

# **CITY OF CANTON SEXUAL HARASSMENT POLICY**

## **I. STATEMENT OF POLICY**

The City of Canton is committed to maintaining a work environment that encourages and fosters appropriate conduct among colleague and respect for individual values and sensibilities. Accordingly, the City officers and administration are committed to enforcing its Sexual Harassment Policy at all levels within the workplace and creating an environment free from discrimination of any kind, including sexual harassment.

Sexual harassment, according to the Equal Employment Opportunity Commission and the Illinois Department of Human Rights, and for the purposes of this policy, consists of unwelcome sexual advances, requests for sexual favors or other verbal, non-verbal or physical acts of a sexual or sex-based nature, where

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2) an employment decision affecting an employee is based on that individual's acceptance or rejection of such conduct; or
- 3) such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Sexual harassment can occur between men and women, or between members of the same gender. Such conduct is unlawful under Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of race, color, sex, religion or national origin.

It is also unlawful to retaliate in any way against anyone who has complained about sexual harassment or discrimination, whether that concern relates to harassment of or discrimination against the individual raising the concern or against another individual.

Sexual harassment affects the victim and other employees as well. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually-oriented acts or sex-based conduct have no legitimate business purpose. Where such conduct is directed by a supervisor (or someone in a management position) toward a subordinate, the former will be held to the higher standard of accountability because of the degree of control and influence he or she has or is perceived to have over the employment conditions and benefits of the subordinate.

## **II. PROHIBITED CONDUCT**

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact to physical contact. At times the offender may be unaware that his or her conduct is offensive or harassing to others. Examples of conduct which could be considered sexual harassment include but are not limited to:

- a) persistent or repeated unwelcome flirting, pressure for dates, sexual comments or touching;
- b) sexually suggestive jokes, gestures or sounds directed toward another, or sexually oriented or degrading comments about another;
- c) preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct, or the denial or threat of denial of employment, benefits or advancement for refusal to consent to sexual advances;
- d) the open display of sexually oriented pictures, posters, or other material offensive to others;
- e) retaliation against an individual for reporting or complaining about sexually harassing conduct.

All employees are encouraged to express displeasure at any conduct which might be sexually harassing, to tell the individual engaged in the conduct that it is unwelcome, to report that conduct, and to use the complaint procedure set forth in this policy.

### III. COMPLAINT PROCEDURE

While the City encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, the City also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, or even when such communication has occurred, the following steps should be taken to report a sexual harassment complaint.

**A. Reporting of Incident:** All employees are urged to report an suspected sexual harassment by another employee to the City Administrator, except where that person is the individual accused of harassment. In that case, the complaint should be reported to the City Attorney. If the aggrieved employee or other complainant prefers to report the suspected harassment to someone of the opposite gender from that of the City Administrator, the complaint can be reported to the City Attorney. The report may be made initially either orally or in writing, but the reports made orally must be reduced to writing before an investigation can be initiated.

**B. Investigation of Complaint:** When a complaint has been reduced to writing, the City Administrator or the individual informed pursuant to paragraph A above will initiate an investigation of the suspected sexual harassment within five (5) working days of notification. If necessary, the City Administrator may designate another supervisory or management employee of the opposite sex to assist him/her or the alternate individual in paragraph A in the investigation. If the City Administrator is the subject of the investigation, the investigation will include an interview with the employee(s) who made the initial report, the person(s) towards whom the suspected harassment was directed and the individual (s) accused of the harassment.

Any other alleged person who may have information regarding the alleged sexual harassment may also be interviewed.

**C. Report:** The City Administrator or designated person responsible for investigating the complaint shall prepare a written report within ten (10) working days from notification of the suspected harassment unless extenuating circumstances prevent him/her from doing so. The report shall include a finding that sexual harassment occurred, sexual harassment did not occur, or that there is inconclusive evidence as to whether sexual harassment occurred. A copy of the report will be given to the employee(s) to whom the suspected harassment was directed, and the employee(s) suspected of the harassment.

**D. Records; Confidentiality:** Employees who report incidents of sexual harassment are encouraged to keep written notes in order to accurately record the offensive conduct. Every effort shall be made to keep all matters related to the investigation and various reports confidential, subject to the State of Illinois Freedom of Information Act. In the event of a lawsuit, however, the City advises that records it maintains and the complainant maintains may not be considered privileged from disclosure. Written records will be maintained for four (4) years from the date of the resolution unless new circumstances dictate that the file should be kept for a longer period of time.

**E. Appeals Process:** If either party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit his/her written comments in a timely manner to the Mayor or Chairman of the Negotiations, Grievance, and Personnel Committee.

#### IV. DISCIPLINE/SANCTIONS

Disciplinary action will be taken against any employee found to have engaged in sexual harassment of any other employee. The extent of sanctions may depend in part upon the length and conditions of employment of the particular employee and the nature of the offense. The City has the right to apply any sanction or combination of sanctions, up to and including discharge, to deal with unreasonable conduct or discrimination.

Where a hostile work environment has been found to exist, the City will take all reasonable steps to eliminate the conduct creating such an environment.

#### V. EDUCATION/TRAINING

Education and training for employees at each level of the work force are critical to the success of the City's policy against sexual harassment. The sexual harassment policy will be sent to all current employees who will be asked to sign a receipt for and read the policy.

As part of general orientation, each recently hired employee will be given a copy of and requested to sign a receipt for and read the City's sexual harassment policy so that they are on notice of the standards of behavior expected.

All employees will participate on City time in annual or bi-annual seminars that describe workplace sexual harassment or harassment in general and tech strategies for resisting and preventing sexual and other forms of harassment. Employees with supervisory authority over other employees, and all employees, and all employees working in a managerial capacity, will receive further training on duties of supervisory personnel.

### LEGAL RIGHTS UNDER LAW

Any Employee who believes s/he has been subjected to sexual harassment has the right to file a complaint with the Illinois Department of Human Rights, 100 West Randolph Street, Chicago, Illinois 60601; 312-814-6245 and/or the Equal Employment Opportunity Commission, 500 West Madison, Suite 2800, Chicago, Illinois 60661; 312-353-2713. The Illinois Human Rights Act provides that complaints of harassment must be filed within 180 days of the alleged incident. A complaint with the EEOC must be filed within 300 days of the alleged incident. It is also a violation of Section 6-101 of the Illinois Human Rights Act to retaliate against an employee for opposing or complaining about conduct believed to be a violation of the Act.

**NOTE:** The City reserves the right to amend the policy from time to time.

#### **EMPLOYEE ACKNOWLEDGEMENT**

**This will acknowledge that I have been given a copy of the City's "Sexual Harassment Policy." I understand that it is my responsibility and obligation to read and review this policy carefully, to direct questions about the policy and to report alleged violations of the policy to the City Administrator or the City Attorney and to be in full compliance with this policy at all times. I understand my department may have a more specific policy on this matter and this city wide policy is in addition to, not a replacement of, a department-specific policy.**

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_