

SEXUAL HARASSMENT POLICY

Policy Statement:

It is against the policies of The Town of Randolph, and illegal under state and federal law, for any employee, male or female, to sexually harass another employee. The Town of Randolph 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.

Definition:

Sexual harassment is a form of sex discrimination and 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 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 s/he 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 in the presence of a person;

- 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 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.

Employer Procedures:

In the event the Town of Randolph 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 Randolph 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 acts of sexual harassment.

Supervisors should report to the Town Manager, or to the Chairperson of the Selectboard.

Failure by a supervisor to appropriately report or address such sexual harassment 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. 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 employer 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 that 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 in accordance with the Town of Randolph Personnel Policy.

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 this policy notice.

Employee Procedures:

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 harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to Town Manager at Municipal Offices; to her or his supervisor; or to the Chairperson 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. Investigation should begin within 5 days of the employee initiating a complaint and be completed within 30 days when possible.

If the complainant is dissatisfied with this employer'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:

- (1.) **Vermont Attorney General's Office**, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, tel.: (802) 828-3171 (voice/TDD). Complaints should be filed within 300 days of the adverse action.
- (2.) **Equal Employment Opportunity Commission**, 1 Congress Street, Boston, MA 02114, tel.: (617) 565-3200 (voice), (617) 565-3204 (TDD). Complaints must be filed within 300 days of the adverse action.
- (3.) **Vermont Human Rights Commission**, 133 State Street, Montpelier, VT 05633-6301, tel.: (802) 828-2480 (voice/TDD). (Only if you are employed by a Vermont State agency.) Complaints must be filed within 360 days of the adverse action.

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 occurred, it may take the case to court. Although employees are encouraged to file their complaint of sexual harassment through this employer'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 3 to 6 years, depending on the type of claims raised.

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 in the Town Manager's Office.

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

Passed and Adopted by the Selectboard of the Town of Randolph, Vermont this 17 day of December, 2007.



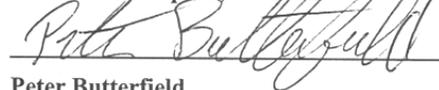
Heather Tallman, Co-chair



Kevin Osha

Vacant

Adelbert Thompson, Co-chair



Peter Butterfield

RANDOLPH TOWN CLERK'S OFFICE

Received for Filing

December 23 A.D. 2007

at 8 o'clock 44 minutes AM

Attests 
Town Clerk