



Office of the Mayor  
City of Columbus  
Ohio

## **SEXUAL HARASSMENT**

### **POLICY**

It is the policy of the City of Columbus to maintain and promote a working environment free from discrimination. Sexual harassment, a form of sexual discrimination, is unacceptable conduct that will not be tolerated in the workplace.

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. In compliance with state and federal laws and consistent with the business objectives and practices of the City of Columbus, the City of Columbus is dedicated to preventing and eliminating sexual harassment through education and by encouraging all employees to report concerns or complaints. Upon receipt of a complaint, prompt and appropriate action will be taken.

### **DEFINITION**

Sexual harassment can be defined as any unwelcome sexual advance, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct is used as the basis for decisions affecting that individual with regard to employment (e.g., raises, work assignments, discipline, etc.); or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may be verbal or physical in nature. Verbal sexual harassment may include sexual innuendo, comments and sexual remarks about clothing, body, or sexual activities; humor and jokes about sex that denigrate women or men in general; sexual propositions, invitations, or other pressure for sex; implied or overt threats of a sexual nature; and, making gestures of a sexual nature. 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 displaying sexually suggestive photographs or literature in the workplace and making degrading insults about men or women in general.

Although sexual harassment often takes place when the alleged harasser is in a position of power or influence (e.g., supervisor to supervisee), other types of harassment are also possible (e.g., coworker sexual harassment).

Sexual harassment may involve the behavior of a person of either gender against a person of the opposite or same gender.

## PROCEDURE

Any employee who believes that she or he has been sexually harassed by a superior, subordinate, peer, client, agent, or independent contractor or service provider who is contracting with the City of Columbus must promptly report such incident(s) to:

1. The employee's immediate supervisor, administrator, or the director of the employee's division or department; or
2. The Human Resources Equal Employment Opportunity Office.

In the instance where alleged sexual harassment has been reported to a supervisor, administrator, or director, the supervisor, administrator, or director must immediately report such complaints to the EEO Office. The EEO Office will work to coordinate a prompt and thorough investigation of the matter. The employee will be apprised of the progress of the investigation through periodic progress reports.

If the investigation reveals that the alleged harassment took place, in whole or in part, the harassing employee(s) will be disciplined accordingly. Discipline can range from a documented verbal reprimand to discharge. The appropriate level of disciplinary action will be determined by considering the totality of the circumstances surrounding the incident(s) of harassment. The accused will be provided a full and fair opportunity to respond throughout the investigation and during any disciplinary action that may take place.

## CONFIDENTIALITY

The City of Columbus will make all reasonable efforts to protect the confidentiality of the parties involved in a sexual harassment investigation. However, confidentiality cannot be guaranteed.

## RETALIATION PROHIBITED

In accordance with state and federal law, retaliation against a complaining employee is unlawful and will not be tolerated by the City of Columbus. The accused, the accuser, and all other parties to a complaint are prohibited from harassing or intimidating any person, or from lying in making statements in connection with a charge of sexual harassment. 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 sexual 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 harassment will be taken seriously and investigated thoroughly. It is recognized that not all incidents of sexual harassment can be supported by other witnesses or other evidence. However, employees are nonetheless encouraged to report all incidents of sexual harassment. However, after a thorough investigation, if it is determined that an employee has intentionally fabricated allegations of sexual harassment or pursued a false complaint of sexual harassment, then that employee will be disciplined accordingly.

## RESPONSIBILITY FOR IMPLEMENTATION

In addition to an employee's duty to report sexual harassment, all supervisory and management personnel are accountable for maintaining a work environment free of sexual harassment. To this end, supervisory and management personnel are required to promptly report all complaints of sexual harassment, as well as any observed or suspected incidents of sexual 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.