

TOWN OF NEW HAVEN

SEXUAL HARASSMENT POLICY

I. Sexual Harassment Definition

Sexual harassment is a form of gender discrimination and is a violation of state and federal civil rights laws. It is the policy of this municipality to strongly oppose and prevent any form of discrimination. We recognize that any employee's ability to perform his or her job may be adversely affected by harassment based on sex. Therefore, this policy has been prepared to aid our employees in understanding and helping to prevent sexual harassment.

The Equal Employment Opportunity Commission defines sexual harassment as "unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature" when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual, or;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or otherwise offensive working environment, or;
- Such conduct created an intimidating, hostile or offensive work environment.

Sexual harassment can include abusive verbal language related to an employee's sex, sexually oriented comments about an individual's body that are unwelcome and/or reasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment; displays of obscene printed or visual material; and physical contact, such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.

II. Employee Education

Periodic anti-harassment training shall be provided for all Town of New Haven employees. Such training shall take place no less than annually, and every employee shall participate. An attendance record identifying those who attended shall be maintained by the Town for no less than ten (10) years. Any employee who is unable to attend the regularly scheduled training session shall be required to attend a rescheduled session. Such training may be conducted by a live presentation or video tape or similar presentation. Attendance at such training shall be a requirement for continued employment as an employee with the Town of New Haven.

III. Dissemination of Policy

This policy, and any changes or amendments thereto, shall be posted conspicuously throughout the Town building or buildings in a manner reasonably expected to be visible to employees of the Town. Each employee shall be required to sign a document indicating that they have received a copy of the policy at the time of hire and when additions or changes are enacted. If an employee refuses to accept the policy or refuses to sign a document verifying receipt thereof, the Town Clerk shall arrange for delivery of a copy of the policy either in person or by mail to such employee and shall prepare and maintain an affidavit of service setting forth the date and method by which such service was accomplished upon such employee.

IV. Reporting of Complaints

- A. An employee who believes that they have been the subject of sexual harassment from another employee should file a written complaint with the Town Supervisor of the Town of New Haven at 4279 State Route 104 in the Town of New Haven within 30 days of the incident in order to allow proper investigation thereof.
- B. Within a reasonable time after receipt of a written complaint regarding sexual harassment the Town Supervisor shall provide the complainant written acknowledgement of receipt of the complaint and a copy of this policy setting forth the procedure which will be followed in order to investigate such complaint. In the event that the Town Supervisor is alleged to be the harasser, such complaint shall be submitted to the Deputy Town Supervisor, and it shall be the duty of the Deputy Town Supervisor to fulfill all of the requirements of the Town Supervisor in the investigation and resolution of a sexual harassment allegation.
- C. Within a reasonable time after receipt of a written complaint regarding sexual harassment, the Town Supervisor shall take the following steps as the Town Supervisor shall deem appropriate:
 - i. Meet with the employee who alleges having been sexually harassed for a private, informal conference to review the nature, extent, facts and circumstances of the allegations.
 - ii. Request a meeting with the alleged harasser in person to discuss the allegations, facts and circumstances of the alleged harassment.
 - iii. Conduct a formal hearing, in private, with at least one (1) additional board member, preferably of the opposite gender from that of the Town Supervisor, if possible, and, if deemed appropriate, the Town Attorney. These persons shall constitute the panel which will investigate the allegation. The panel shall meet to determine whom the panel deems it necessary and appropriate to question regarding the sexual harassment allegations and shall send a written request, via regular mail, to such persons requesting

their attendance at a hearing and advising such persons of the date, time and place, as well as the purpose, of such hearing.

- iv. Such hearing shall be conducted in private. It shall be the decision of a majority vote of the panel members whether to allow the complainant, the alleged harasser or any of the witnesses to be present in the hearing room at the time of the hearing. It shall be the further decision by a majority vote of the panel members whether to record the testimony by stenographer, electronic video and/or audio recording, or otherwise.
- v. As such hearing is not a judicial hearing, full evidentiary rules of evidence and due process shall not apply unless required by a vote of majority of the panel members.
- vi. The panel shall be permitted to make their determination regarding the validity and accuracy of the complainant's complaint based upon the verbal and written evidence provided to them during the hearing, their observation of the witnesses, their determination of the credibility of the witnesses and the weight to be given to the testimony of such witness based upon the panel members' observations of the witnesses during testimony. The panel may further give whatever weight they deem appropriate to a refusal of the complainant, the alleged harasser or any other witness to testify at the hearing.
- vii. The panel shall render a decision regarding the validity and extent of the sexual harassment within a reasonable of time after the conclusion of the hearing. Such determination will be provided in writing to the complainant and the alleged harasser. The results of the hearing shall not be made public by the panel members.

V. Discipline

- A. Upon determination by the panel that sexual harassment has occurred, the panel shall determine a reasonable and appropriate course of discipline for the harasser as follows:
 - i. A copy of the written determination of the panel shall be placed in the personnel file of the harasser if the harasser is deemed to have sexually harassed the complainant.
 - ii. The panel shall recommend to the Town Board of the Town of New Haven appropriate discipline for the harasser which may include the following:
 - Verbal reprimand;
 - Written reprimand;
 - Inclusion of written reprimand in the personnel file of the harasser;
 - Suspension from employment without pay for a period of time recommended by the panel and deemed appropriate by the Town Board of the Town of New Haven;

- The requirement that the harasser shall engage in such anti-harassment training as recommended by the panel and deemed appropriate by the Town Board of the Town of New Haven as a condition of the continued employment of the harasser as an employee of the Town of New Haven;
- If recommended by the panel, permanent termination of employment of the harasser by the Town Board of the Town of New Haven if determined appropriate by the Town Board.

VI. False Reporting

In the event that the panel determines that a complainant has willfully made a false report of sexual harassment, the panel will follow similar steps regarding investigation, hearing and determination and may recommend similar discipline of the employee to the Town Board of the Town of New Haven as provided in the case of an alleged harasser.

VII. Retaliation

Retaliation on the part of the alleged harasser, the complainant, or co-workers will not be tolerated. Alleged retaliation should be reported in the same manner as sexual harassment. The panel will follow similar steps regarding investigation, hearing and determination and may recommend similar discipline of the employee to the Town Board of the Town of New Haven as provided in the case of an alleged harasser.

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I, _____ (print name) have received and read a copy of the Town of New Haven's Sexual Harassment Policy.

Signature

Date