

SECOND SUBSTITUTE BILL NO. 27-18

ORDINANCE NO. 10599-18

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 8 OF THE SOUTH BEND MUNICIPAL CODE TO ADD A NEW SECTION 2-125.2 TO REQUIRE PERIODIC SEXUAL HARRASSMENT AWARENESS AND PREVENTION TRAINING FOR ALL CITY OF SOUTH BEND EMPLOYESS AND CERTAIN APPOINTEES.

STATEMENT OF PURPOSE AND INTENT

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, 42 U.S.C 2000e *et seq.* and the Indiana Civil Rights Law, Ind.Code 22-9-1-2 *et seq.* Recent events across the nation have demonstrated that sexual harassment in the workplace remains a significant problem with devastating effects on its victims. It is the intention of the City of South Bend to require its employees and elected and appointed officials to receive periodic training regarding sexual harassment awareness and prevention in addition to the training already provided in new employee orientation.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

Section I. Chapter 2, Article 8, is amended to add new Section 2-2-125.2 to read as follows:

Sec. 2-125.2 Sexual Harassment Awareness and Prevention Training for City of South Bend Elected and Appointed Officials and Employees

In order to promote a culture of respect, dignity, and equal employment opportunity in the workplace, City of South Bend employees shall complete periodic sexual harassment awareness and prevention training.

(a) For the purposes of this section, “employee” refers to all regular full and part-time City of South Bend employees, including all directors, supervisors, officials, and all elected officials or officials appointed by the City of South Bend Administration or the South Bend Common Council if those appointed officials receive separate compensation from the City for the appointed positions. Appointed officials who are not separately compensated by the City for an appointed position are encouraged to attend the non-supervisory training sessions, but are not required to do so.

- (b) The Department of Human Resources shall prepare and implement a program to provide, on a periodic basis, sexual harassment awareness and prevention training to City employees as defined above.
- (c) Each supervisory employee is required to complete a minimum of two hours of interactive sexual harassment awareness and prevention training each calendar year. “Supervisory employees” for purposes of this Section will be identified by employee’s Department and Human Resources, and generally includes any full or part-time employee with authority to hire, fire, demote, promote, transfer, or discipline an employee.
- (d) Each full or part-time non-supervisory employee is required to complete a minimum of one hour of sexual harassment awareness and prevention training each calendar year.
- (e) The training required by this section shall provide department heads, directors, supervisors, officials, and all full and part-time employees with the knowledge and skills needed to address instances of workplace harassment. This includes information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment in employment. The training shall also include practical examples aimed at instructing employees in the prevention of harassment, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment.
- (f) The sexual harassment awareness and prevention training shall, at a minimum, include the following topics:
 - (1) Definition of sexual harassment and examples of types of conduct that meet the definition;
 - (2) The manner in which an individual can report an allegation of sexual harassment, including making a report to a supervisor, manager, or Human Resources;
 - (3) The legal prohibition against retaliation against anyone who reports a sexual harassment allegation;
 - (4) Information regarding the consequences of sexual harassment as well as the consequences for knowingly making a false report of sexual harassment;
 - (5) Strategies to prevent sexual harassment in the workplace;
 - (6) An explanation about the limited confidentiality of the complaint process;
 - (7) Resources for victims of harassment;
 - (8) The employer’s obligation to conduct an effective workplace investigation of a harassment complaint and to take appropriate remedial measures to correct harassing behavior;
 - (9) A supervisor’s obligation to report any complaints of sexual harassment, of which they are aware, to the appropriate person in an effort to resolve the claim

internally;

(10) For supervisor training, what the supervisor should do if he or she is personally accused of harassment.

(g) The Department of Human Resources shall maintain a record of employee compliance with the training requirements.

(h) The training required by this section shall begin in calendar year 2019.

(i) Beginning January 1, 2019, the training required by this section for supervisory employees shall be completed by the new employee within ninety (90) days after the employment begins. The training required by this section for non-supervisory employees shall be completed within thirty (30) days after the employment begins.

SECTION II. This Ordinance shall take effect on January 1, 2019 after passage by this Common Council, approval by the Mayor, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this 25th day of June 2018.

Passed on June 25, 2018 by the Common Council of the City of South Bend, Indiana.
Presented to approved and signed by Mayor Peter Buttigieg on June 28, 2018.
Approved: Tim Scott, President of the Common Council
Kareemah N. Fowler, City Clerk