

Resolution

Sexual Harassment Policy and Complaint Procedure

WHEREAS, The Town of Milton Selectboard adopted a Sexual Harassment Policy on March 2, 1992; amended said Policy on April 2, 2006 and said Policy and Complaint Procedure on May 19, 2008; and,

WHEREAS, Sanford I. Miller – Milton Town Manager has reviewed said Policy and Complaint Procedure, dated May 19, 2008 and recommends the amendment of said Policy and Complaint Procedure which is attached hereto; and,

WHEREAS, hereafter, the Town Manager is authorized to make minor amendments to this Policy and Complaint Procedure as he/she deems necessary in order to conform to best practices and/or Vermont State Statues.

NOW THEREFORE BE IT RESOLVED, the Selectboard hereby rescinds the Sexual Harassment Policy and Complaint Procedure adopted on May 19, 2008 and adopts the Sexual Harassment Policy and Complaint Procedure dated October 5, 2009.

Dated at Milton, Vermont this 19th day of October 2009.

Milton Selectboard

Jeffrey Turner, Chairperson

Diana L. Palm

Diana L. Palm, Vice Chairperson

Louis H. Mossey III

Louis H. Mossey III, Clerk

Randall Barrows

Lori M. Donna

Lori M. Donna

Filed with the Milton Town Clerk's Office this 20th day of October 2009.

ATTEST:

Loretta K. Devine

Milton Assistant Town Clerk

Sexual Harassment Policy and Complaint Procedure

It is against the Policies of the Town of Milton, and illegal under State of Vermont and Federal Law, for any employee, male or female, to sexually harass another employee or other persons. The Town of Milton 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.

Sexual harassment in the workplace is unlawful. It is further unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment.

Employees have the right to work without being subject to insulting, degrading, or exploitative treatment. Sexual harassment by Town employees in any form is strictly prohibited.

Likewise, the Town of Milton will not tolerate retaliation against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of harassment.

Further, the Town of Milton will address complaints regarding sexual harassment committed in the workplace by employees against non-employees and by non-employees (such as vendors, customers, board, committee or commission members, and other workplace visitors) against employees to the extent possible.

What is the definition of “sexual harassment”?

Sexual harassment is a form of sex discrimination. It involves behavior that may include 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 or 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 was unwelcome;
- continuing to ask an employee to socialize on or off-duty when that person has indicated she or he is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known whether or not the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- 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;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known whether or not the person welcomes such behavior;
- 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.);
- derogatory or provoking remarks about or relating to an employee's or another individual'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 affects the work environment.

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

- Any employee who believes that she or he has been the target of 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(s), or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to the Town Manager (who has been designated to receive such complaints and/or reports). It is helpful to an investigation if the employee keeps a diary of events with dates and the names of the people who witnessed or were told of the harassment, if possible.

If the complainant is dissatisfied with the Town Manager's level of action or the complaint is against the Town Manager, she or he shall file a complaint in writing to the Chairperson of the Milton Selectboard.

If the complainant is dissatisfied with the Milton Selectboard's action she or he may file a complaint by writing or calling any of the following State or Federal agencies:

1. **Vermont Attorney General's Office**, Civil Rights Unit, 109 State Street, Montpelier, VT 05609 – Telephone (802) 828-3171 (voice/TDD).
2. **Equal Employment Opportunity Commission**, 1 Congress Street, Boston, MA 02114 – Telephone (617) 565-3200 (voice) (617) 565-3204 (TDD).

Where can I get copies of this Policy?

A copy of this Policy will be provided to every employee, and extra copies will be available from the Human Resources Coordinator in the Town Manager's Office. Reasonable accommodations will be provided by the Town for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

Any questions about this Policy should be directed to Town Manager (who has been designated to receive such complaints and/or reports).

Hereafter, the Town Manager is authorized by the Selectboard to make minor amendments to this policy in order to conform to best practices and Vermont State Statutes.