

904 **Sexual Harassment**

Policy Statement – It is the policy of the Town of Stony Point to promote a productive work environment. As with discrimination involving race, color, national origin, religion, disability, age, or military status, the Town of Stony Point prohibits sex discrimination, including sexual harassment of its employees in any form. No form of harassment will be tolerated. The Town will take all steps necessary to prevent and stop the occurrence of sexual harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting and resolving promptly, complaints of sexual harassment without any risk of repercussion to a complaining employee for filing a complaint of sexual harassment in good faith.

Applicability of Policy - This policy applies to all Town employees and Elected Officials regardless of supervisory level, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the Town. Depending on the extent of the Town's exercise of control, this policy may be applied to the conduct of non-Town employees with respect to sexual harassment of Town employees in the workplace.

Department Head Responsibility - Department Heads and supervisory personnel are responsible for ensuring a work environment free from unsolicited, unwelcome and intimidating sexual overtures. Department Heads must take immediate and appropriate corrective action, when instances of sexual harassment come to their attention, to assure compliance with this policy.

Definition of Sexual Harassment - Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment 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 offensive working environment.

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employees' work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

Forms of Sexual Harassment - Specific forms of behavior that the Town of Stony Point considers sexual harassment and which are prohibited include, but are not limited to, the following:

- Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.
- Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.
- Any sexual advance that is unwelcome or any demand for sexual favors.
- Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that is unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
- Physical contact of any kind, which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.

Reporting of Sexual Harassment - Employees are encouraged to report incidents of sexual harassment to their immediate supervisor as soon as possible after their occurrence. If the employee's immediate supervisor is believed to be involved in the incident, the report should be made directly to the employee's Department Head. If the employee's Department Head is believed to be involved in the incident, the report should be made directly to the Town Supervisor or any member of the Town Board. Employees who believe they have been sexually harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their Department Head, the Town Supervisor or any member of the Town Board.

Confidentiality - Complaints of harassment will be handled and investigated promptly and in as impartial and confidential a manner as possible. In no event will information concerning a complaint be released by the Town to third parties or to anyone within Town employment who is not directly involved in the investigation of the complaint unless otherwise required by law.

Investigation of Complaint - Generally, investigation of a complaint will be conducted by the complainant's Department Head and will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. In those instances when a Department Head requests or requires assistance, or when the Department Head is named in the complaint or involved in the incident, the Town Board will appoint an individual to conduct the investigation.

Employee Defense – Any employee charged with sexual harassment will be afforded a full and fair opportunity to offer and present information in the employee's defense. Such information will be confidential to the extent possible.

Employee Rights - Nothing in this policy should be construed as in any way limiting employees' rights to use the Dispute Resolution Procedure as described in this Employee Handbook or the Grievance Procedure contained in the collective bargaining agreement.

Disciplinary Action - Any employee or official who is found to have committed an act of sexual harassment will be subject to disciplinary action, up to and including termination of employment, as provided by Town operating procedures.

Prohibition Against Retaliation - Intimidation, coercion, threats, reprisal or discrimination against any employee who in good faith brings a written or verbal sexual harassment complaint or who assists or aids in the investigation of such a complaint is prohibited. Any employee who participates in the procedure may do so without fear of retaliation. Retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action.