

TOWN OF YORKTOWN
NO HARASSMENT POLICY

I. POLICY

Harassment of any person based on that person's race, color, sex, religion, creed, national origin, age, disability, alienage, marital status, veteran status, or any other legally protected status is strictly prohibited by the Town of Yorktown and will not be tolerated. The Town of Yorktown prohibits all forms of such harassment of its employees, and anyone else with whom the Town has contact. Such conduct may result in disciplinary action up to and including termination of employment.

Harassment serves no legitimate purpose in the conduct of Town business. Accordingly, the Town is committed to vigorously enforcing its no harassment policy at all levels within the Town government.

If an employee has a complaint of harassment, the employee should immediately report it to his/her department head, or if the employee prefers, the employee may report the matter directly to the Personnel Officer or Town Supervisor. There is no need to follow a formal "chain of command" concerning alleged harassment; employees may speak with whomever they feel most comfortable with among their Department Head, the Personnel Officer or Town Supervisor. Similarly, if a non-employee has a complaint of harassment by a Town employee, the non-employee should immediately report it to the employee's Department Head, the Personnel Officer or the Town Supervisor, whomever the non-employee prefers. . The Town endeavors to keep such matters confidential to the extent practicable and appropriate. Once a complaint is reported, it will be promptly investigated and appropriate action will be taken. All employees of the Town will be subjected to severe discipline, up to and including termination, for any act of unlawful harassment.

The initiation of a complaint, in good faith, shall not under any circumstances be grounds for discipline. Retaliation against any employee for making a good faith complaint of unlawful harassment or for cooperating or assisting in an investigation of such conduct, is strictly prohibited.

II. PROHIBITED CONDUCT

A. Employees are entitled to work in an environment free from all forms of harassment. Harassment may be verbal or through physical conduct that denigrates or shows hostility or aversion toward an individual because of that person's race, color, sex, religion, creed, national origin, age, disability, marital status, veteran status or any other legally protected status. Harassment

may also occur if conduct is directed toward a person's relatives, friends or associates.

- B. Employees are strictly prohibited from engaging in any conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment because of the individual's race, color, sex, religion, creed, national origin, age, disability, marital status, veteran status, or any other legally protected status.
- C. No employee shall either explicitly or implicitly, directly or indirectly, verbally or by the putting of cartoons, caricatures, pictures, poems, ridicule, mock, deride or belittle any other employee. Employees shall not make offensive or derogatory comments based on race, color, sex, religion, national origin, age, disability, alienage, marital status, veteran status, or any other legally protected status either directly or indirectly to another person.

Sexual Harassment

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

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

No Town employee may threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, compensation, advancement, assigned duties or any other term or condition of employment or career development.

Other sexually harassing conduct is also prohibited. This may include, but is not limited to, the following:

1. Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults;
2. Intentional physical contact which is sexual in nature, such as touching, pinching, patting or interference, grabbing, brushing against another employee's body, poking another employee's body or impeding or blocking movement.

3. Unwelcome sexual flirtations, advances or propositions.
4. Verbal abuse of a sexual nature.
5. Graphic verbal comments about an individual's body;
6. Sexually degrading words used to describe an individual;
7. The display of sexually suggestive objects or pictures and/or the possession of such materials for viewing in the workplace.
8. Unwanted attention of a sexual nature (e.g. jokes, tricks, etc.)
9. Threatening, hostile, demeaning or offensive conduct, which is not specifically sexual in content, but which is directed at another employee because of his or her sex;
10. Written contact, such as sexually suggestive or obscene letters, notes or invitations;
11. Non-verbal contact, such as leering, whistling, obscene gestures, or giving unwanted personal gifts;
12. Continuing to express inappropriate sexual or social interest in another employee after being informed directly that the interest is unwelcome;
13. Any sexual conduct which would be offensive to a reasonable woman or to a reasonable man, as appropriate under the circumstances;
14. Retaliation against employees for complaining about the behaviors described above or for cooperating in any investigation of alleged sexual harassment.

Any Town employee, who after appropriate investigation, is found to have engaged in sexual harassment, or any other form of harassment, will be subject to discipline up to and including discharge of employment.

III. COMPLAINT PROCEDURE

Step One.

- A. An aggrieved person, hereafter referred to as the complainant, should immediately meet with his or her Department Head, Personnel Officer or Town Supervisor to discuss an allegation of harassment. The complainant may file a written

complaint of harassment. Such complaints may be written on a form available from the Department Head, Personnel Officer or Town Supervisor. If the complainant agrees to make a written statement, the Department Head shall send a signed complaint on a form available from the Personnel Officer.

- B. The complainant may withdraw his or her complaint at any time by filing a notice in writing on a form available from the Department Head, Personnel Officer or Town Supervisor.

Step Two.

- A. When a complaint is made, the Personnel Officer, or another investigator assigned by the Town, will promptly conduct an investigation. To assist in that investigation, the complainant should provide the Town with a detailed account of the events he or she believes constitute harassment, as well as the names.
- B. Based on the investigation, a decision will be promptly rendered. Appropriate action, up to and including termination of employment, will be taken.
- C. There shall be no retaliation, penalty or other adverse action against any employee for making a bona fide complaint of unlawful harassment or for assisting in or cooperating with an investigation of such conduct. To the contrary, the Town urges employees to truthfully report violations of this policy in order to assist the Town in maintaining a workplace free of unlawful harassment.

WITHDRAWAL OF HARASSMENT COMPLAINT

NAME OF COMPLAINANT _____

DATE COMPLAINT WAS FILED _____

DEPARTMENT HEAD NOTIFIED _____

PERSONNEL OFFICER NOTIFIED _____

I hereby withdraw this complaint and agree that no further action is required.

Complainant's Signature

Date: _____

ACKNOWLEDGEMENT OF RECEIPT OF NO HARASSMENT POLICY

I, _____, an employee of the Town of Yorktown,
hereby acknowledge the receipt of the No Harassment Policy for the Town of Yorktown.

**EMPLOYEE REPRESENTS AND ACKNOWLEDGES THAT HE/SHE HAS READ
THIS POLICY IN ITS ENTIRETY AND FULLY UNDERSTANDS HIS/HER
OBLIGATIONS UNDER THIS POLICY.**

Any violation or non-adherence to this policy may lead to appropriate disciplinary action,
including, where legally appropriate, termination of employment.

Name (Type or Print)

Department

Signature

Date

Cc: Personnel File
Employee