

**Town of Williston
Harassment Policy**

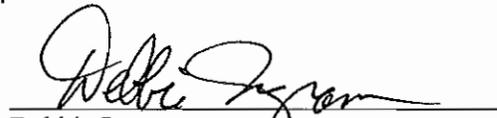
Adopted by Selectboard
September 24, 2012

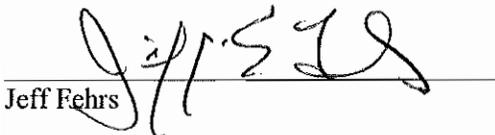
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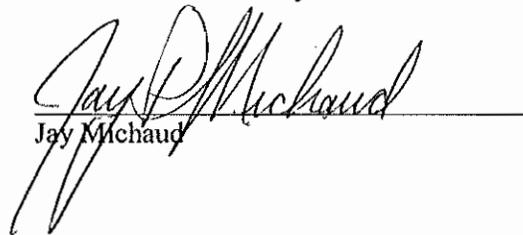
The statements contained in this policy are guidelines and summaries. Nothing in this policy alters any employee's status as an employee at will, nor does it alter or supersede any disciplinary or termination provisions in any relevant collective bargaining agreement. As with any Town personnel policy, this Harassment Policy is subject to revision or revocation in the sole discretion of the Town, with notice to employees.

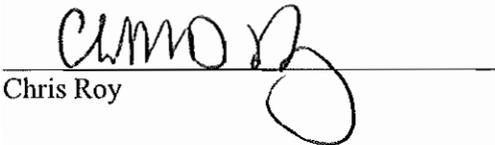
This policy is hereby adopted this 24th day of September and is effective as of this date until amended or repealed. By its adoption, this policy replaces in its entirety the Sexual Harassment in the Workplace Policy adopted by the Selectboard on December 9, 1993.


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1. Statement of Purpose

The purpose of this policy is to provide clear policies and guidelines for use by Town of Williston employees in order to discourage unlawful harassment, including sexual harassment, by or against Town employees, and to protect anyone who reports alleged activity covered by this policy, from retaliation by the Town or other Williston employees.

2. Policy

It is the policy of this employer to expressly prohibit any form of unlawful discrimination or harassment based on an employee's race, color, religion, sex, national origin, age, ancestry, place of birth, sexual orientation, gender identity, HIV status, military or veteran status, disability, or any other factor prohibited by law. Unlawful interference with the ability of Town employees to perform their expected job duties shall not be tolerated and may result in disciplinary action, up to and including termination from employment with the Town.

3. Definitions

What is Unlawful Harassment?

Unlawful harassment is a form of discrimination. It means any verbal or physical conduct which has the effect of creating a hostile, offensive, or intimidating environment that substantially interferes with that person's ability to perform his/her employment duties.

Workplace harassment can take many forms. Unlawful harassment may include, but is not limited to, actions such as these:

- Threatening a person with violence;
- Physical assaults or contact;
- Bullying or intimidating an employee;
- Making derogatory or discriminatory remarks;
- Persistent name-calling;
- Making numerous sexist, racist, homophobic, anti-Semitic, or other discriminatory comments about others;

- Circulating or displaying sexually explicit or sexually suggestive materials or pictures (whether in physical or electronic versions) or other materials and pictures which are derogatory to persons based on any personal characteristic protected by law;
- Offensive jokes

Unlawful harassment is not necessarily sexual in nature. It can relate to any legally protected personal characteristic. It may also take the form of other activity, including derogatory statements not directed to the targeted employee, but observed by the affected employee. Taking retaliatory action against an employee for complaining of or objecting to unlawful harassment, or for participating in an investigation of such activity, is also considered prohibited under this policy.

What is Sexual harassment?

Sexual Harassment is a form of sex discrimination and generally 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 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 ability to participate in programs or activities, or has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment also include, but are not limited to the following, when such act 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 of a sexual part of an individual's body;
- Touching or grabbing any part of an individual's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- Unwanted physical contact of any kind, including pinching or brushing up against someone's body;

- Continuing to ask an individual to socialize on or off-duty when that person has indicated she or he is not interested;
- Coercing sexual activity, including intercourse or assault;
- Displaying or transmitting romantic or sexually suggestive pictures, objects, cartoons, or posters;
- 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;
- Regularly telling sexual jokes or using sexually vulgar or explicit language;
- Making suggestive, obscene, or insulting sounds, whistling, gestures, leering, graffiti, or other written abuse of an insulting or sexual nature;
- 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 a person's sex or sexual orientation;
- Off-duty conduct which falls within the above definition and affects the work environment.

4. Procedures for Reporting

If you are an employee and you feel that you have been unlawfully harassed or discriminated against, or if you have observed unlawful harassment or discrimination of an employee, please review the following steps to address the problem.

Reasonable accommodations will be provided for persons with disabilities who need assistance in following the steps outlined in this policy.

Step 1: Attempt to tell the person who is engaging in the unlawful behavior to STOP.

Any individual who believes that he or she has been the target of sexual or other unlawful harassment or discrimination, or who believes he or she 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 unacceptable, offensive, or inappropriate and

must stop immediately. If the employee does not wish to communicate directly with the alleged harasser or harassers, for fear of harm or retaliation, 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 (see Step 2). It is helpful to an investigation if the employee keeps track of relevant events and the names of people who witnessed or were told of the harassment, if possible.

Step 2: Report harassment to Town administration

Any employee who wishes to report sexual harassment should contact:

Town Manager or the Finance Director
7900 Williston Road, Williston, VT 05495
(802) 878-0919

If the Town Manager or the Finance Director fails to address the complaint in a timely manner, or the complaint is against the Town Manager, she or he shall file a complaint in writing to the Chairperson of the Williston Selectboard.

Reasonable and necessary steps will be taken to promptly investigate and resolve the complaint. Unlawful discrimination and harassment will not be tolerated.

Step 3: A complaint may be filed with the State or Federal Government.

Although employees are encouraged to file their complaints of unlawful discrimination or harassment, including sexual harassment, through the Town's internal complaint procedure/grievance procedure, employees have the right to file a complaint in addition to or instead of the one filed with the town by writing or calling any of the state or federal agencies listed below:

1. Vermont Attorney General's Office
Civil Rights Unit
109 State Street, Montpelier, VT 05609-1001
(888) 745-9195 or (802) 828-3657 (voice) (802) 828-3665 (TTY)
2. Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center, Boston, MA 02203,
800-669-4000 (voice), (800) 669-6820 (TTY)

For further information regarding filing deadlines and procedures for filing a complaint under state or federal law, please contact the offices listed above. Each of these agencies can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe sexual harassment has occurred, they may take the case to court.

5. Protections Against Retaliation

The Town also expressly prohibits retaliation against any employee because he or she complained of unlawful harassment or discrimination, or because she or he cooperated with any investigation into a complaint of unlawful harassment or discrimination.

Examples of unlawful retaliation include, but are not limited to, things such as ostracizing the person; pressuring the person to drop or not support the complaint; adversely altering that person's assignments, activities, or work environment; or, treating the person in a mean or derogatory fashion because of the exercise of their rights to complain about harassment or discrimination.

Any act of retaliation shall be considered a separate and distinct violation of this policy and shall subject the person responsible for the retaliation to the consequence listed below, even if that person is not found to have unlawfully harassed an employee.

6. Enforcement

All Town of Williston employees, and particularly managers, have a responsibility for keeping our work environment free of harassment. Any employee, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, is strongly encouraged to report it (see procedures in Section 4). When a member of the Town of Williston management becomes aware of the existence of harassment, he or she is required to report it, whether or not the victim wants the person to do so.

In the event the Town of Williston receives a complaint of unlawful harassment or discrimination, or otherwise has reason to believe that unlawful harassment or discrimination is occurring, it will take reasonable and necessary steps to ensure that the matter is promptly investigated and addressed. The Town is committed, and required by law, to take action if it learns of potential unlawful harassment or discrimination, 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 acts of unlawful harassment and discrimination. Supervisors must report any complaints or reports to the Town Manager directly. Failure by a supervisor to appropriately report or address such harassment or discrimination complaints or suspected acts 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. Complete confidentiality cannot be guaranteed, but the Town will make an effort to be discrete. As stated above, 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, the Town of Williston will take appropriate corrective action. The Town will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to end the unlawful harassment and to prevent retaliation. Any employee, supervisor, or agent who has been found by the employer to have unlawfully harassed or discriminated against another employee will be subject to actions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal.

If the allegation is not found to be credible, or cannot be substantiated, the person who made 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 Section 4. Even where no unlawful harassment or discrimination was found, the Town of Williston has the right to correct the behavior of its employees, which behavior may have come to light during the investigation. No adverse employment action will be taken against any employee who makes a good faith report of alleged harassment or who participates in the investigation of such a complaint. Employees who bring allegations in bad faith, or for the purpose of negatively affecting the employment of another employee, may be subject to discipline, up to and including immediate termination