



**City of Philadelphia  
Office of the City Controller**

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**Controller's Office Releases Audit of City's Sexual Misconduct Policies and Procedures, Recommends Significant Changes to Better Protect Employees; Mayor Kenney Accepts Audit Findings, Announces Changes to Policy**

**Philadelphia, PA** – City Controller Rebecca Rhynhart, joined by Mayor James Kenney, announced the findings and recommendations from her office's recently completed performance audit on the effectiveness of the City of Philadelphia's sexual misconduct policy and procedures. Mayor Kenney accepted the audit findings and announced an update to the policy and governing Executive Order, an expansion of the sexual harassment training program and a new online complaint form to better protect and support City employees.

"This audit grew, in part, out of the #metoo movement, but mostly out of the revelations about sexual harassment and misconduct occurring throughout city government. These incidents made me question whether the City was truly doing enough to protect its employees and itself from financial liability. The audit shows a broken system for reporting, investigating and resolving sexual misconduct complaints in the city," said Controller Rhynhart. "Our audit makes specific recommendations to improve that system and create a workplace where people have trust that their employer will listen to and support them. I want to thank Mayor Kenney for taking these important first steps in addressing the shortcomings of these policies and procedures, but that's what they should be – first steps. I encourage him and his team to implement the full changes in our audit. I plan to monitor the progress on this issue in the coming months."

Mayor Kenney added, "We appreciate the Controller's attention to this issue and her office's thorough report. We look forward to partnering with her going forward. My Administration, in 2017, began a comprehensive review of our policies and practices around sexual-harassment training, reporting, and investigations. The Controller's audit has been a valuable part of our overall review, and Councilmember Blondell Reynolds Brown's charter amendment around training has also helped guide us. The result of this collaborative work will be implemented within the Executive Branch with a new Executive Order and governing policy. These provide the framework for improved training, reporting and investigations of such incidents. These, in turn, will provide concrete, tangible steps towards ensuring a professional work environment free from sexual harassment and discrimination. Our hard-working City employees deserve nothing less."

The audit, which reviewed complaint and settlement data from July 2012 through April 2018 and assessed the effectiveness of the policy and procedures, found that, the City's policies and procedures for addressing sexual misconduct were inadequate and poorly implemented, resulting in an unclear and convoluted system for

reporting complaints, ineffective procedures, non-uniform processes and punishments, insufficient training, and an overall lack of clarity around how to address sexual misconduct complaints.

Specifically, the audit found:

- The City's process to receive, investigate and resolve complaints was too decentralized to effectively protect and support employees, distributing responsibility for the proper implementation of procedures to individual departments. The policy inadequately prepares employees for reporting sexual misconduct allegations and supervisors for how to investigate claims, what to document, and when to elevate a complaint. It does not address what to do when an elected official is accused of sexual misconduct;
- Discipline for substantiated claims is not commensurate with offenses, varied greatly between departments and positions, and in five departments, was more severe for lower level employees than supervisors with similar infractions in the same department; and
- The City had paid out at least \$2.2 million in settlements related to sexual misconduct. However, due to inadequacies in the Law Department's tracking system, the amount could be greater.

Additionally, the Controller's Office opened a phonenumber for past and present City employees to discuss their experience reporting sexual misconduct while employed by Philadelphia government. Calls from the phonenumber provided evidence that suggests the number of complaints given to the Controller's Office may not reflect accurately the breadth of sexual misconduct occurring in City government. Callers stated that they had reported the incidents, however, corresponding documentation could not be matched to the case files received.

### **Controller's Office Recommendations**

All of the Controller's Office recommendations can be found in the report [here](#). The five most important recommendations are:

- Centralize the process for sexual misconduct complaints and have investigations completed by a single agency independent of city departments to enable consistency in investigations and discipline, prevent bias, and improve the reporting process for complainants;
- Establish a standardized guideline for recommended discipline to ensure instances of misconduct are dealt with fairly and uniformly;
- Develop a comprehensive, high-quality sexual harassment prevention training program and require all City employees to receive training every three years. This comprehensive program should not be one-size fits all, but instead directed to the needs of City employees based on position;
- Update the policy to provide explicit instruction on how to report a complaint and what to expect when filing a complaint; and
- Revise the Law Department's current tracking system for cases and settlement costs to make complaints, lawsuits and payouts easier to identify.

In its response to the Controller's Office audit and to support the implementation of Councilmember Blondell Reynolds Brown's charter amendment, the Kenney administration detailed updates to the policy and Executive Order, which Mayor Kenney signed at the announcement. The new Executive Order mandates that all managers and supervisors are expected to actively work to create and maintain diverse, inclusive workspaces free from sexual harassment, intimidation, or discrimination.

The companion governing policy:

- Reinforces the requirement that all employees and supervisors receive training, as mandated by the new Charter provision;
- Expands definitions and categories of conduct that is prohibited;
- Updates guidance for employees making complaints;
- Improves how investigations are conducted, managed, and monitored;
- Provides a clear and consistent approach to investigations, including procedures for making, investigating, and resolving complaints; and
- Will be reviewed on an annual basis to ensure it always updated to face the changing needs of a modern workforce.

The improvements instituted by the Administration so far include a [website](#) that enables employees to file sexual harassment complaints using their computer or mobile devices. And the Administration has established a centralized City-wide tracking system of sexual harassment complaints.

The Administration has also outlined improvements to its training program for all levels of employees to increase awareness of the policy and employee rights and responsibilities, as well as to ensure every employee receives training appropriate to their role.

Fraternal Order of Police Lodge 5 President John McNesby supported the Controller's recommendations, saying, "Our members support the controller's efforts to improve, streamline and centralize the city's sexual harassment reporting and resolution process. All city employees deserve to work in an environment free from unwelcome misconduct."