



**CITY OF DUBLIN
ADMINISTRATIVE ORDERS
OF THE CITY MANAGER**

ADMINISTRATIVE ORDER 2.3	
TO:	All Department/Division Heads & Supervisory Personnel
FROM:	Marsha I. Grigsby, City Manager
SUBJECT:	Sexual Harassment Policy
DATE:	September 5, 2012
Supersedes and Replaces Administrative Order 2.3 dated May 29, 2002 Regarding Same Subject.	

I. PURPOSE

The purpose of this Administrative Order is to provide policy direction and guidance to Department/Division Heads and other supervisory personnel in enforcing the City's Sexual Harassment Policy (Administrative Order 2.2). Questions regarding this Administrative Order should be directed to the Director of Human Resources.

II. POLICY DIRECTION/GUIDANCE

The Courts have ruled that Employers have an affirmative duty to prevent sexual harassment from occurring. Therefore, it is the obligation of all Department & Division Heads and other supervisory personnel to maintain a workplace free from such conduct/behavior. Should such conduct/behavior occur, Department/Division Heads and other supervisory personnel must take prompt action to effectively address such conduct/behavior. Department/Division Heads and other supervisory personnel are also hereby strongly advised that their own conduct/behavior is held to a higher standard than non-supervisory personnel and, therefore, their behavior and conduct creates a higher degree of liability exposure for the City.

Department/Division Heads and other supervisory personnel are also hereby further advised that not only can their own conduct/behavior create greater liability for the City, it can also result in personal liability.

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature as defined in Administrative Order 2.2. Sexual harassment occurs when:

- ▶ submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- ▶ submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

- ▶ 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.

All forms of sexual harassment are strictly prohibited and shall not be tolerated. Should such conduct/behavior occur, it shall result in prompt, severe disciplinary action up to and including dismissal.

Not only does the City have an affirmative duty to prevent sexual harassment by Supervisory or Non-supervisory employee, such duty also extends to third parties (i.e. residents, vendors, contractors, or users of City facilities, etc.). Department/Division Heads and other supervisory employees are therefore, hereby advised to maintain a workplace free from such third party conduct/behavior. Should such conduct/behavior occur, prompt action must be taken by Department/Division Heads and other supervisory personnel to effectively address such conduct/behavior. All forms of sexual harassment by third parties are strictly prohibited and shall not be tolerated.

Department/Division Heads and other supervisory personnel are hereby advised that rigorous and strict enforcement of Administrative Order 2.2 is expected at all managerial/supervisory levels, in an effort to maintain a workplace free of such conduct/behavior.

III. GUIDANCE ON REPORTING PROCEDURE

As referenced in Section IV. A. of Administrative Order 2.2 ("Sexual Harassment Policy"), an employee who believes he/she has been sexually harassed is encouraged to report such conduct/behavior through the applicable grievance procedure in his/her Collective Bargaining Agreement, directly to his/her Department/Division Head, or directly to the Director of Human Resources, or a Human Resource Manager or Specialist. As also referenced in Section III. A. of Administrative Order 2.2, it shall be the employee's right to choose the reporting option with which he/she is most comfortable. This means that the employee's option to report an incident directly to the Division of Human Resources shall not be blocked, restricted, or prohibited in any way by Department/Division Heads or other supervisory personnel within the employee's Department/Division. Department/Division Heads and other supervisory personnel are hereby advised that efforts at the Departmental/Divisional level to, in any way, block, restrict, or prohibit the employee's choice to report an incident directly to Human Resources, shall result in disciplinary action.

IV. GUIDANCE ON CONDUCTING A SEXUAL HARASSMENT INVESTIGATION

As referenced in Section IV. B. of Administrative Order 2.2 (“Sexual Harassment Policy”), an investigation into the alleged conduct must be completed in a prompt manner, with a written report being made to the Director of Human Resources documenting the findings and recommending the appropriate action to be taken. Although Department/Division Heads may receive a report of alleged sexual harassment (under one of the reporting options identified in Section IV. A. of Administrative Order 2.2) from within their Department/Division, and may conduct an investigation into the alleged conduct, Department/Division Heads are hereby advised to consult with the Director of Human Resources prior to initiating the investigation. Department/Division Heads are also hereby advised that they must keep the Director of Human Resources closely advised on the status of the investigation as it progresses. Upon receipt of the written report from a Department/Division Head, the Director of Human Resources shall discuss with such personnel any recommended action to be taken, to ensure the recommended action is appropriate given the circumstances in question as well as uniform and consistent with actions taken by the City in other cases involving like circumstances. Should the Director of Human Resources concur with the recommended action, such action shall be taken in a prompt manner.

V. PROHIBITION ON RETALIATORY CONDUCT/BEHAVIOR

As referenced in Section V. of Administrative Order 2.2 (“Sexual Harassment Policy”), employees who report incidents of sexual harassment in accordance with the procedure referenced in Section IV. A. of Administrative Order 2.2, are protected from retaliatory conduct/behavior because they reported such incidents. Department/Division Heads and other supervisory personnel are hereby advised that retaliatory conduct/behavior on their part, or on the part of co-workers or other employees is unlawful and shall not be tolerated. Such retaliatory conduct/behavior shall result in severe disciplinary action.