

## **TOWN OF EASTWINDSOR**

### **SEXUAL AND OTHER UNLAWFUL HARASSMENT POLICY**

#### **POLICY**

It is the Town of East Windsor's Policy to provide a work environment free of sexual and other harassment. Harassment of Town employees on the basis of race, color, sex, religion, ancestry, national origin, age, gender identity or expression, marital status, sexual orientation, genetic information, present or past history of disability, veteran status (or other characteristics or status protected by state and federal laws), whether by management, supervisor, coworkers, or non-employees who are in the workplace is absolutely prohibited and will not be tolerated.

The Town will take all steps necessary to prevent and eliminate harassment, including sexual harassment. An employee found to have violated this harassment policy will be subject to disciplinary action, up to and including termination.

#### **WHAT IS SEXUAL HARASSMENT?**

Sexual harassment is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, or other unwelcome behavior which is directed at an individual because of his or her gender or sexual orientation where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment; or
- Submission to or rejection of such conduct by any individual is used as the basis for employment decisions 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 is a violation of Title VII of the Civil Rights Act of 1964, as amended, as well as Connecticut General Statutes, 46a-60(a)(8).

#### **TYPES OF SEXUAL HARASSMENT**

Verbal Abuse:	Includes sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats,
Visually Unacceptable Behavior:	Includes sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures,
Physical Contact:	Includes unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

**EFFECTIVE JULY 1, 2014**

**TOWN OF EAST WINDSOR  
SEXUAL AND OTHER UNLAWFUL HARASSMENT POLICY  
PAGE 2**

While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- Promising an employee, directly or indirectly, a reward if the employee complies with a sexually oriented request;
- Threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request;
- Denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request;
- Engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome;
- Displaying, storing, or transmitting pornographic or sexually oriented materials
- using the Town's equipment or facilities;
- Engaging in indecent exposure; or
- Making sexual or romantic advances toward an employee and persisting, despite the employee's rejection of the advances.

Sexual harassment can be physical, visual or verbal in nature. An accumulation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not constitute harassment.

Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on Town premises and whether or not the incidents occur during working hours.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority, vendors, etc., also can be found responsible for engaging in prohibited harassment.

**WHAT IS UNLAWFUL HARASSMENT?**

Unlawful harassment is conduct which has the purpose or effect of creating an intimidating, hostile, or offensive work environment, has the purpose or effect of substantially and unreasonably interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

**EFFECTIVE JULY 1, 2014**

**TOWN OF EAST WINDSOR  
SEXUAL AND OTHER UNLAWFUL HARASSMENT POLICY  
PAGE 3**

Unlawful harassment includes, but is not limited to, epithets, slurs, jokes, pranks, innuendo, comments, written or graphic material, stereotyping, or other threatening, hostile or intimidating acts based on race, color, sex, religion, ancestry, national origin, age, pregnancy, gender identity or expression, marital status, sexual orientation, genetic information, present or past history of disability, veteran status (or other characteristic or status protected by state and/or federal law where submission to such conduct is either expressly or implicitly a term or condition of employment, or submission or rejection to such conduct is used as a basis for decisions affecting an individual's employment, or has the purpose or effect of creating an intimidating, hostile or offensive work environment because of membership in a protected class.

The foregoing description of specific conduct is for illustrative purposes only and is not intended as an exhaustive list of behavior which is contrary to this policy.

**COMPLAINT PROCEDURE**

1. Any employee who believes that he or she has been subjected to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment is requested and encouraged to make a complaint. You, may, but are not required to complain first to the person you feel is harassing you. You may complain directly to your immediate supervisor or department head, the First Selectman, or any other supervisor with whom you feel comfortable bringing such a complaint. Similarly, if you observe harassment of another employee, you are encouraged to report this to one of the individuals listed above.
2. No reprisal, retaliation or other adverse action will be taken against any employee for making a bona fide complaint or report of harassment, or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.
3. The Town is responsible for investigating the complaint promptly. An appropriate individual will be given responsibility to investigate the complaint.
4. All complaints will be investigated promptly and thoroughly and with regard for confidentiality to ensure protection of the complainant and the accused.
5. If the investigation confirms that conduct contrary to this policy has occurred, the Town will take immediate appropriate corrective action as is necessary which may, include disciplinary action up to and including immediate discharge from employment.
6. All inquiries, complaints, and investigations will be treated in as confidential a manner as possible. Information will be revealed strictly on a need-to-know basis.

**EFFECTIVE JULY 1, 2014**

**RESPONSIBILITY OF DEPARTMENT HEADS/SUPERVISORS**

Any Department Head who is made aware of a complaint of possible sexual or unlawful harassment must immediately report the complaint to the First Selectman. A supervisor who is made aware of a complaint of possible sexual or unlawful harassment must immediately report the complaint to a Department Head.

**CONCLUSION**

The Town prohibits and will not tolerate Sexual Harassment and other unlawful harassment. Individuals who engage in sexual harassment and/or other unlawful harassment may be subject to civil and criminal penalties in addition to any discipline the Town of East Windsor may impose. The Town believes this complaint process is effective and encourages employees to utilize this process.

Those who believe they have been subject to illegal harassment may also file complaints with the Connecticut Commission on Human Rights and Opportunities.