

§72

SEXUAL HARASSMENT POLICY

It is against the policies of the Town of Berlin, and illegal under State and Federal Law, for any employee, male or female, to sexually harass another employee. The Town of Berlin is committed to providing a workplace free from this unlawful conduct. It is a violation of this policy for an employee to engage in sexual harassment.

What is “sexual harassment?”

Sexual harassment is a form of sex discrimination; it means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to that conduct is made either explicitly or implicitly a term of condition of employment.
2. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
3. 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.

Examples of sexual harassment include, but are not limited to, the following, when such acts or behavior come within one of the above definitions:

- 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;
- Touching or grabbing a sexual part of an employee's body;
- Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact is unwelcome.
- Continuing to ask an employee to socialize on or off duty when that person has indicated he or she is not interested;
- Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters;
- Continuing to write sexually suggestive notes or letters;
- Referring to or calling a person a sexualized name;
- Regularly telling sexual jokes or using sexually vulgar or explicit language;
- Retaliation of any kind for having files 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.);

- Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
- Harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation;
- Off duty conduct which falls within the above definition and affect the work environment.

What the Town of Berlin will do if it learns of possible sexual harassment:

In the event the Town of Berlin receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The Town of Berlin is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint. Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected act of sexual harassment. Supervisors should report to the Town Administrator or the Chairman of the Selectboard. Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected act shall be considered to be in violation of this policy.

Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in this investigation.

If the allegation of sexual harassment is found to be credible, this employer will take appropriate corrective action. The Town of Berlin will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease and no retaliation will occur. Any employee, supervisor, or agent who has been found by the employer to have harassed another employee will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning, up to and including dismissal.

If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the State or Federal agencies identified in the policy notice.

What you should do if you believe you have been harassed:

Any employee who believes that she or he has been the target of sexual harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the employee does not wish to communicate directly with the alleged harasser, or if direct communication has been ineffective, then the person the

complaint is encouraged to report the situation as soon as possible to the Town Administrator or the Chair of the Selectboard. It is helpful to an investigation if the employee keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.

If the complainant is dissatisfied the Town of Berlin's action, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following State or Federal agencies:

- Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, Vermont 05602, 802-828-3171 (voice/TDD). Complaints should be filed within 300 days of the adverse action.
- Equal Employment Opportunity Commission, 1 Congress Street, Boston, Ma.02153, 617-565-3200 (voice) 617-565-3204 (TDD). Complaints should be filed within 300 days of the adverse action.

Each of these agencies can conduct impartial investigations, facilitate conciliation, or, if there are reasonable grounds to believe sexual harassment occurred, take the case to court. Although employees are encouraged to file their complaint of sexual harassment through the Town of Berlin's complaint procedure, an employee is not required to do so before filing a charge with these agencies.

In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court within three to six years, depending on the type of claims raised.

Where can I get a copy of this policy?

A copy of this policy will be provided to every employee, and extra copies will be available at the Town of Berlin's clerk's office.

Reasonable accommodation will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

Sexual Harassment Policy

Adopted this 18th day of July, 2016



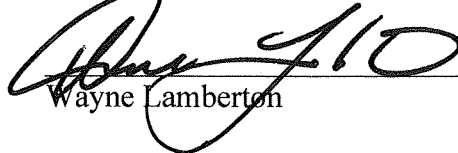
Ture Nelson



Brad Towne



Jeremy Hansen



Wayne Lambertson



Pete Kelley

Selectboard of Berlin

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