

**8.23 SEXUAL HARASSMENT****PURPOSE**

Sexual harassment is a form of sex discrimination prohibited under Title VII of the Civil Rights Act of 1964 and the Connecticut Discriminatory Employment Practices Act. The Town's policy regarding sexual harassment is to create and maintain a working environment free of sexual harassment by providing procedures to present and to resolve sexual harassment concerns perceived and/or proven to exist.

This policy applies to all employees and volunteers of the Town. This includes all full-time, part-time, temporary and seasonal employees. The policy covers harassment between supervisors and subordinates, between employees, by employees outside the workplace while conducting Town business, and by non-employees while conducting business in the Town's workplace.

**POLICY**

The Town is committed to providing a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices including sexual harassment and inappropriate sexual conduct. Sexual harassment of employees and any other person, as well as, inappropriate sexual conduct is prohibited and will not be tolerated in the workplace.

For the purposes of this policy, sexual harassment is deemed to include, but is not limited to, any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature whenever:

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

Examples of the types of behaviors which may violate this policy include, but are not limited to, making the following kinds of unwanted or unwelcome contact of a sexual nature, whether written, verbal, physical and/or visual contact of a sexual nature. Examples include:

1. Written: suggestive or obscene letters, notes, e-mails;
2. Verbal: derogatory or suggestive comments, slurs, jokes, or epithets of a sexual nature, inappropriate comments concerning appearance;
3. Physical: sexually suggestive touching, kissing or other body or inappropriate physical contact;
4. Visual: sexual gestures, derogatory or degrading posters, objects, pictures, magazines, cartoons;

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5. Requests: propositions or pressure to engage in sexual activity, unwanted repeated sexual advances or unwanted expressions of sexual interest.

In addition, sexual harassment may consist of threats or suggestions that continued employment, advancement, assignment or earnings depend on whether or not the employee will submit or tolerate harassment. Conduct may constitute sexual harassment whether or not the individual subject to such conduct voluntarily submits to unwelcome or unwanted sexual advances or requests.

The Town will promptly investigate all complaints of sexual harassment. Furthermore, the Town will take immediate corrective action when an investigation leads to a determination that sexual harassment has occurred or is occurring. Employees found in violation of this policy shall be subject to appropriate disciplinary action, which may include termination.

The Town of Greenwich and its employees shall not retaliate against or take any adverse employment action against any individual who reports a violation of this policy or who participates in an investigation of an alleged violation of this policy.

**PROCEDURE**

It is the responsibility of all employees to adhere to this policy at all times and to report to their supervisors any violations of the policy of which they become aware. It is the responsibility of supervisors to take prompt action in investigating complaints of sexual harassment and to take such other actions as necessary to provide an appropriate work environment for employees. The Department of Human Resources is responsible for the distribution of this policy to all newly hired employees. All Department Heads are responsible for ensuring that this policy is visibly posted in all work areas and working collaboratively with the Department of Human Resources to see that the policy is distributed to all newly hired part-time, temporary and seasonal employee.

Connecticut General Statutes 46a-54(15) require a minimum two hour training program for supervisory employees within six months of hire. The Department of Human Resources assumes responsibility for providing the required training for supervisors and/or identifying and disseminating information regarding such training programs. It is a Supervisor's responsibility to attend the required training program provided by the Department of Human Resources or make arrangements to attend other training opportunities identified by the Department of Human Resources. This statutory training is a term and condition of employment for all supervisory employees. Failure to satisfy the training requirement within the prescribed time frame shall constitute misconduct and shall result in appropriate disciplinary action.

All management and supervisory personnel who have received a report or complaint of a violation of this policy shall immediately report such information to the Director of Human Resources, the Director of Human Resources – Board of Education, the Assistant Director of Human Resources, or the Assistant Director of Human Resources – Board of Education, who will make arrangements for the prompt investigation of the complaint.

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To ensure compliance with this policy, all management and supervisory personnel are under an affirmative duty to report and take appropriate action regarding alleged claims of sexual harassment and inappropriate sexual conduct immediately at the time that they become aware of this issue, even if the victim of the alleged harassment does not desire to file a formal complaint. Supervisory and management personnel may be disciplined for failure to report such harassment or inappropriate conduct.

**Victim Response**

If an employee has been the victim of or observed sexual harassment or inappropriate sexual conduct in the workplace, he or she should clearly tell the harasser that such conduct is offensive and to stop the conduct.

If an employee has been the victim of or observed sexual harassment or inappropriate sexual conduct in the workplace, he or she should, must report the conduct as soon as possible after the alleged harassment occurs to any or all of the following:

1. The immediate supervisor or the first level of supervision who is not involved in the alleged harassment; or
2. The employee's department head; or
3. The Director of Human Resources, the Director of Human Resources – Board of Education, the Assistant Director of Human Resources, the Assistant Director of Human Resources – Board of Education.

**Confidentiality**

All complaints, investigations and final actions shall remain as confidential as possible and shall be disseminated only to persons having a need or right to know such information. Employees involved in any investigation, whether as complainant, alleged harasser, witness or investigator, are required to keep all discussions or communications of this nature confidential.

Complainants have a responsibility to be prepared to be interviewed by, and candid with, those to whom they make a report of alleged sexual harassment and shall cooperate by setting forth all known information regarding any reported allegations. The Town will make efforts to protect confidentiality and retaliation against the complainant is prohibited. The deliberate failure to provide needed information known to the complainant regarding actual or suspected misconduct of another Town employee or official may mean no investigation will be initiated and/or, depending on the circumstances, in rare instances could be subject to disciplinary action.

**Related Items**

- HR Policy 12.1 Complaints Procedure.
- Title VII of the Civil Rights Act: [http://www.eeoc.gov/laws/types/sexual\\_harassment.cfm](http://www.eeoc.gov/laws/types/sexual_harassment.cfm)

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- Connecticut Discriminatory Employment Practices Act (Section 46a-60(a)(8) of the Connecticut General Statutes): <https://www.cga.ct.gov/2012/sup/chap814c.htm#Sec46a-60.htm>