



TOWN OF MANSFIELD
POLICY MEMORANDUM

To: All Town Employees
From: Matthew W. Hart, Town Manager *M. W. Hart*
Date: July 17, 2012 (Revised); June 1, 2010 (Original)
Subject: Anti-Harassment Policy

I. Purpose

The Town of Mansfield (Town) is committed to providing and maintaining a work environment in which everyone is treated fairly and with respect and dignity. The Town strictly prohibits sexual harassment and harassment towards anyone, including, but not limited to, legally recognized and protected classes based on race, religion, age, sex, marital status, sexual orientation, gender identity or expression, genetic information, national origin, ancestry, military service, veteran status, or disability except in the case of, bona fide occupational qualification or business necessity. All Town officials and employees are expected to comply with this policy. The principles and complaint procedures set forth in this policy apply to sexual harassment and all other forms of harassment involving agency employees.

The Town of Mansfield will not create or tolerate a hostile work environment or harassment in any form. Management will not use its authority to harass employees, take or fail to take personnel action as a reprisal against an employee for resisting or reporting any act of harassment, or tolerate any harassment, verbal or physical, of an employee towards another employee. Anyone who engages in such conduct will be subject to discipline up to and including immediate discharge. All supervisory staff members are responsible for regularly reminding employees of this policy, and all are responsible for seeing that our workplace is free of harassment.

- A. Sexual Harassment.** As the prevention of sexual harassment deserves special attention, some sections of this policy focus directly on sexual harassment. The policy establishes a zero tolerance standard for all forms of sexual harassment towards any employee.
- B. Other Forms of Harassment.** This policy is also applicable to the harassment of members of a legally protected class and other harassment visited upon a Town employee, as such behavior is not only unfair, but also may impede the Town's service to the public.

II. Prohibited Conduct

The Town of Mansfield will not tolerate harassment as defined in this policy by anyone, including any supervisor, co-worker, vendor, citizen, resident, client or customer, whether in the workplace, at assignments outside the workplace, at Town-sponsored (social) functions or elsewhere.

III. Effective Date

This policy shall be effective immediately and shall remain in effect until revised or rescinded.

IV. Definition

A. **“Sexual harassment”** is a form of sex discrimination, prohibited by both state and federal law (see C.G.S. § 46a-60(a)(8) and Title VII of the Civil Rights Act of 1964). “Sexual harassment” means any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature where:

1. submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment;
2. submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the person; or
3. such conduct interferes with a person’s work performance or creates an intimidating, hostile or offensive working environment.

The offender or the victim of harassment may be either a man or a woman. Also, harassment can involve people of the same or the opposite sex.

B. **“Harassment”** is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates or unduly annoys or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading or hostile environment, or interferes with or adversely affects a person’s work performance.

Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance and/or discourage negative behavior or performance.

V. Examples of Harassment

While it is not possible to list all circumstances that may constitute harassment, the following are some examples of conduct which, if unwelcome, may constitute harassment depending on the totality of the circumstances including the severity of the conduct and its pervasiveness.

A. Sexual Harassment Examples

- Unwanted sexual advances and explicit sexual proposals;
- Demands for sexual favors in exchange for favorable treatment or continued employment;
- Suggestive comments, sexually oriented teasing or practical jokes;
- Foul or obscene body language or gestures;
- Display of printed or visual material that is foul, obscene or offensive;
- Sending or viewing jokes, pictures or other information by e-mail or the internet where the information is sexually-explicit, or where it ridicules a person’s ethnicity, religion, sexual-orientation or other unchangeable characteristics;
- Physical contact, such as touching, patting, pinching or brushing against another’s body.

B. Other Forms of Harassment Examples

- Jokes about ethnicity, religious beliefs or practices, accents or gender-specific traits;
- Repeated, unscheduled demands for attention and time regarding matters of a non-urgent nature that interfere with an employee’s ability to perform his or her routine job duties in a timely and effective manner;

- Any communication or action that is demeaning, rude or inflammatory or otherwise incites anger, hurt, fear or embarrassment in the receiver of the communication or action;
- Unwanted questions or comments pertaining to any aspect of an employee's person or personal life;
- Unwanted contact at an employee's home or in public when an employee is off duty. Examples of unwanted contact may include but are not limited to: calling an employee at their personal cell phone or land line; emailing an employee at their personal email address; and physically approaching and/or berating employees about work matters when the employee is off duty.

VI. Reporting Harassment

A. Victims of Harassment. If you believe that you are being harassed, you should clearly and promptly tell the offender that you want him or her to stop the behavior. If for any reason you do not wish to confront the offender directly or if confrontation does not successfully end the harassment, you shall immediately report the harassment to any one of the following people:

- Your supervisor or manager; or
- The Assistant Town Manager; or
- The Town Manager

Any employee who believes that he or she has been harassed in the workplace in violation of this policy may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, Eastern Region Office, 100 Broadway, Norwich, CT 06360. (TELEPHONE NUMBER 860-886-5703; TDD NUMBER 860-886-5707) and/or the Equal Employment Opportunity Commission, Boston Area Office, One Congress Street, Boston, MA 02114 (TELEPHONE NUMBER 617-565-2300; TDD NUMBER 617-565-3204). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged harassment occurred. Remedies for sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

B. Employees Who Witness Harassment. Any employee who witnesses harassment or becomes aware that another employee has been subjected to prohibited harassment shall immediately report the conduct to one of the individuals listed above.

C. Supervisors and Managers. Any supervisor or manager who receives a complaint about harassment, retaliation or who believes that someone is engaging in conduct that may be prohibited must immediately report it to the Town Manager or Assistant Town Manager. Ignoring such conduct is not acceptable and may subject the supervisor or manager to disciplinary action.

VII. No Retaliation

The Town strictly forbids retaliation against employees who report harassment or who participate in internal or external investigations of harassment. The Town will not engage in any such retaliation nor will it permit employees to do so. The Town will not tolerate retaliatory citizen behavior/actions towards employees whom have reported harassment or participated in a harassment investigation. All

employees shall report all instances of retaliation to one of the individuals listed in section VI.A of this policy.

VIII. Investigating Complaints

The Town's policy is to take all complaints and reports of harassment seriously. All complaints and reports will be investigated promptly, impartially and discreetly. Once a complaint is received, an investigation will be undertaken immediately and all necessary steps taken to resolve the problem. Employees have a duty and are obligated to participate in investigations when asked. Investigation of such matters will usually entail conferring with involved parties and any named or apparent witnesses. Where investigation confirms that harassment has occurred, the Town will promptly take corrective action. Discipline up to and including discharge from Town service, banning from Town facilities or property, or legal action may be implemented by the Town after the respondent to a complaint has had a chance to present his side of the case, and to rebut the claims made against him or her. In all cases, including those in which a harassment complaint is made against someone who is not a town official or employee, every effort will be made to ensure that the principles of due process of law are afforded to every respondent. In this context, depending on the circumstances, due process includes, but is not limited to, the right to sufficient notice of the claims against the respondent, the right to counsel paid for by the respondent and the opportunity to rebut the allegations of the complaint in the presence of a fair and impartial decision maker.

IX. False Reports

Disciplinary action may be imposed if the Town determines that a false complaint was made under this policy.