

**A.P. NUMBER**

3.07

**EFFECTIVE DATE**

July 17, 2023 (Revised)

**SECTION**

Human Resources

**ADMINISTRATIVE POLICY****SUBJECT**

Harassment Prevention and Reporting

**Purpose.** The purpose of this Administrative Policy is to commit the City to providing a respectful work environment for City employees free of harassment. All persons have a right to work in an environment free from harassment, including sexual harassment. Further, this policy commits to ensuring that employees are protected from harassment consistent with the City’s Human Rights Ordinance. The Policy provides a procedure to address complaints of harassment in the workplace and provides for the reporting and prompt investigation of harassment allegations. Employees found to have committed an act of harassment will be subject to discipline up to and including discharge from employment.

**Scope.** This policy covers any allegations or acts of harassment that occur within the context of City of Champaign operations and service delivery. The policy applies to all municipal officials, municipal agents, municipal employees and municipal agencies including the City Manager, Mayor, City Council members, members of City Boards and Commissions, and contractors, vendors or volunteers performing services or acting on behalf of the City of Champaign, whether interacting with other employees, citizens, or vendors when directly related to the workplace.

Pursuant to [Council Bill No. 2018-010](#), this policy prohibiting sexual harassment was initially adopted by the City Council as the City's policy. As provided for in the Council Bill, this policy may be amended from time to time at the sole discretion of the City Manager to update the policy to stay current with any changes in the law and to alter procedures as the City Manager deems appropriate. Any such amendment shall be sent to the City Council and all Boards and Commissions prior to it taking effect.

**Definition.**

1. “*Complainant*” The person making a complaint of harassment.
2. “*Respondent*” The person alleged to have committed an act or acts of harassment.
3. “*Harassment*” Actions or statements which create a hostile work environment which are based wholly or partially on the perception of an individual based on race, color, creed,

national origin, religion, sex, age, marital status, physical, or mental disability, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, pregnancy, prior arrest or conviction record, or source of income as defined in Chapter 17-3 of the Human Rights Ordinance.

4. *“Sexual Harassment”* Any unwelcome sexual advances or requests for sexual favors of any conduct of a sexual nature when (1) submission to such conduct is made whether 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 substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.
5. *“Hostile Work Environment”* An intimidating, hostile, or offensive working environment that interferes with an individual’s work performance.

**Responsibility.** The City Manager supervises and directs all officers and employees of the City in the performance of their duties, and to that end is responsible for assuring that employees of the City are able to perform those duties free of harassment. The City Manager, Department Heads and Supervisors are responsible for ensuring that employees adhere to this policy, and it is the responsibility of each employee to abide by this policy. The City Manager, Human Resources Director (HR Director), all other Department Heads, and Supervisors are responsible for receiving, documenting and investigating complaints, maintaining confidential files, reporting the findings, and making recommendations consistent with the procedures provided for in this policy.

**Statement of Policy.**

1. The City of Champaign prohibits any harassment of or by its employees.
2. The City’s Human Rights Ordinance serves as a framework for the City’s commitment to equal opportunity and inclusion, and serves as a basis for employee protections against harassment in the performance of their job duties.
3. It is a violation of City policy and values to harass another employee, elected or appointed officials, citizen, or vendor.
4. Any employee found in violation of this policy will be subject to discipline up to and including discharge from employment.
5. Each employee and elected or appointed official is responsible for taking actions within their authority to prevent and eliminate harassment.

6. Each employee should report harassment by other employees, citizens, and vendors to the employee's Supervisor or Department Head, who will take appropriate action to prevent a recurrence.
7. Elected or appointed officials should report harassment by employees, citizens, vendors, other elected or appointed officials, or other persons to the City Manager.

**Procedure.**

1. Reporting Complaints of Harassment.

- a. An employee, elected or appointed official who experiences or witnesses harassment is encouraged to directly and clearly communicate to the Respondent that this conduct is unwelcome and not allowed.
- b. A complaint must be filed within 300 days from the incident unless it is a continuing offense.
- c. Harassment by an employee, a vendor, or citizen shall be reported to a Supervisor or a Department Head.
- d. If the Respondent is the employee's supervisor, then the harassment shall be reported to the Department Head.
- e. If the Respondent is the Department Head, then the complaint shall be reported to the HR Director.
- f. If the Respondent is the HR Director, then the complaint shall be reported to a Deputy City Manager.
- g. If the Respondent is the City Manager or a Deputy City Manager, then the complaint shall be reported to the HR Director. The HR Director shall consult with the City Attorney to retain counsel for the investigation.
- h. If an elected or appointed official is the Complainant or the Respondent, the complaint shall be reported to the City Manager.
- i. Should an employee have concerns about privacy, confidentiality, potential retaliation, or for any other reasons the employee deems it necessary or appropriate, the employee may make a confidential complaint directly to the HR Director, a Deputy City Manager or the City Manager.

2. Investigation of Allegations of Harassment.

- a. Complaints of harassment shall be treated seriously and with respect.

- b. Immediate and appropriate action to address the complaint and eliminate or prevent further harassment shall be taken by the person to whom it was reported.
- c. Upon receipt of a complaint of harassment, the Supervisor, Department Head, HR Director, Deputy City Manager or City Manager as appropriate will promptly and thoroughly investigate the complaint. The complaint and all investigative steps shall be thoroughly documented and shall support the findings, conclusions, and recommendations for action in response to the complaint. Upon initiation of an investigation, the Supervisor initiating the investigation shall notify the Human Resources Director or the Director's designee, in writing, that the investigation is about to commence. In the event the investigation involves any member of the Human Resources Department, the notice shall be given to the City Attorney, a Deputy City Manager or the City Manager.
- d. After the investigation has been concluded, the findings and any disciplinary recommendations shall be submitted to the Department Head, HR Director and City Manager for review. The City Manager shall review the findings and recommendations for conformity with this policy within 10 business days after receiving them. The 10-day period may be extended by agreement of both the Complainant and Respondent.
- e. The HR Director shall work with the Department Head and others involved in the process to ensure that appropriate action, including employee discipline if warranted, is taken. The HR Director is also responsible for ensuring that the findings and actions taken in response to the complaint and appropriately communicated to persons involved in the process. In the event the HR Director is the Respondent, a Deputy City Manager shall ensure that follow-up actions and communication steps are completed.
- f. The Department Head and the HR Director shall assure that employee discipline, if warranted, is administered in a timely manner. If termination of employment is recommended, the investigation file and recommendation for termination shall be sent to the City Manager for approval.
- g. If an elected or appointed official is the Complainant or the Respondent, the allegations will be processed by the City Manager. The City Manager retains discretion in the method of processing the complaint, including but not limited to retaining a neutral outside investigator to investigate the complaint or referring the matter to the Illinois Department of Human Rights. The City Manager will report all findings to the Mayor (or the Deputy Mayor if the Mayor is the subject of the complaint) for further action in accordance with the City Code and State and Federal law, as appropriate.

### 3. Review of Investigation.

- a. Either the Complainant or the Respondent may request a review of the findings and recommendations by the City Manager.

- b. The City Manager may refer the findings and recommendations back to the Supervisor, Department Head, HR Director, Deputy City Manager for clarification or for further investigation.
4. Records. At the conclusion of the investigation, or if applicable, the review of the investigation, all records related to such investigation or review shall be forwarded to the Human Resources Department to be retained with other personnel records as required by law. The individual who is the last reviewer of the investigation shall be responsible to forward the records to the Human Resources Department.
5. Notice and Posting. All employees should receive a copy of this policy upon adoption and be provided a new copy whenever the policy is revised. This notice may be provided in hard copy or electronic format. The policy shall also be provided to all new employees during their employee orientation. Additionally, a copy of this policy should be posted in all departments in a location that is easily accessible to employees of all work units. Any questions regarding the Policy or procedures should be directed to the Human Resources Department.
6. Training. The Human Resources Department shall discuss the provisions of this policy with all newly hired employees during their employee orientation. The HR Director shall also assure that regular employee training is provided to ensure employees understand their rights and responsibilities under this policy. Employees shall be provided with an opportunity to participate in harassment prevention training, and training shall be offered no less than every two years. All Supervisors, Department Heads, and Executive Management staff shall be required to complete harassment prevention training and training on this policy.
7. Reporting Options. Nothing in this policy is intended to establish a sole means of reporting or investigating a complaint if the means prescribed would require the Complainant to report the complaint directly to the Respondent. If that situation occurs, the employee or elected or appointed official shall report the complaint promptly to a person of equal or higher authority than that of Respondent.
8. Retaliation. No individual making a report in good faith under this policy shall be subject to any negative employment consequences based upon that report, even if the report is unsubstantiated. In addition, any witness will be protected from retaliation in accordance with the State Officials and Employees Ethics Act (5ILCS 430/15-10), the Whistleblower Act (740 ILCS 174/15), and the Illinois Human Rights Act (775 ILCS 5/6-101).
9. False Reports. Employees and elected or appointed officials are prohibited from making false reports of harassment. No person shall make a knowingly false report of harassment for a purpose other than stopping harassment. If a knowingly false report is not made in good faith, the reporting employee will be subject to discipline up to and including discharge. A report made in good faith but which cannot be substantiated is not a false report.

10. External Reporting. All City employees and elected or appointed officials have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within one three hundred (300) days of the alleged incident unless it is a continuing offense. A complaint with the EEOC must be also filed within three hundred (300) days.

Prepared by:

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