

Sexual and Other Harassment Policy

For purposes of the Town's Sexual and Other Harassment Policy, the term "employee" shall mean any officer or employee of the Town of Pompey, whether paid or unpaid, appointed or elected, or whether serving in a full-time, part-time, advisory, or voluntary capacity.

The Town is committed to maintaining a work environment that is free of discrimination and harassment based on a person's race, creed, color sex, religion, age, sexual orientation, national origin, marital status, disability or veteran's status.

Employees should respect the rights, opinions, and beliefs of others. Harassment of any person because of race, creed, color, sex, religion, age, sexual orientation, national origin, marital status, disability, or veteran status is strictly prohibited, whether directed at an employee, vendor, or other member of the public.

1. **Sexual Harassment:** Sexual harassment is against the law. Aside from being illegal, sexual harassment undermines the integrity of individual work relations, and damages the morale of the entire work force. Any practice or activity by employees which constitutes sexual harassment is strictly forbidden.

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

- a. Submission to such conduct by a person is made either explicitly or implicitly a term or condition of a person's employment; or
 - b. Submission to, or rejection of, such conduct by a person is used as a basis for employment decisions affecting that person, including but not limited to evaluation, advancement, wages, assigned duties, or shifts; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance; or
 - d. Such conduct creates an intimidating, hostile or offensive work environment.
2. **Other Harassment:** Just as sexual harassment is strictly prohibited, it is likewise strictly prohibited for an employee to harass any person because of that person's race, creed, color, sex, religion, age, sexual orientation, national origin, marital status, disability, or veteran's status. Examples of conduct violating this policy include, but are not limited to, using racial or ethnic slurs or offensive stereotypes.

Any employee who believes that he/she has been the subject of harassment should report the alleged harassment immediately in accordance with the following procedure. Every effort will be made to handle complaints in confidence. All information during the procedure will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

3. Procedure:

- a. Any employee who believes that he/she had been harassed should promptly file a sealed written complaint with his/her Department Head or directly with a member of the Board of Ethics. The Town Clerk or any member of the Ethics Board may accept the complaint on behalf of the Ethics Board. The Town Clerk shall not review the complaint but shall forward it to the Ethics Board as soon as possible. The Department Head shall promptly notify the Ethics Board of all complaints received by him/her.
- b. The Department Head or Ethics Board, as applicable, may choose to interview the complainant and in any event, will undertake an immediate investigation into the allegations. The Department Head or the Ethics Board shall notify the Town Supervisor and the Town Attorney of the receipt of the complaint.
- c. The results of the investigation and any recommended penalty/resolution shall be reported to the Town Board in executive session. The Town Board may then conduct a hearing, if warranted. The hearing shall include the investigative report of the Department Head/Ethics Board. The accused employee shall be entitled to attend the hearing and testify and present evidence on his or her own behalf.
- d. The Town Board shall make a determination, based upon the results of the investigation or the evidence presented at the hearing, if applicable, whether or not the accused employee committed acts of harassment. The Town Board shall then determine the penalty to be imposed. A copy of the Town Board's determination shall be sent to the complainant and the accused employee.

No person filing a complaint under this regulation in good faith or participating in an investigation shall be subject to any retaliation for doing this.