

RESOLUTION NO. 1999 - 11

APPROVING THE ADOPTION OF A SEXUAL HARASSMENT POLICY
COVERING ALL EMPLOYEES OF THE GREATER CLEVELAND REGIONAL
TRANSIT AUTHORITY

WHEREAS the GCRTA is required to implement and administer a sexual harassment program to comply with Federal and State laws and regulations; and

WHEREAS, the Greater Cleveland Regional Transit Authority has a genuine interest in ensuring that its employees can work in an environment free of sexually discriminatory conduct; and

WHEREAS, having a clearly-defined sexual harassment policy will assist the Board of Trustees and management in establishing a workplace that is free of conduct that is discriminatory and/or creates a hostile work environment which in turn would improve staff morale and productivity;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the Sexual Harassment Policy shown as attachment A hereto is hereby adopted as official policy of of the Authority effective February 1, 1999.

Section 2. That the General Manager/Secretary- Treasurer is hereby authorized to undertake the necessary actions to implement this Sexual Harassment Policy.

Section 3. That this Resolution shall become effective February 1, 1999.


Attachment A: Sexual Harassment Policy for the Greater Cleveland Regional Transit Authority.

Adopted: January 19, 1999



President

Attest:



General Manager/Secretary-Treasurer

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY SEXUAL HARRASSMENT POLICY

The following shall be the policy of the Greater Cleveland Regional Transit Authority concerning Sexual Harassment:

I. Policy

Federal and state law provides that it shall be an unlawful discriminatory practice for any employer, because of the sex of any person, to discharge without just cause, to refuse to hire or otherwise to discriminate against that person with respect to any matter directly or indirectly related to employment. Harassment of any employee on the basis of sex violates the law.

It is the policy of the Greater Cleveland Regional Transit Authority that sexual harassment in the workplace is unacceptable and will not be tolerated.

To help clarify what sexual harassment is, the Federal Equal Employment Opportunity Commission has issued Guidelines on the subject. Those Guidelines state that unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature will constitute sexual harassment when:

1. Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment;
2. The submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting that individual; or
3. When sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature have the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Sexual harassment can be committed by a person of either sex against a person of the opposite or same sex, can occur in any workplace relationship and can occur during or outside of work hours. Sexual harassment can include, but is not limited to, sexually-oriented jokes or comments and verbal "kidding" or "teasing", gender biased comments, subtle pressure for sexual activity, physical contact such as patting, pinching or brushing against another's body, and sexually explicit or suggestive posters, calendars, or other publications in the workplace.

The Greater Cleveland Regional Transit Authority will not tolerate any form of sexual harassment or gender discrimination at the workplace, including acts of non-employees. Disciplinary action shall be taken promptly against any and all employees, including all employees with supervisor responsibilities, engaging in sexual harassment and/or gender discrimination.

All employees of GCRTA (management and non-management) are expected to avoid any behavior or conduct toward any other employee that could be interpreted as sexual harassment and/or gender discrimination.

All management and supervisory personnel shall notify GCRTA's Office of Equal Opportunity immediately upon becoming aware of sexual harassment or gender discrimination.

Employees are encouraged to consult the Affirmative Action Counselor assigned to their department and shall directly contact the Office of Equal Opportunity, should they have any questions related to sexual harassment and/or gender discrimination or wish to confidentially discuss a situation related to sexual harassment and/or gender discrimination. The Office of Equal Opportunity will formally investigate all allegations.

II. Procedure

The following complaint procedure is applicable to situations where an employee believes that he or she has been subjected to sexual harassment and/or gender discrimination at the workplace:

1. Filing A Complaint

Any employee who feels he or she has been the victim of sexual harassment and/or gender discrimination shall contact GCRTA's Office of Equal Opportunity at (216) 566-5044 immediately upon the occurrence of the incident. This report can be oral or written, but a written and signed statement of the complaint must be submitted to the Office of Equal Opportunity at 1240 West 6th Street, Cleveland, Ohio 44113, by the complaining employee as soon as practicable but not to exceed five working days.

2. Filing A Response

Upon notice of the initial report, the Office of Equal Opportunity will contact the person who allegedly engaged in the sexual harassment and/or gender discrimination and inform him or her of the basis of the complaint and afford the individual the opportunity to respond. That person will then be required to fill out a written statement as soon as practicable but not to exceed five working days.

If the person against whom the complaint of sexual harassment is filed fails to respond to the complaint, the complaint will be taken as true, and the appropriate disciplinary measure will be taken.

3. The Investigation

An investigation is immediately initiated by the Office of Equal Opportunity upon receipt of any report of sexual harassment and/or gender discrimination. This investigation includes but is not limited to the interviewing of witnesses or any other person who may have information regarding the alleged harassment.

4. Confidentiality

Every effort will be made to ensure the confidentiality of the investigation; but due to the nature of the investigation, complete confidentiality cannot be guaranteed. The employees involved are, however, expected to maintain confidentiality. Moreover, the confidential files will be maintained in a secure locked location in the Office of Equal Opportunity.

5. Protection Against Retaliation

The policy also prohibits retaliation in any way against anyone who has complained in good faith about discrimination or harassment, whether the complaint relates to conduct directed at that individual or another. Any person found to have retaliated against another individual for reporting discrimination or harassment will be subject to the same disciplinary process provided under this policy.

6. Results of Investigation

All matters concerning discipline in connection with Sexual Harassment will be reviewed by a committee comprised of Legal, Labor Relations, and the Office of Equal Opportunity which will be responsible for determining appropriate disciplinary action. Such determination shall be made in consultation with the supervisor or applicable department head. In the event consensus cannot be reached by the committee, the matter will then be referred to the General Manager, Secretary-Treasurer.

The person filing the complaint and the person alleged to have committed the offense shall be informed of the results of the investigation.