



MEMORANDUM

To: Councilmembers and Staff

From: Blaine A. Griffin, *BA G* Council President

CC: Patricia J. Britt, Clerk of City Council
Rachel Nigro-Scalish, Counsel
Jennifer Heinert-O'Leary, Counsel

Date: Friday, February 7, 2025

Clerk Britt and I are committed to ensuring that the Council workplace environment for members and staff is professional, respectful, ethical and free from harassment, discrimination and violence.

You are all aware of the recent outside investigation into complaints from staff members and an outside entity about unprofessional behavior. The resulting recommendations include a review and update to Council's harassment and workplace violence policies; establishing a code of conduct policy; enhancing complaint and reporting procedures; and holding mandatory harassment and sensitivity training for all council members and staff.

To that end, we have reviewed our policies and procedures and are implementing training to reinforce the standards of professionalism and decorum expected of all Councilmembers, and staff. This effort is not about addressing one specific incident or individual—we are committed to making cultural changes that strengthen how we work together as a legislative body and how this body works with its staff members. This includes ensuring that every member of Council and every staff member, without exception, participates in training, retraining and continuing education to promote a more productive and respectful working environment.

Additionally, I want to make it clear that retaliation—whether against staff, external partners, or fellow Councilmembers—will not be tolerated. Our responsibility is to serve the residents of this city with integrity, and I am committed to ensuring that we uphold that duty in all of our interactions.

Moving forward, my priority remains on creating a Council that works collaboratively and respectfully to address the issues that matter most to our constituents.

If you have any concerns or questions, please contact me.

Attached are the amended workplace policies and procedures. Please review all the attached and return the signed acknowledgement to the Clerk of Council.

CLEVELAND CITY COUNCIL STANDARDS OF CONDUCT POLICY

February 7, 2025

Cleveland City Council is committed to providing a workplace environment that is professional, respectful, ethical and free from harassment, discrimination and violence. This Standards of Conduct Policy (Policy) summarizes the expected behavior and standards of professional conduct that are expected in the workplace, and sets forth conduct that may violate this Policy.

This Policy applies to all Members of Council, the Council Clerk, Executive Assistants and Council staff.

In general, City Council Members, the Clerk, Executive Assistants and Staff are expected to comply with all applicable laws, rules and regulations; maintain a high standard of professionalism in all workplace interactions, including communication, appearance and demeanor; treat all colleagues, staff and stakeholders with respect, dignity and fairness; and be responsible for proper use and protection of Council and City property, including equipment, information and facilities.

Generally, conduct that may be disruptive, unproductive, unethical, or illegal, as well as all inappropriate and unprofessional behavior that adversely impacts the workplace environment and morale will not be tolerated.

Depending on the circumstances of the individual case, violation of this Policy may lead to corrective or disciplinary action, up to and including discharge for employees, and up to and including public censure for elected officials. The following is a non-exhaustive list of conduct that may violate this Policy:

- Harassment or Discrimination
- Abusing Authority
- Abuse or Misuse of Public Office
- Using offensive or profane language to colleagues or staff members
- Engaging in abusive or threatening behavior toward staff members or colleagues
- Using one's position as a council member to intimidate, coerce, or unfairly influence staff
- Engaging in conduct that creates a hostile work environment
- Making personal comments about a colleague's physical appearance
- Uninvited physical contact, including hugging or touching
- Bullying
- Using professional interactions to make personal requests or invitations
- Discriminating or retaliating against employees for any reason
- Violating or abusing the Rules of Council or City Council policies including policies in the Employee Handbook
- Violation of State Ethics Laws
- Violation of Public Records Laws
- Falsifying records
- Engaging in fraud

- Removing City property from the premises without authorization
- Stealing or attempting to steal City Council or employee property
- Being habitually tardy or absent
- Fighting on City Council property at any time
- Being under the influence of intoxicating substances on City Council property at any time
- Insubordination
- Using or abusing City time, property, materials, or equipment without authorization
- Gambling on City premises at any time
- Sleeping on the job
- Bringing dangerous or unauthorized weapons onto City Council premises
- Being absent from work without authorization during scheduled work hours
- Defacing City property
- Engaging in criminal activity
- Misuse of Public Funds
- Improper Use of City Resources
- Nepotism
- Accepting Unauthorized Gifts or Bribes
- Conflict of Interest (Participating in decisions or activities that involve a direct or indirect personal financial interest)
- Failure to Comply with Open Meetings Laws
- Disregarding Safety Protocols
- Improper Political Activities
- Breach of Confidentiality
- Obstruction of Investigations
- Inappropriate Public Conduct
- Neglecting job duties
- Bringing City Council into serious disrepute
- Any violation of federal, state or local laws

For violations of this Policy by Council employees, the Clerk of Council will take action according to the Employee Handbook.

For violations of this Policy by Members of Council, the Council will take action in accordance with the written Disciplinary Process for Elected or Appointed Members of Council.

This Policy is in addition to, and not in lieu of, any applicable policy contained in the Employee Handbook, including the Sexual Harassment or Other Harassment Policy, as amended February 7, 2025 and the Workplace Violence Policy, as amended February 7, 2025.

This Policy is not intended to restrict communications or actions protected or required by state or federal law.

All members of Council and employees must document the receipt and understanding of this Standards of Conduct Policy by signing and dating the “Receipt of Policies” form and submitting it to the Clerk or designee.



Office of the Council Employee Handbook

SECTION 5.20 - SEXUAL HARASSMENT OR OTHER HARASSMENT

The Office of the Council is committed to maintaining a work environment that is free from all forms of discrimination. Unlawful harassment based on race, religion, color, gender, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group, or Vietnam-era or disabled veteran status is strictly prohibited, whether directed at an employee, vendor or customer. This policy applies to all employees, managers, supervisors and officers of the Council, and to members of Council. Any employee who feels that he or she is being subjected to harassment based upon race, religion, color, gender, sexual orientation, national origin, age, disability, ethnic group, or Vietnam-era or disabled veteran status should follow the procedures listed in subdivision C, "Procedures," below.

With respect to sexual harassment in particular, the Council's policy is to provide a workplace free of unwelcome sexual advances, requests for sexual favors, and any other conduct constituting sexual harassment as defined and prohibited by law.

The Office of the Council strictly prohibits:

- Personal comments regarding employees' physical appearance;
- Uninvited physical contact, including hugs or touching; and
- Using professional interactions to make personal requests or invitations.

A. Policy Guidelines

Sexual harassment refers to behavior based on the sex of an employee that is unwelcome or offensive to the employee at whom it is directed. Sexual harassment does not require physical contact, nor does it require that there be a communicated threat to an employee's employment. The following behaviors are considered inappropriate and may constitute sexual harassment. These examples are not exhaustive, but serve as a general indicator of the conduct that violates this policy:

Physical – Unwanted intentional physical conduct of any kind, such as touching, pinching, patting, grabbing, bumping, or coerced sexual relations.

Verbal – Sexually-oriented or suggestive comments, sexual innuendoes, jokes, propositions and threats, referring to a person in suggestive, insulting or demeaning terms, or repeated requests for unwanted dates.

Non-verbal – Display of sexually oriented objects or pictures, obscene or insulting gestures, or suggestive or insulting sounds such as whistling.

B. Two Basic Categories of Sexual Harassment

Quid Pro Quo: The definition of quid pro quo is “something for something.” This kind of sexual harassment involves a supervisor or a “boss” who uses threats such as firing, blocking promotions, transferring, or giving poor evaluations to an employee who does not go along with sexual advances. Quid pro quo sexual harassment can also refer to promising or providing rewards such as hiring, promoting or giving salary increases to an employee who does go along with sexual advances.

Hostile Environment: Hostile environment sexual harassment is defined as conduct based on the sex of an employee that unreasonably interferes with job performance or creates an intimidating, hostile, or offensive work environment. Examples of such conduct include unwelcome sexual advances, suggestive or lewd remarks, unwanted hugs, touches, or kisses, requests for sexual favors, or derogatory or pornographic posters, cartoons or drawings.

These examples are not exhaustive but serve as a general indicator of the conduct that violates the Office of the Council’s policy and may violate the law.

The conduct described above is unacceptable in the workplace, as well as in any setting outside the workplace that involves other Office of the Council employees, including but not limited to, business trips, business-related social events, and social events with co-workers.

C. Procedures

In order for the Council to effectively enforce this policy and promote a culture where all employees feel empowered to speak up without fear of retaliation, unacceptable conduct must be brought to the attention of management. Any employee who feels that he or she has been harassed should promptly report the incident using one of the following channels:

- Report directly to the Clerk of Council; or
- If uncomfortable reporting directly to the Clerk of Council, report in confidence to a designated outside third-party, who will inform the Clerk so the Clerk can promptly investigate the incident; or
- Make an anonymous complaint through this on-line portal: _____

Each complaint will be promptly reviewed internally. All complaints will be investigated by an outside third-party. The Council will make all reasonable attempts to keep complaints as confidential as possible.

All employees (including all levels of management) and members of Council must cooperate fully with any investigation of harassment or workplace violence. Failure to cooperate fully may result in significant adverse action.

No Council member or employee will be subject to reprisal or retaliation for making a complaint of harassment or for cooperating in an investigation of a complaint of harassment. However, council members or employees who knowingly provide false information or make an untrue statement of fact regarding such a complaint violate this policy.

Any employee who violates this policy will be subject to disciplinary action, up to and including termination. Any member of Council who violates this policy will be subject to disciplinary action in accordance with the written Disciplinary Process for Elected or Appointed Members of Council.

All members of Council and employees must document the receipt and understanding of this Sexual Harassment and Other Unlawful Harassment Policy by signing and dating the "Receipt of Policies" form and submitting it to the Clerk or designee.

Amended February 7, 2025

SECTION 5.21 - WORKPLACE VIOLENCE

The Office of the Council does not tolerate violence within its workplace. No person employed by the Council, and no member of Council shall participate in any of the following:

- Obscenities, ethnic slurs, or other offensive epithets;
- Threats of bodily harm to another or damage to another's property;
- Actual bodily harm to another or damage to another's property;
- Callous or intentional disregard for the physical safety or well-being of others;
- Possession of any weapon or the brandishing of any object that could reasonably be perceived as a weapon; and
- Any other conduct that a reasonable person would perceive as a threat of violence.

Any employee who becomes aware of an apparent violation of this policy shall report to management by one of the processes set forth in division C of Section 5.20, Sexual Harassment and Other Harassment. All reported incidents will be promptly investigated.

In addition to the policies under this Section 5.21, Council adopts the **City's Workplace Violence Policy, adopted March 25, 2024**, Appendix E, as appropriate, which supersedes the City's Workplace Violence Policy dated March 11, 2013.

All members of Council and employees must document the receipt and understanding of this Workplace Violence Policy by signing and dating the "Receipt of Policies" form and submitting it to the Clerk or designee.

Amended February 7, 2025

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WORKPLACE VIOLENCE POLICY

Coverage

This policy contains information and guidelines for City employees who are involved in or are witness to an employee engaged in violent, threatening or other related behavior that indicates violence may happen or has already occurred. The safety and well-being of our employees is of utmost importance and therefore the City has adopted a zero tolerance policy for workplace violence. Employees should familiarize themselves with this policy and associated guidelines to ensure their own safety and the safety of others.

- A. The City of Cleveland prohibits and will not tolerate workplace violence by an employee, supervisor, or third-party either on the City of Cleveland's premises or other locations where employees are engaged in work-related activities or are present as a condition of their employment.
- B. Violations of this policy shall be grounds for discipline, up to and including termination of employment.
- C. For purposes of this policy, workplace violence includes, but is not limited to:
 1. Making threatening remarks (written, electronic, or verbal).
 2. Aggressive or hostile acts such as shouting, using profanity, throwing objects at another person, shoving, hitting, fighting, or intentionally damaging property.
 3. Bullying, intimidating, or harassing another person (for example, making obscene phone calls or using threatening body language or gestures, such as standing close to someone or shaking your fist at them).
 4. Behavior that causes another person emotional distress or creates a reasonable fear of injury, such as stalking.
 5. Assault

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6. Battery
7. Unauthorized possession of weapons, including guns, knives, explosives, mace, and any other item with the potential to inflict harm that has no common purposes.

The City of Cleveland prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of workplace violence, or cooperating in related investigations.

I. MISSION STATEMENT

This policy applies to all City of Cleveland employees and contract workers (including temporary workers supplied to the City from staffing agencies) whether full-time, part-time, or seasonal status and with either permanent or temporary appointments. It also applies to volunteers and interns working with or under the guidance of City employees.

II. SITUATIONAL AWARENESS

Situational awareness encompasses an individual's or team's capacity to perceive and comprehend their immediate environment, understand the context in which they operate, and identify the critical factors influencing their performance and decision-making. It involves actively perceiving, processing, and comprehending information about the situation, and using that understanding to make informed judgments and take appropriate actions. Situational awareness helps individuals anticipate and identify potential risk, make quick and effective decisions, and adapt to changing circumstances.

- A. Employees should always maintain situational awareness while working in the field. This includes being alert to their surroundings, identifying potential risks, and paying attention to changes in the environment. If a situation feels threatening or becomes high-stress, employees should follow the guidelines outlined below.

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III. PERSONNEL SAFETY MEASURES

- A. **Assess the Situation:** Employees should quickly evaluate the level of threat and determine whether it is safe to continue their work or terminate it. If there is an immediate risk to personal safety, employees must prioritize their well-being and seek assistance if necessary.
- B. **Retreat and Seek Shelter:** If possible, move to a safe location or retreat from the threatening or high-stress situation immediately. This may include seeking shelter in a secure building, vehicle, or other designated safe areas.
- C. **Contact Immediate Supervisor:** If a work task poses a risk to your well-being or needs to be terminated, please promptly notify your immediate supervisor, and communicate any concerns.
- D. **Contact Emergency Services:** In case of an emergency or imminent danger, employees are to immediately call 911, contact local law enforcement or emergency services. Provide them with accurate and detailed information about the situation, location, and any known risks.
- E. **Use Safety Tools:** Employees should utilize any safety tools or equipment provided by the City, such as panic buttons, personal alarms, or communication devices, to call for help and alert others about the situation.

IV. DANGEROUS WEAPONS AND INSPECTION OF EMPLOYEE PROPERTY

- A. To ensure that the City of Cleveland maintains a workplace safe and free of violence for all employees, the City prohibits the possession or use of dangerous weapons on City property. "Dangerous weapons" include, but are not limited to, firearms, explosives, knives, mace, and any item with the potential to inflict harm that has no common purpose. Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.

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A firearm's use or possession is unauthorized unless the employee's appointing authority gives written authority for the employee's specific workplace, and is required as part of the employee's job duties with the City of Cleveland, or connected with training received from the City in order for the employee to perform the responsibilities of his or her job with the City.

- B. Employees have no expectation of privacy in any city-owned property, this includes but is not limited to desks, computers, lockers, phones, automobiles, and filing cabinets. The City also has the right, in limited circumstances, to inspect or authorize the inspection of employee property, including, packages, purses, lunch boxes, and automobiles.

When searching employee-owned property, the Appointing Authority should follow these guidelines:

1. Identify a reasonable suspicion of an individual's intent to violate this policy, or an individual's actual violation of this policy;
2. The Appointing Authority has notified and consulted with the Department of Human Resources (DHR) Labor Relations Division prior to commencing the inspection;
3. The inspection is conducted in a manner that respects the dignity of the employee(s) subject to the inspection; and,
4. The Appointing Authority shall document why the search was conducted, the scope of the search, and the results of the search. This documentation shall be forwarded to the Director of Human Resources.

V. PROCEDURE FOR REPORTING INCIDENTS OF WORKPLACE VIOLENCE BETWEEN CITY EMPLOYEES

- A. In a case of workplace violence, immediate action by victims or witnesses is especially necessary. Therefore, an employee who experiences or witnesses workplace violence including conduct,

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behavior or communication that is prohibited by this policy, must immediately notify his or her supervisor, manager, or the Director of the Department to which he or she is assigned, and the Human Resources Department - Labor Relations Division. Employees who fail to report workplace violence may be subject to appropriate discipline up to and including termination of employment.

- B. Upon being informed of an allegation of workplace violence, the Department of Human Resources – Division of Labor Relations and the Department will immediately make arrangements to investigate to determine whether there is sufficient basis to place the employee on paid administrative leave pending further investigation. If the manager has reasonable suspicion to believe that the continued presence of the employee represents a danger to himself/herself, other employees or non-employees, the employee shall be placed on administrative leave with pay.
- C. An employee may be authorized to return to City employment if evidence gathered during the investigation substantiates that the employee no longer constitutes a threat to himself/herself or others. For violations that could lead to termination of employment, the employee may be placed on paid administrative leave until the completion of the investigation and subsequent proceedings.

VI. PROCEDURE FOR REPORTING INCIDENTS OF WORKPLACE VIOLENCE BETWEEN A MEMBER OF THE PUBLIC AND A CITY EMPLOYEE.

A. Reporting

All employees must report any threatening or incidents to their immediate supervisor or their designated point of contact within the City. Employees must provide a detailed written account of the event, including date, time, location, individuals involved (if known), and any witnesses present.

B. Documenting

Employees should submit any records or support of incidents, including, but not limited to, any relevant photographs, videos, or

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audio recordings, if it is safe and legally permissible to do so. Such documentation should be submitted to the employee's immediate supervisor, Appointing Authority, and the Human Resources Department. Supporting documentation can assist in subsequent investigations and/or legal proceedings.

VII. Emotional Support and Assistance

- A. **Employee Assistance Programs (EAP):** The City may provide access to our EAP or similar resources that offers confidential counseling services and support to employees who experience workplace violence incidents.
- B. **Managerial Support:** Supervisors and managers should be readily available to provide guidance, reassurance, and support to employees who have encountered workplace violence situations.
- C. **Follow-Up and Investigation:** The City will promptly investigate reported incidents, ensuring appropriate actions are taken.

VIII. Training and Education

The City will make available comprehensive training and educational programs regarding threatening circumstances in the workplace and in the field.

IX. Confidentiality

All complaints and investigations are treated confidentially to the extent possible and information is disclosed strictly on a need-to-know basis, but confidentiality cannot be guaranteed. The identity of the complainant often is revealed to the parties involved during the investigation, e.g. witnesses, alleged harasser, Union representative, etc.

X. Policy Review

This policy will be periodically reviewed and updated to ensure its effectiveness and alignment with best practices in employee safety and well-being.

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XI. Additional Resources

Downtown Cleveland Alliance

1010 Euclid Ave. #3

Cleveland, OH 44115

To report an issue or access safety escorts: 216-621-6000

First Call for Help

To request health services: 211

The safety and security of our employees will always be priority. Employees should familiarize themselves with this policy and seek clarification from their supervisors or the Human Resources Department if they have any questions or concerns.

This policy has been issued under the authority of Matthew Cole, Director of Human Resources:



Signature

Director of Human Resources

Title

March 25, 2024

Date

Mandatory Harassment and Sensitivity Training for Members and Staff of Cleveland City Council

All members of Cleveland City Council and every person on the staff of Cleveland City Council shall complete annual harassment and sensitivity training.

Training will take place annually and *attendance is mandatory for every member of Council and for every member of Council staff.*

The failure of any staff member to complete such training will result in disciplinary action against that staff member.

Council Members who fail to complete such training will be removed from committee assignments and lose ward-based funding for that year.

February 7, 2025

DISCIPLINARY PROCESS FOR ELECTED OR APPOINTED MEMBERS OF COUNCIL

Members of Council are expected to comply with Cleveland City Council's Standards of Conduct Policy and, to the extent applicable, with the Office of the Council Employee Handbook, including the Sexual Harassment and Other Unlawful Harassment Policy, as amended and the Workplace Violence Policy, as amended.

Members who violate these policies may be subject to disciplinary action, which may include a written reprimand, mandatory individual behavioral training, suspension from committee duties and/or public censure by the Council, depending on the severity of the violation.

Any complaint made against a member of Council will be promptly reviewed internally. All complaints will be investigated by an outside 3d party.

February 7, 2025

Council Member's Acknowledgement of Receipt of Policies

I acknowledge that I have received the following:

- The Standards of Conduct of Cleveland City Council;
- The Office of the Council's Sexual Harassment and Other Unlawful Harassment Policy, as amended February 7, 2025;
- The Office of the Council's Workplace Violence Policy, as amended February 7, 2025;
- Notice of Mandatory Harassment and Sensitivity Training; and
- Disciplinary Process for Elected or Appointed Members of Council

I have been instructed to review and understand the Policies and to ask any questions I may have about their contents.

Council Member's Name

Council Member's Signature

Witness Signature

Date