

THE CITY OF
BOWLING GREEN



CITY OF BOWLING GREEN
ADMINISTRATIVE INSTRUCTION NO. 37

POLICY AGAINST SEXUAL AND OTHER HARASSMENT

These Administrative Instructions set forth City policy with respect to providing employees a workplace that is free from harassment based on a person's gender/sex, race, color, age, religion, disability, ancestry, national origin, political ideology, creed, sexual orientation, Vietnam Era Veteran status, or military status consistent with applicable laws.

INSTRUCTIONS

It is the policy of the City of Bowling Green to maintain a working environment free from any harassment based on a person's gender/sex, race, color, age, religion, disability, ancestry, creed, political ideology, sexual orientation, marital status, Vietnam era veteran status, national origin, or military status. Any such discrimination and/or harassment in the workplace is inappropriate and will not be tolerated. The City will discipline harassers.

DEFINITION

Sexual Harassment

Sexual harassment is defined as any unwelcome or unwanted sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature when any one of the following criteria is met:

1. submission to such conduct is made either explicitly or implicitly as a term or condition of the individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment depends on how the person being harassed is affected, not on the harasser's intent. It can come from any individual in the workplace, including a supervisor, a coworker, a customer, or a supplier. Sexual harassment can also take many forms. It may be: (1) verbal (i.e., threats, insults, offensive or suggestive comments, "catcalls", and "jokes"); (2) non-verbal (i.e., suggestive gestures or looks, staring, leering); or (3) physical (i.e., rape or attempted rape, cornering, trapping, pinching, grabbing, patting, touching, hugging, kissing, or the repeated brushing against another person's body).

Other Harassment

Harassment that is not of a sexual nature will not be permitted or tolerated in accordance with this policy. Conduct prohibited by this section is harassment of a non-sexual nature that is directed at a person's gender/sex, race, color, age, religion, disability, ancestry, creed, political ideology, sexual orientation, marital status, Vietnam era veteran status, national origin, or military status. Examples of such harassment would include but not be limited to ethnic slurs or jokes directed at one or more of the protected groups previously listed.

COMPLAINT RESOLUTION PROCEDURE FOR HARASSMENT

If you are the victim of harassment or if you are a witness to harassment, please report same through this procedure. To the fullest extent practicable the City will keep complaints and the terms of their resolution confidential. No reprisal, retaliation or other adverse action will be taken against any employee for making in good faith a complaint or report of harassment, or for assisting in good faith in the investigation of any such complaint or report. The success of this process will depend upon the willingness of employees to report prohibited behavior. The City will take immediate action to remedy any harassing or discriminatory behavior in the workplace of which the City has knowledge.

Confronting or reporting the incident(s) should take place as soon as possible after the incident. Therefore, employees are encouraged to utilize the following complaint resolution steps.

STEP 1:

Any employee who has been the victim or a witness to harassing behavior may wish to first discuss, in person or in writing, the incident with the individual(s) responsible. This discussion should focus on the facts and dates of the incident, the resultant feelings, (e.g. anger, humiliation), and a clear indication that the behavior in question is unwanted and will not be tolerated. This discussion should be documented for possible use at a formal hearing.

If this step appears to be futile or if the employee, who has been the subject of the harassing behavior feels uncomfortable doing this, the employee should then proceed to Step 2.

STEP 2:

Any employee who has been the victim or a witness to harassing behavior when there has been no resolution at Step 1 or the employee chooses not to discuss the incident(s) with the individual(s) responsible, shall report the alleged act or acts to any one of the following:

- immediate supervisor
- division head
- department head
- Personnel Director

STEP 3:

All complaints received will immediately be referred in writing to the Personnel Director. Complaints can be submitted using the attached form.

The Personnel Director will advise the Mayor, Municipal Administrator, Department Head, and the City Attorney when a complaint has been received. The City administrators will then determine the appropriate course of action to insure a timely and complete investigation of the complaint. The Municipal Administrator will issue a written response to the complaining party acknowledging the complaint and providing notice of the investigation.

The Personnel Director will be responsible for investigating the complaint. If a complaint has been filed against the Personnel Director, then the Municipal Administrator will designate another individual to investigate the complaint.

A written report, which details the results of the investigation, will be prepared by the individual who conducted the investigation. This report will, if the complaint is found to be valid, identify the employee or employees who were responsible for the incident(s). The report will include a recommendation for disciplinary action, in accordance with the specifications contained in the various collective bargaining agreements or other existing disciplinary policies. The report will be provided to the Mayor, Municipal Administrator, Law Director, Personnel Director, and appropriate Department Head. Necessary steps will be taken to insure that the employee(s) found to be responsible is appropriately disciplined. The City will ensure that adequate remedies are in place to prevent the recurrence of the prohibited behavior or any form of retaliation.

Although the City's ability to discipline a non-employee harasser is limited, any City employee who has been subjected to harassment by a non-city employee, such as a supplier, contractor, or general citizen, should file a complaint so that immediate action may be taken.

Where the results of an investigation reveal that a complainant falsely accused another person of harassment knowingly or in a malicious manner, the complainant will be subject to appropriate disciplinary action, in accordance with existing disciplinary procedures, as contained in either the collective bargaining agreements or other City policies.

STEP 4:

In the event that a resolution satisfactory to the employee is not reached in Steps 1 thru 3, the employee may contact the following sources for additional information.

The State Equal Opportunity Center
30 East Broad Street, 18th Floor
Columbus, Ohio 43215-3514
Telephone: (614)466-8380

Equal Employment Opportunity Commission
1801 L Street N.W.
Washington, D.C. 20507
1-(202)-663-4900
1-(202)-663-4494 (TTY for the hearing impaired)
www.EEOC.gov

Ohio Civil Rights Commission
Central Office
111 East Broad Street
Suite 301
Columbus, Ohio 43205-1379
Telephone: (614) 466-2785

Administrative Instruction No. 37
Policy Against Sexual Harassment
January 23, 2008
Page 5 of 6

Ohio Civil Rights Commission
Regional Office
1 Government Center, Suite 936
Jackson & Erie Streets Toledo, Ohio 43604
Telephone: (419)-245-2900

EEOC
District Office
1660 W. Second Street, Suite 850
Cleveland, Ohio 44113-1454
Telephone: (216)-522-2001



John B. Quinn, Mayor

1-23-08

Date

**CITY OF BOWLING GREEN
HARASSMENT REPORT FORM**

NAME OF EMPLOYEE(S) MAKING THE ALLEGATION: _____

NAME OF IMMEDIATE SUPERVISOR: _____

NAME(S) OF PERSON(S) AGAINST WHO ALLEGATIONS ARE MADE: _____

GIVE A CLEAR AND CONCISE STATEMENT OF THE FACTS CONSTITUTING EACH ALLEGED CHARGE AND THE DATES, TIMES, AND PLACES WHEN SUCH ACT(S) ALLEGEDLY OCCURRED (USE EXTRA PAPER IF NECESSARY)

NAME(S) OF WITNESSES: _____

SIGNATURE(S) OF PERSON(S) FILING REPORT: _____

DATE REPORT FILED: _____