attempted or actual kissing or fondling, and any other inappropriate and/or unwelcome touching or feeling; coerced sexual intercourse or other sexual acts or misconduct; and, sexual assault.

In addition, other types of sexual harassment may include the distribution, displaying or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; obscene gestures; photographs, emails, text messages and internet postings; or other forms of communication that are sexual in nature and offensive.

Sexual harassment is determined by the behavior demonstrated regardless of the sex or gender of either the person(s) demonstrating the behavior or the person(s) who is (are) the recipient(s) of the behavior.

COMPLAINT PROCEDURE

The City of Columbus has established the following procedure for lodging a complaint of harassment or retaliation. The City will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Complaints should be submitted promptly to a Supervisor, Administrator, the Director of the employee's division or department, their division or department Human Resources Office or the Equal Employment Office.
2. In the instance where alleged harassment has been reported to a Supervisor, Administrator, or Director, the Supervisor, Administrator, or Director must immediately

report such complaints to their department Human Resources Office or the Equal Employment Office. (Supervisors and Administrators are required to promptly report all complaints of harassment, as well as any observed or suspected incidents of harassment.)

3. An employee's complaint should be submitted in writing preferably using the City's Discrimination Complaint Form. In the event an employee refuses to provide information in writing, the receiving party will dictate the verbal complaint.
4. The Department's Human Resources Office and/ or the Equal Employment Office will work to coordinate a prompt and thorough investigation of the matter. The employee will be apprised of the progress of the investigation.

If the investigation reveals that the alleged harassment took place, in whole or in part, the City will take appropriate corrective action to remediate further inappropriate behavior that may include disciplining the harassing employee(s). **Any discipline will be in accordance with the City Central Work Rules and applicable collective bargaining agreement.**

CONFIDENTIALITY

All complaints and investigations are treated confidentially to the extent possible and information is disclosed strictly on a need-to-know basis but confidentiality cannot be guaranteed. The identity of the complainant often is revealed to the parties involved during the investigation, e.g. witnesses, alleged harasser, Union representative, etc.

RETALIATION PROHIBITED

Retaliation against an employee filing or responding to a complaint of harassment will not be tolerated by the City of Columbus. Lodging a complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. Any reported acts of harassment or intimidation, including any act of reprisal, interference, restraint, or penalty against any employee who is a party to a harassment complaint will be investigated by the department director and/or Equal Employment Opportunity Office and appropriate action will be taken to eliminate the conduct and discipline those responsible.

FALSE CLAIMS

All complaints of sexual or other harassment will be taken seriously and investigated thoroughly. It is recognized that not all incidents of sexual or other harassment can be supported by other witnesses or other evidence. However, employees are nonetheless encouraged to report all incidents of sexual or other harassment. However, after a thorough investigation, if it is determined that an employee has intentionally fabricated allegations of sexual or other harassment or pursued a false complaint of sexual or other harassment, then that employee will be disciplined accordingly.

RESPONSIBILITY FOR IMPLEMENTATION

In addition to an employee's duty to report sexual or other harassment, all supervisory and management personnel are accountable for maintaining a work environment free of harassment of all

kinds. To this end, supervisory and management personnel are required to promptly report all complaints of sexual or other harassment, as well as any observed or suspected incidents of sexual or other harassment, to the department director and the Human Resources Equal Employment Opportunity Office. In addition, this accountability includes communicating this policy to all subordinates. Documentation of such communication will be obtained and retained by each department.

This policy shall be observed and adhered to by all City departments, agencies and individuals. Furthermore, this policy shall be:

1. Disseminated to all new employees of the City of Columbus upon commencement of their employment with the City of Columbus; and
2. Distributed to all employees of the City of Columbus on a regular basis; and
3. Posted for public display in all departments and agencies in a prominent location, easily accessible to all employees, applicants, and other visitors.