

**Policy No. 2.04**                    **Sexual and Other Unlawful Harassment**  
**Date of Issuance:**            **December 14, 2000**  
**Revision Date:**                **July 17, 2012**

The Town of Rome is familiar with the actions and ramifications of all forms of unlawful discrimination, but the type of discrimination prompting the most misunderstanding and the most litigation, is in the area of sexual harassment and discrimination. It is important to note that those who are “victims” or harassment or discrimination, as well as those who witness harassment or discrimination of another are covered and protected by this policy. The purpose of these guidelines is three-fold:

To assure that each person knows and follows the Town’s policy on sexual and all other kinds of unlawful harassment and discrimination,

To make certain that all personnel understand what constitutes sexual harassment and discrimination, and

To determine what steps are required in preventing sexual harassment and discrimination in the workplace.

#### **Equal Opportunity Employer**

The Town’s policy on equal opportunity employment is clear and unequivocal:

The Town is an Equal Opportunity Employer. It is the policy of the Town that employment decisions shall be based on merit, qualifications, and competence. Except where required or permitted by law, employment practices shall not be influenced or affected by virtue of an applicant’s or employee’s race, color, religion, sex, national origin, age, or any other characteristic protected by law. In addition, it is the Town’s policy to provide an environment that is free of unlawful harassment of any kind, including that which is sexual, age-related, or race based. This policy governs all aspects of employment including promotion, assignment, discharge, and other terms and conditions of employment.

#### **Sexual Harassment/Discrimination Defined**

Sexual harassment has many forms but generally falls into two (2) categories:

##### **A.                    Hostile Environment**

Sexual conduct that creates a hostile, offensive, or intimidating workplace, including unwelcome sexual advances, verbal or physical conduct of a sexual nature, and requests for sexual favors are all prohibited. This concept of a “hostile environment” also applies to those other than the person actually being sexually harassed if they are intimidated by the fact that the improper conduct is permitted to occur.

It is important to note that co-workers, supervisory/managerial personnel, and even non-employees (sales persons, repair or maintenance personnel, etc.) may be the creators of a hostile work environment.

Actions such as the telling of sexual jokes, the display of sexually offensive pictures or other sexually explicit materials, descriptive comments about a person's physical attributes, and obscene gestures can all constitute or contribute to a sexually hostile work environment.

B. Retaliation

When a Manager or Supervisor makes an unwelcome request for sexual favors and is rejected and threatens to take or then takes some retaliatory action against the employee, it is clearly sexual harassment and sexual discrimination. In addition, retaliation occurs when adverse action is taken against a person based on her/his participation in the complaint or investigation process.

In addition, retaliation occurs whenever the employer takes adverse action against an employee who participates in the harassment or discrimination complaint or investigation process or opposes harassment or discrimination.

Retaliation does not occur, however, when adverse employment action is taken against an employee who participates in the complaint or investigation process falsely or in bad faith.

**Complaint Procedure**

Any employee who believes they are the victim of sexual or any other type of unlawful harassment or discrimination or any employee who believes they have witnessed sexual or other unlawful harassment or discrimination of another, may immediately notify the Town Administrator or his/her designee. Likewise, if any employee believes they are the victim of retaliation or have witnessed another employee being subjected to retaliation may immediately notify the Town Administrator. For purposes of elected or appointed officials, the Town's EEO Officer is also the Town Administrator or his/her designee. He/she can be contacted at the Town Hall at (715) 325-8013. In the event that the Town Administrator is the one accused of violation of this policy, then the complainant should feel free to contact her/his supervisor and make a complaint. The matter will be promptly, objectively and thoroughly investigated by interviewing all concerned parties and potential witnesses and reviewing all relevant materials. Proper and prompt remedial action will then be taken against violators of this policy, as appropriate. The investigation will be conducted by the Town Administrator. The complainant will be provided with the results of the investigation as soon as it is completed, but in no event no later than 30 days after the complaint is first made.

Aside from the procedure outlined above, any employee may instead contact the Equal Employment Opportunity Commission (EEOC) and make a complaint directly to that agency. This can be done regardless of whether a complaint is made to the Town as outlined above. Employees should know however, that if they choose not to notify the Town of any possible violation of this policy, the Town will be deprived of an immediate opportunity to take corrective action.

It should be noted that sexual harassment and discrimination can be directed at men as well as women. Since the most common sexual harassment is by males against females, that is the situation addressed in these guidelines.

### **Prevention of Sexual Harassment**

It is important to understand that merely having a policy prohibiting sexual harassment and discrimination is not enough to protect employees. The policies and procedures against such conduct must be understood and enforced. The Town will be proactive in dealing with all kinds of discrimination and retaliation, reinforce our disapproval and prohibition of such actions, take appropriate and positive steps to deal with complaints, and make certain that all employees are treated on the basis of merit and ability.

The Town's policy is to investigate all harassment complaints thoroughly, objectively and promptly and to take all appropriate action that may be necessary in an attempt to end the harassment and to prevent the conduct from reoccurring. Employees who file complaints or make reports of harassment and/or retaliation may request that their complaints or reports be made in confidence, and such requests will be honored to the extent possible under the law. The Town will release no information regarding the initial report or the investigation unless required by law, rules or regulations necessary for the purpose of taking disciplinary action.

Any questions concerning this policy or its applicability must be brought to the attention of the Town Administrator or his/her designee who has the overall responsibility for review and enforcement.