



CITY OF GRAND RAPIDS ADMINISTRATIVE POLICY

NUMBER: 86-01	DATE: 3/26/86
REVISIONS: 12/5/89; 3/5/01; 10/20/09; 3/9/10	
ISSUED BY: City Manager	SIGNATURE: <i>Gregory A. Sundstrom</i>

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE

PURPOSE: To establish a uniform policy to eliminate sexual harassment in the workplace.

POLICY:

The City of Grand Rapids is committed to a healthy, sexual harassment free work environment for all our employees. To this extent, the City of Grand Rapids is and will continue to be intolerant of behavior that is determined to be sexually harassing to employees, citizens or patrons to city services.

Sexual harassment consists of unwelcome behavior directed toward an individual or group because of sex and is a form of discrimination as defined by Title VII and the Elliott-Larson Civil Rights Act.

I. Definitions:

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an 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 creating an intimidating, hostile, or offensive working environment.

Hostile Work Environment: Hostile work environment harassment involves conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. The harassment must be sufficiently severe or pervasive so as to alter the terms of employment and to create an abusive work environment.

Quid Pro Quo Harassment: *Quid pro quo* - or “this for that” – harassment involves an exchange linking tangible terms or conditions of employment to an employee’s willingness to accept or engage in conduct or activity related to a protected characteristic such as sex.

Tangible Employment Action: A significant change in employment status due to unwelcome sexual behavior of a supervisor. Tangible job benefits (hiring, promotion, salary increases, job assignments, and performance evaluations) are granted or denied based on the submission to or rejection of unwelcome harassing conduct.

Reasonable Person Standard: Behavior that a “reasonable person” would find offensive or objectionable because of a protected characteristic.

II. Types of Sexual Harassment Complaints

Sexual harassment may occur from male to female, female to male, male to male, or female to female.

A. A non-exhaustive list of situations which might constitute sexual harassment are as follows:

- Sexual innuendo and or jokes;
- Lewd and/or sexual remarks – talking dirty;
- Suggestive comments, insults, or threats;
- Graphic or degrading comments about one’s appearance, dress, or anatomy;
- Sexual propositions;
- Repeated vulgar or obscene jokes of a sexual nature;
- Suggestive or insulting noises;
- Violation of personal space;
- Leering or whistling;
- Making obscene gestures;
- Actual or attempted rape or assault;
- Unwanted pressure for sexual favors;
- Exposing genitalia;
- Unwanted deliberate touching, leaning over, cornering, or pinching;
- Telling lies or spreading rumors about an employee’s personal sex life;
- Touching or rubbing oneself sexually around another person;
- Sexually suggestive visuals including jokes, pictures and/or pinups.
- Internet web sites and communications as outlined by Administrative Policy 84-02 Section III, D. Prohibited Activities include: “Material that is fraudulent, harassing, embarrassing, sexually explicit, racially offensive, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate may not be downloaded, sent by e-mail or attachments there to or other form of electronic communication (such as bulletin board systems, newsgroups, chat groups) or displayed on, or stored in the City’s computers, unless it is necessary for the conduct of the persons responsibilities with the City and then only in that purpose.”

B. Not every instance of a perceived sexual or intimate encounter is harassment.

Examples which may not be sexual harassment are:

- Where the attention is welcomed or where there is mutual agreement.
- Social ineptness, simple flirting, or awkward expression of romantic attraction.
- Socializing away from work where there is mutual agreement.

- One isolated incident (depends on circumstances and severity of incident).

III. Complaint Procedure

- A. Any employee who believes he or she has been the subject of sexual harassment should report the harassing conduct **immediately** to any of the following:
 - their supervisor
 - department director
 - Diversity and Inclusion Office
 - Labor Relations Department.
- B. Any employee who believes he or she has been the subject of sexual harassment and wishes to file a formal complaint with the Diversity and Inclusion Office must present this complaint to the Diversity and Inclusion Office within one hundred eighty (180) calendar days of the occurrence of the alleged harassment.
- C. The Diversity and Inclusion Office is the “Clearinghouse” for all sexual harassment complaints. All individuals who receive complaints of sexual harassment **shall**
 - notify the Diversity and Inclusion Office **immediately**;
 - take steps to prevent continued and/or future occurrences; and
 - provide the Diversity and Inclusion Office with a completed Sexual Harassment Complaint Referral Form (attached) within 2 weeks of the alleged occurrence.
- D. It will be considered misconduct for an employee to harass another employee, customer, contractor, or visitor in the workplace.
- E. It will be considered misconduct for directors or supervisors who know or should have known of sexual harassment to fail to report such behavior and who fail to take immediate, appropriate corrective action. Individuals failing to obey the above-mentioned directive shall be subject to discipline, up to and including discharge.
- F. The Diversity and Inclusion Office will undertake or cause to be undertaken a confidential investigation upon the receipt of a sexual harassment complaint. All parties in the investigation will be treated with respect and dignity. This process will result in a factual determination based on the evidence received.
- G. Any employee found to have sexually harassed another employee in violation of this policy will be subject to appropriate disciplinary sanctions ranging from a warning in his or her file up to and including termination.
- H. Retaliating or discriminating against an employee for filing a sexual harassment complaint is strictly prohibited and will be dealt with in an expedient fashion with appropriate disciplinary sanctions.
- I. The City recognizes that false accusations of sexual harassment can have serious effects on innocent men, women and their families. Therefore, all employees are expected to act in a responsible and professional manner to establish a working environment free of discrimination and harassment.

Send to: **CONFIDENTIAL**

Diversity and Inclusion Office
300 Monroe Avenue NW, Suite 840
Grand Rapids, MI 49503
(616) 456-3027

SEXUAL HARASSMENT COMPLAINT REFERRAL

Date of Report: _____

Referring Individual/Department: _____

Phone number: _____

Date of Alleged Occurrence(s): _____

Complainant Name: _____

Complainant Department: _____ Phone: _____

Respondent Name: _____

Respondent Department: _____ Phone: _____

Description of Alleged Occurrence: _____

Supervisor Action Taken: _____

Referring Individual

Date

Received by

Date