

# City of Sycamore

## Sexual Harassment Policy

The City of Sycamore is committed to maintaining a safe, non-disruptive employment environment (intellectually, physically, and emotionally) that is free from any form of sexual harassment. It shall be a violation of City policy for any City employee to sexually harass another individual of the workplace. This policy is intended to apply to any person functioning in the workplaces of the City of Sycamore (for example: employee, Board or committee member, vendor, volunteers, and contracted individuals). Violation of this policy shall be considered grounds for disciplinary action.

### DEFINITION

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, and 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 when
2. Submission to or rejection of such conduct by an individual is used as a basis for employment or decisions affecting an employee; or when
3. Such conduct has the purpose or effect of substantially interfering with an individual's employment or performance or creating an intimidating, hostile, or offensive employment environment.

Sexual harassment, as defined above, may include, but is not limited to the following:

1. Repeated unwelcome, sexually-oriented verbal "kidding", criticism, or demeaning sexual innuendoes;
2. Unwelcome touching, such as patting, pinching, or other physical contact of a sexual nature;
3. Sexually demeaning or leering expressions, sexually suggestive or insulting noises, whistling, or comments, or obscene gestures;
4. The display of sexually-oriented visuals;
5. Suggesting sexual involvement to, or demanding sexual involvement of, another employee over whom the employee has supervisory authority or where such person has made it clear to an individual that such suggestion or demand is accompanied by implied or explicit threats concerning employment status or similar personal concerns;
6. Repeated unwelcome humor about sex or gender specific traits or stereotypes.

## COMPLAINT PROCEDURES

### Sexual Harassment by Co-Worker or Person Doing Business with the City of Sycamore

An incident of sexual harassment by a co-worker or by any person doing business with the City shall be reported immediately to the employee's Department Head by the victim or any person having knowledge of the incident. If said accusations are made to any other person, the matter should be immediately reported to the Department Head. The individual alleging sexual harassment will be informed that a complaint form specifically outlining the nature of the complaint must be completed within 30 days before an investigation can take place. If the complainant refuses, or fails to complete the form within the above time frame, the matter will not be further investigated unless circumstances clearly indicate otherwise.

Once the complaint form has been completed, the Department Head shall immediately file a written report by confidential memorandum directed to the City Manager. The report shall minimally include the following information: name of victim, name of alleged harasser, date of incident(s), names of witnesses, and general description of what occurred.

In order to facilitate an objective investigation into sexual harassment complaints, the City Manager will randomly select an individual from a pre-established list of persons to assist in the investigation, review all information compiled during the investigation, and to provide commentary to the City Manager regarding the merits of the complaint.

Persons selected to assist shall not be employed in any capacity by the City of Sycamore, shall be experienced in personnel-related matters, preferably in the area of sexual harassment, and will provide assistance under the direction of the City Manager.

Upon receipt of said report, the City Manager shall:

1. Notify the City Attorney of the allegation of sexual harassment.
2. Conduct a thorough and complete investigation of the complaint and refer the matter to the proper person or entity (If the incident involves the police or fire departments the City Manager should refer the matter to the Police Chief or Fire Chief, whichever is appropriate).
3. Prior to initiating the investigation, contact the alleged harasser to provide him/her with a copy of the completed complaint form and inform him/her of the seriousness of the allegation(s). The City Manager will review with the alleged harasser the City's policy and indicate a charge of sexual harassment has been made. The City Manager and other City personnel investigating the allegation shall comply with all applicable laws, ordinances, and collective bargaining agreements in conducting the investigation.
4. Allow the alleged harasser to have the opportunity, within 30 days of receiving a copy of the completed complaint form, to refute the allegation(s) by responding in writing.

5. Regularly communicate with the complainant as to the status of the complaint.
6. If an employee is sexually harassed by a person doing business with the City, the alleged harasser will be asked to leave the premises. If after an investigation the allegations are confirmed, a letter will be forwarded to the alleged harasser's supervisor indicating that a report of sexual harassment was made against such a person and that the individual involved will not be able to conduct further business with the City.
7. If the evidence warrants, in the case of sexual harassment by a co-worker, the alleged harasser may be suspended with or without pay pending a complete investigation if the employee's continued functioning as an employee while such charges are pending and unresolved would impair the efficiency and/or the operation of the division or department in which the employee is assigned.
8. If the allegations prove not to constitute sexual harassment, the employee will return to work with pay retroactive to the date of any non-paid suspension. No employee who brings or serves as a witness of any good faith charge or allegation will be retaliated against because of his or her participation in the process. However, any charges found to be malicious and unsubstantiated will result in disciplinary action.
9. Upon completion of the investigation of the complaint, a written report will be submitted by the person conducting the investigation, and if the allegation is sustained, the person or entity having jurisdiction over the harasser shall take appropriate disciplinary action as authorized by law and labor agreements. The report shall include a copy of the completed complaint form; a statement detailing the scope of the investigation undertaken, and the result thereof; and a recommendation regarding sanctions and/or corrective action if warranted.
10. To document and assure proper resolution of all complaints, status reports shall be submitted by the City Manager and City Attorney.

In all cases, and regardless of the individual remedial measures implemented, the City Manager shall maintain ongoing communications with the City Attorney regarding all formal complaints.

### **Sexual Harassment by Department Head, or City Manager**

An incident of sexual harassment by a Department Head shall be reported directly to the City Manager by the victim or any person having knowledge of the incident. The City Manager shall follow the same procedures set forth in the previous section of this policy when investigating the allegation. An incident of sexual harassment by the City Manager shall be reported directly to the Mayor by the victim or any person having knowledge of the incident. The Mayor shall follow the same procedures set forth in the previous section of this policy when investigating the allegation.

## CONSIDERATIONS

1. All allegations of sexual harassment shall be investigated expeditiously and reasonable measures will be taken to preserve confidentiality.
2. Retaliating or discriminating against an employee for reporting an incident of sexual harassment is expressly prohibited, and any person engaging in retaliation or discrimination under such circumstances shall be disciplined, including termination of employment under appropriate circumstances.
3. Non-union supervisory and Department Head personnel shall be responsible for monitoring the working conditions of their employees for signs of sexual harassment, and such personnel shall have an affirmative obligation to report an incident of sexual harassment to the City Manager even when the victim does not come forward with information regarding the incident.
4. Non-union supervisory and/or Department Head personnel shall take immediate action to limit work contact between employees involved in an allegation of sexual harassment while the investigation is pending.
5. Any charges found to be malicious and unsubstantiated will result in disciplinary action.
6. The City of Sycamore shall conduct training for employees on the topic of sexual harassment in the workplace.

Everyone employed by the City of Sycamore has the responsibility to be knowledgeable regarding the identification of sexual harassment, the City's policy regarding sexual harassment, and the procedures for handling complaints of sexual harassment. In addition, all employees are expected to encourage any victim of sexual harassment to utilize the City's policy and procedures to address the problem. All City of Sycamore Department Heads have an additional responsibility for implementation and enforcement of this policy. Reporting sexual harassment will not adversely reflect upon the individual's status or affect future employment or work assignments.

It is recognized that any staff member or individual involved in a sexual harassment incident may obtain legal counsel at any point in the process.

Sanctions following substantiated charges of sexual harassment shall be commensurate with the severity of the violation. Such sanctions will only be applied through action of the City Manager or Fire Chief, Police Chief or Board of Fire and Police Commissioners if the alleged harasser is a member of the fire or police department. Sanctions may include, but are not limited to, a letter of warning, an official reprimand, a required treatment program, a required medical evaluation and report, suspension with or without pay for a designated period of time, or termination of employment in accordance with Illinois statutes, City personnel procedures, and applicable collective bargaining contracts.

Legal Reference:           **Title VII, Section 703 of the Rehabilitation Act of 1964, 29 c.f.r., sec. 1604.11  
Illinois Human Rights Act, Ill. Rev. Stat., ch. 68, par. 20102(D) (1989).**