

Policy Prohibiting Sexual Harassment

Current Revision: January 1, 2005

Last Revision: January 1, 2001

Purpose

The purpose of this Regulation is to establish the City of Wichita's policy prohibiting sexual harassment and to provide guidelines for compliance.

All employees should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that lowers morale and that, therefore, interferes with work effectiveness.

The provisions of this Regulation apply to all employees of the City, employees of boards, agencies and authorities of the City, including but not limited to the Wichita Art Museum Board and the Wichita Library Board.

Responsibility Procedure

All City employees have the responsibility to maintain professional behavior and demeanor in the workplace. The City cannot resolve a harassment problem unless it is known. Therefore, it is every employee's responsibility to report such problems so the City can take appropriate steps to correct the situation.

Each department director, division director and supervisor has a responsibility to maintain the workplace free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, demeaning, degrading or exploitive sexual treatment. Copies of the notice pertaining to the policy must be posted in all work areas.

Department directors and all other supervisory employees have the responsibility to investigate and take immediate and appropriate corrective action upon learning of incidents of sexual harassment. Supervisors who fail to make an appropriate investigation or take corrective measures upon learning of incidents of sexual harassment will be subject to disciplinary action.

Incidents of alleged sexual harassment which cannot be resolved within the department should be

referred to the Affirmative Action Administrator for resolution. All incidents of sexual harassment, whether resolved or not, must be reported to the Affirmative Action Administrator. In addition to other responsibilities described in this policy, the Affirmative Action Administrator shall be responsible for maintaining records of all sexual harassment complaints under this policy.

Policy

- A. The City of Wichita endorses the principle that persons should not be subjected to unwelcome verbal or physical advances which are sexual in nature. The City does not condone such advances, either explicitly or implicitly, where submission is a term or condition of employment, a basis for any employment decision, or creates an intimidating, hostile or offensive work environment for the employee.
- B. It is the intent of the City that this policy be vigorously enforced. City employees who violate this policy will be promptly and severely disciplined.
- C. Behavior which may constitute sexual harassment includes, but is not limited to:
 - 1. Verbal harassment (e.g., sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, epithets, derogatory and condescending remarks, obscenities, intimidation, insults or slurs);
 - 2. Physical harassment, when based on a person's gender (e.g., unwanted physical contact such as touching gestures, pinching, brushing the body, assault, coerced sexual intercourse, impeding or blocking movement, or any physical interference with normal work or movement);
 - 3. Visual forms of harassment (sexually suggestive objects or pictures, derogatory posters, letters, poems, graffiti, cartoons, jokes, or drawings), including information contained in e-mails, FAX transmissions, and computer screen materials. Access to pornographic material is prohibited (see the City's Internet policy).
 - 4. Requests for sexual favors or unwelcome sexual advances, subtle or direct pressure for sexual activity, suggestive or insulting sounds, leering, whistling, obscene gestures.

Sexual harassment may be overt or subtle. Some behavior which may be appropriate in a social setting is not appropriate in the work place. Whatever form it takes, sexual harassment can be insulting and demeaning to the recipient and will not be tolerated in the work place by any employee, supervisor, or non-employee.

- D. It is the policy of the City that all complaints, allegations and/or information pertaining to sexual harassment will be held in strict confidence and will not be part of the public records of the City. All persons, including witnesses participating in any way in an investigation or hearing, will exercise extreme caution to assure the confidentiality of information pertaining to the investigation or hearing. All complaints, allegations, documents, records, reports or written statements will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.
- E. Any person filing a complaint of sexual harassment or participating in an investigation as a witness will not be subjected to retaliation for making a complaint or giving testimony.

Procedure

- A. Complaints of sexual harassment should be reported immediately to the department supervisor, the department EEO officer, the department director or the City's Affirmative Action Administrator.
- B. If a complaint involves a person in an immediate supervisory capacity, the complaint shall be reported to the next higher level supervisor or to the City's Affirmative Action Administrator.
- C. The appropriate supervisor shall have a meeting with the employee (with the Affirmative Action Administrator, if the employee so desires) to discuss the nature of the allegations and complete a written form specifically outlining the nature of the complaint.
- D. Within two working days of receipt of the complaint, the alleged harasser will be notified by a higher level supervisor or the Affirmative Action Administrator and informed of the nature and seriousness of the allegation(s). The supervisor or Affirmative Action Administrator will review with the alleged harasser the City policy and indicate a charge of sexual harassment has been filed. The alleged harasser will then have the opportunity to refute the allegation(s) by responding to the complaint allegations.
- E. A fact-finding investigation will be conducted by either the department or the Affirmative Action Administrator. All of the concerned parties and any named or apparent witnesses will be interviewed. Written findings and recommendations will be included as a confidential report to be filed with the complaint form and forwarded to the department director or Appointing Authority.
- F. The policy will be strictly enforced and City employees who violate the policy

will be promptly disciplined. The minimum discipline for any employee violating this policy will be:

First violation - written reprimand and a remedial program

Second violation - three-day suspension without pay and a remedial program

Third violation - termination

It is acknowledged that there are serious situations where severe and swift action is appropriate (termination) even though the incident may be a first offense.

Termination must be approved by the Appointing Authority.

- G. Given the nature of this type of discrimination, the City also recognizes that false accusations of sexual harassment can have serious effects on innocent individuals. False accusations occur when an employee fabricates an incident. No-cause or questionable-cause findings do not indicate false accusations. Any employee who deliberately raises false accusations will be subject to disciplinary action, up to and including termination.

Grievances

If the employee who filed the complaint is dissatisfied with the actions of the supervisor or departmental staff, the complaint may be brought to the attention of the Employee Relations Officer, under the City's grievance procedure.

If the alleged harasser disagrees with the findings or actions resulting from an allegation of sexual harassment, that person may file a grievance with the Employee Relations Officer, under the City's grievance procedure.

Implementation

It is the responsibility of the Personnel Office to provide information to department directors and supervisors relative to the policy concerning sexual harassment, the gravity of such behavior and the procedure to be employed in the event such an allegation develops. It is also the responsibility of the Personnel Office to provide the necessary training to employees concerning sexual harassment. Employees are encouraged to raise any questions they may have regarding discrimination or affirmative action with the Affirmative Action Administrator in the Personnel Office.

Responsibility

All Department Directors are responsible for instructing departmental personnel in Administrative Regulations as appropriate and employees are responsible to adhere to it. No exceptions will be made to this policy without the express written permission of the City

Manager. Any employee who violates the guidelines in this policy will be disciplined in accordance with the City's Personnel Manual, Section 6.

Relationship to Previously Established Procedure

No qualifying statement, previously established rules or procedures shall be used to negate the spirit or intent of this statement of policy.

Effective Date: 1-1-05

A handwritten signature in black ink that reads "George R. Kolb". The signature is written in a cursive style with a large, looped "G" and a long horizontal stroke at the end.

George R. Kolb
City Manager