



# CITY OF IOWA CITY MEMORANDUM

---

Date: December 9, 2016  
To: Iowa City Business Owners and Managers  
From: Kristin Watson, Human Rights Investigator  
Re: Sexual Harassment in Employment

This memorandum is meant to provide guidance regarding sexual harassment in the workplace. If you have questions regarding information addressed in this memorandum, please call the Human Rights Office at 319-356-5015 or 319-356-5022.

The Iowa City Human Rights Ordinance prohibits sexual harassment in employment. Sexual harassment is a form of harassment based upon sex. Sexual harassment victims may be of the same or opposite sex as the harasser.

Sexual harassment is defined as any unwelcome advances, requests for sexual favors, or verbal or physical conduct of a sexual nature, where

- 1) submission to the conduct is made either explicitly or implicitly a term or condition of the victim's employment, or
- 2) submission to or rejection of the conduct by the victim is used as the basis for any employment decision, or
- 3) the conduct substantially interferes with the victim's work performance or creates a hostile, intimidating or offensive working environment.

Examples include:

- Repeated, unwelcome suggestive comments, gestures, emails, texts, or pictures.
- Unwelcome physical contact of a sexual nature.
- Requests for sexual favors in exchange for employment benefits.
- Subtle or direct threats that a sexual or personal relationship is required for employment, promotion, or other favorable treatment in the workplace.
- Subtle or direct threats that a sexual or personal relationship is required to avoid unfavorable treatment or consequences in the workplace.

Employers should actively endeavor to prevent sexual harassment. Employers can do this by:

- 1) clearly communicating in written policies that sexual harassment will not be tolerated.
- 2) establishing an effective, written complaint process that includes flexible reporting options; is provided to all employees; and is posted in a prominent location, on the employer's website, and in the personnel handbook. Best practices include requiring all employees to sign an acknowledgment that they have received the policy against sexual harassment and the notification of complaint process.
- 3) regularly providing preventive training.
- 4) addressing any complaints promptly and appropriately. (An individual who believes they have been sexually harassed may file a complaint with the Human Rights Office within 300 days of the most recent discriminatory act.)

If harassment is committed by a supervisor and there is a negative change in the victim's employment status such as demotion, undesirable changes in hours or shift times, decreases in pay, or termination (legally this is known as a "tangible employment action"), the employer will be liable. If the harasser is a co-worker and there is no tangible employment action, the

employer will be liable only if it knew or should have known of the harassment and failed to take corrective action. The harasser may also be held individually liable.

Defense against liability is created when reasonable care is taken to prevent harassment and prompt corrective action is taken when the employer is made aware of any incidents. If a victim unreasonably fails to take advantage of appropriate corrective measures, the employer may also have a defense.

Available penalties for violations of the Iowa City Human Rights Ordinance include reinstating or promoting of victimized employees; payment to the complainant of damages caused by the discriminatory or unfair practice which may include actual damages, emotional distress damages, front pay, court costs and reasonable attorney fees; and other relief such as compliance reporting. Employers that regularly employ fewer than four employees are exempt from the Ordinance, as are certain other employers. (Family members of the business owner are not counted when determining whether the employer regularly employs four or more individuals.) See Section 2-3-1(F) of the Ordinance.

The Iowa City Human Rights Office hopes to provide memos to local businesses on unlawful discrimination on a regular basis to assist in providing positive outcomes for both businesses and individuals in this community. Please send other topics you would like to receive guidance on in the future, or inquiries regarding any issues of concern, to [humanrights@iowa-city.org](mailto:humanrights@iowa-city.org)