



Andy Schor, Mayor

City of Lansing Sexual Harassment and Non-Discrimination Policy & Complaint Procedures

OBJECTIVE

It is the policy of the City of Lansing to provide a work environment free of unlawful discrimination. Sexual harassment in the workplace is a form of unlawful discrimination. The City's 1978 Charter and the Human Relations Ordinance of 1981 clearly establish that the City's policy prohibits any illegal discrimination against any employee or applicant for employment with the City. It is the City's objective to ensure that no employee during the course of employment with the City should be subjected to illegal discrimination.

In order to enforce this policy, the City has developed a procedure for its employees should they believe they have been subjected to illegal discrimination. Any employee who believes they are subjected to any actions or conduct that they consider illegal discrimination, including sexual harassment, has an obligation to report the activity or conduct. Any employee in a managerial position who has knowledge of any conduct or activity that may constitute illegal discrimination also has an obligation to report the conduct or activity. This policy provides a clear and concise procedure for employees to submit their complaints and provides specific actions that the City will take upon receipt of the complaint. This policy is meant to apply to every office, agency, department and employee of the City.

DEFINITIONS

1. Illegal employment discrimination consists of any employment decision, policy or practice that is impermissibly based on a person's religion, race, color, national origin, gender, gender identity or expression, sexual orientation, age, marital status, height, weight, arrest record, disability, genetic information or other legally protected class. Illegal discrimination includes intimidation or harassment on the basis of a person's membership in any protected classes and others as outlined in the City's Human Rights Ordinance.

2. Employment decisions, practices or policies include job advertisements, recruitment, pre-employment inquiries, hiring processes, job referrals, employment references, job assignments, promotions, pay, benefits, discipline, discharge, training and any term or condition of employment.

3. Discriminatory intimidation is defined as verbal or written statements or physical acts based on a person's membership in a protected class that puts that individual in fear of harm or create a hostile work environment.

4. Sexual harassment is considered a form of illegal discrimination. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal, written or physical conduct when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions effecting such individual; or
- Such conduct interferes with an individual's work performance and/or creates an intimidating, hostile or offensive work environment.

Examples of such behavior that have been found to constitute sexual harassment include but are not limited to derogatory comments or slurs based on sex, sexual jokes, too-familiar remarks about appearance or body parts, unwelcome comments of a sexual nature, repeated unreciprocated requests for dates, sexual gestures, touching, hugging or kissing, graphic material, objects or written material of a sexual nature and the display in the workplace of sexually suggestive pictures, requests or demands for sexual favors, or unwelcome sexual advances.

Harassment that is based upon a person's membership in any protected class is also prohibited.

PROCEDURES

I. General Provisions

- A. Complaints or reports of illegal discrimination should be filed as soon as possible regarding the alleged conduct or activity.
- B. This internal complaint procedure is meant to provide employees with an opportunity to have their complaints resolved internally. If an employee elects to pursue a complaint of illegal discrimination by filing a complaint with the Michigan Department of Civil Rights or the Equal Employment Opportunity Commission, or through a civil court action, the internal complaint procedure may be suspended or terminated.
- C. It is the City's intent to handle all complaints and investigations as confidentially as possible.
- D. The City prohibits any form of retaliation against any employee for filing a complaint under this policy or for assisting in an investigation.

- E. If, after investigating any complaint, the City determines that an employee has knowingly provided false information, disciplinary action may be taken against an individual who knowingly files a false complaint or who knowingly provides false information.
- F. If, after filing a complaint, an individual believes there are additional allegations of illegal discrimination or any alleged retaliation in response to the filing of the complaint, the individual must report the additional allegations of retaliatory conduct promptly.

All management and supervisory personnel are responsible for compliance with these policies.

II. Complaint Procedure

- A. Information/Inquiry Procedure. When an employee is not prepared to file a formal complaint but is seeking information or advice regarding any conduct or activity that they believe may constitute illegal discrimination, the individual may make inquiry to the Department of Human Resources. The Department of Human Resources will assign a member of the Department to promptly schedule a meeting with the individual to discuss the individual's concerns and provide counseling, advice or information as necessary. If information is provided wherein the Human Resources staff member believes that the conduct or activity may constitute illegal discrimination, the individual will be assisted in preparing a complaint pursuant to the formal complaint procedure.
- B. Formal Complaint Procedure.
 - 1. Any employee who wishes to file a complaint of illegal discrimination may do so with their supervisor or with the Department of Human Resources. If the complaint involves a staff member of the Department of Human Resources, the complaint shall be filed with the Office of the City Attorney. If the complaint is filed with a supervisor, the supervisor shall immediately submit the complaint to the Department of Human Resources.
 - 2. Upon receipt of a complaint, the Department of Human Resources shall immediately institute an investigation. Upon completion of its investigation, the Department of Human Resources shall prepare a report with its findings and recommendations and submit it to the Mayor and the City Attorney for approval. The employee complainant will then be informed of the final determination.

Questions concerning the application of this policy should be directed to the Director of the Department of Human Resources and the Director of Human Relations & Community Services.