



## **Policy on Sexual Harassment**

**Effective:** Upon Adoption [October 9, 2019]

**Purpose:** The Town of Norwich actively seeks to provide and maintain a productive workplace free of sexual harassment of any employee, elected official or citizen.

**Authority:** This policy is adopted in accordance with 21 VSA § 495h with support from the model policy by the Vermont Department of Labor.

**Policy:** Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. The Town is committed to providing a workplace free from this unlawful conduct. All employees have the right to work without being subjected to insulting, degrading or exploitative treatment on the basis of their gender or sexual orientation. It is against the policies of the Town for any individual, male or female, to sexually harass another individual in the workplace.

### **Definitions:**

1. Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
  - a. Submission to that conduct is made either explicitly or implicitly a term or condition of employment
  - b. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual;
  - c. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
2. Examples of sexual harassment include, but are not limited to the following:

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- a. Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- b. Touching or grabbing a sexual part of a person's body;
- c. Touching or grabbing any part of an person's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- d. Continuing to ask a person to socialize on or off-duty when that person has indicated they are not interested;
- e. Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- f. Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- g. Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- h. Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- i. Retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- j. Derogatory or provoking remarks about or relating to an person's sex or sexual orientation;
- k. Harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation; or,
- l. Off-duty conduct which falls within the above definition and affects the work environment.

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**Procedure:** What the Town of Norwich will do if it is made aware of Sexual Harassment

1. In the event the Town (a supervisor, Town Manager or Chair of the Selectboard) receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, the Town will take all necessary steps to ensure that the matter is promptly investigated and addressed. Every supervisor is responsible for promptly responding to, or reporting, any complaints or suspected acts of sexual harassment. Supervisors should report allegations of sexual harassment to the Town Manager or Chair of the Selectboard.
2. The Town shall conduct an investigation as soon as is practicable following receipt of a report or complaint, written or oral, alleging sexual harassment. Generally, investigations shall be completed within fifteen (15) business days following receipt of a report or complaint. The investigator may interview individuals involved, and any other persons who may have knowledge of the circumstances giving rise to the complaint and may use other methods and documentation. Upon completion of the investigation, the investigator shall determine if a violation of this policy has occurred and report that decision.
3. Upon the completion of an investigation, the supervisor, Town Manager or the Chair of the Selectboard shall assure that the complainant and the accused are notified whether the allegation of sexual harassment was found to be validated, whether a violation of the policy was found, and, what action, if any, was taken. Such notifications shall occur within fifteen (15) business days of the completion of the investigation.
4. The Town will respect the privacy of the complainant, the individual(s) against whom the report is directed and the witness, to the extent possible, consistent with the Town's obligations to investigate, take appropriate actions, and conform with any disclosure obligations.
5. The Town shall take appropriate action in all cases where this policy is violated. Any person found to have violated this policy may be subject to appropriate consequences and/or remedial action including, but not limited to, warning, exclusion, suspension, transfer, dismissal, termination of contractual agreements, or remedial action such as training, education, or counseling.

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6. The Town shall take appropriate action against any employee, staff member or officer who makes a false report of sexual harassment knowing it to be false.
7. Grievance of the outcome of the investigation shall follow the process outlined in the Personnel Policy.
8. While encouraged to report any incident of sexual harassment to a supervisor, Town Manager, or Chair of the Selectboard, any individual can also report directly to

Vermont Attorney General's Office  
Civil Rights Unit  
109 State Street  
Montpelier, VT 05609  
(802) 828-3171 (voice/TDD)

Equal Employment Opportunity Commission  
1 Congress Street  
Boston, MA 02114  
(617) 565-3200 (voice), (617) 565-3204 (TDD)

These agencies may conduct impartial investigations, facilitate conciliation, and if they find that there is probable cause or reasonable grounds to believe sexual harassment occurred, they may take a case to court.

Adopted October 9, 2019

John Pepper, Chair

Claudette Brochu, Vice Chair

Mary Layton

John Langhus

Roger Arnold