

# TOWN OF WOLFEBORO

## SEXUAL HARASSMENT POLICY

ADOPTED AUGUST 18, 1993

### 1.0 PURPOSE:

- 1.1.0 The purpose of this policy is to protect employees from sexual harassment.
- 1.2.0 It is the policy of the Town of Wolfeboro that it will attempt to eliminate the sexual harassment of any employee, client, vendor, elected/appointed official or any other person dealing with this town.
- 1.3.0 This document will establish the definition of Sexual Harassment, and give behavioral examples of sexual harassment, provide a procedure for the reporting, investigating, and resolution of complaints.

### 2.0 LEGAL DEFINITION:

- 2.1.0 Sexual Harassment is a form of sexual discrimination and is an "unlawful employment practice" under Title VII of the 1964 Civil Rights Act and RSA 354-A:7,V.
- 2.2.0 The New Hampshire Law and the federal law, as defined by Equal Employment Opportunity Commission (EEOC) regulations, are very similar as they affect the responsibilities and liabilities of the employer. Because of this similarity, an employer who follows the state statute will also be in accord with the federal law.
- 2.3.0. The New Hampshire law defining sexual harassment, as stated in RSA 354-A:7 is as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature may constitute sexual harassment. There are two kinds of sexual harassment:

#### 2.4.0A.) QUID PRO QUO

- 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

#### 2.5.0B.) HOSTILE ENVIRONMENT

- 1. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or

creating an intimidating, hostile, or offensive working environment.

### **3.0 EXAMPLES:**

#### **3.1.0 QUID PRO QUO HARASSMENT:**

- 3.1.1. Quid Pro Quo harassment "compels an employee to elect between acceding to sexual demands or forfeiting job benefits, continued employment, or promotion, or otherwise suffering tangible job detriments."
- 3.1.2. No supervisor or other Town employee or agent is to threaten either explicitly or implicitly, that an applicant or an employees refusal to submit to sexual advances will adversely affect the application or the employment, evaluation, wages, advancement, assigned duties, shifts, or other conditions of employment or career development.
- 3.1.3. Examples of Quid Pro Quo Harassment:
  - A. Continuing to make offers to date after a refusal;
  - B. Physical harassment, such as, but not limited to: assault, impeding or blocking movement, gestures or any physical interference with normal work or movement.
  - C. Sexual flirtation, touching, advances, or requests for sexual favors;
  - D. Graphic or suggestive comments about an individuals dress or body;
  - E. Dirty jokes, repeated offensive graphic verbal commentaries; or
  - F. Slang names or labels, such as "honey," "sweetie," "boy," "girl," that others find offensive.
- 3.1.4. The conduct must be undesirable, offensive and unwelcome to a reasonable person in the position of the subordinate.

#### **3.2.0. HOSTILE ENVIRONMENT HARASSMENT:**

- 3.2.1. This involves unwelcome sexual conduct that has the purpose or effect of interfering with an individual's work performance or to create a hostile, intimidating, or offensive work environment.
- 3.2.2. A Hostile Environment may be created not only by language or conduct of supervisors, but also by actions, speech, photos, and the like introduced into the work place by co-workers, and even non-employees such as repair people or sales persons. In general, there must be a pattern of offensive, debilitating and sustained conduct. A single incident can be sufficient when there is physical contact.

3.2.3. Examples of conduct which may constitute Hostile Environment Harassment:

- A. Direct sexual advances;
- B. Graphic comments about an employee's body;
- C. Sexually suggestive objects or pictures in the work place;
- D. Sexually degrading words used to describe an employee;
- E. Derogatory or sexually explicit statements about an employee's actual or supposed sexual relationships;
- F. Repeated dirty jokes;
- G. Sexually explicit gestures;
- H. Touching, patting, or pinching;
- I. Ogling, leering, and physical gestures conveying a visual meaning; or
- J. Other sexually related behavior.

3.3.0. All employees filing an incident report shall be assured that confidentiality will be maintained to the extent possible consistent with the need to conduct a prompt and thorough investigation of a complaint. Retaliation or discrimination against an employee for reporting sexual harassment is prohibited.

3.4.0. Any act of retaliation or any failure to cooperate in the investigation or resolution of a sexual harassment complaint may result in disciplinary action up to and including termination. Censure, or other action may be taken by the Board of Selectmen (or Police Commission for Police and Central Dispatch employees) in the case(s) of elected/appointed officials or business elimination in the case(s) of vendors/clients.

**4.0 RESPONSIBILITIES:**

4.1.0. With respect to conduct between fellow employees, the Town of Wolfeboro is responsible for acts of sexual harassment in the work place where the Town of Wolfeboro, its agents or supervisory employees, knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

4.2.0. The Town of Wolfeboro may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the work place, where the employer, its agents or supervisory employees, knows or should have known of the conduct and fails to take immediate and appropriate corrective action.

- 4.3.0. Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned.
- 4.4.0. New employees including temporary workers, and elected/appointed officials must receive training in the Town's Sexual Harassment Policy. All employees shall receive ongoing training in sexual harassment awareness and prevention.
- 4.5.0. Nothing contained in this Policy is intended to enlarge or expand the substantive liability of the Town of Wolfeboro beyond the responsibilities and duties imposed upon it by prevailing State and Federal law.

## **5.0 PROCEDURES:**

- 5.1.0. EMPLOYEES:
  - 5.1.1. Identify the offensive/unwelcome behavior to the harasser and request that it stop immediately. Unwelcomeness can be communicated verbally or by the employee's conduct such as failure to respond to suggestive comments or gestures, or resisting advances, or leaving the harasser's presence, or changing the conversation.
  - 5.1.2. Employee must file or cause to be filed a written incident report with their immediate supervisor. If the supervisor is the harasser or involved in the harassment, the complaint should be filed by the employee with the Department Head. If the Supervisor is also the Department Head, then the employee will file the complaint directly with the Town Manager within ten (10) days of the incident.
  - 5.1.3. All employees shall cooperate in any investigation of alleged sexual harassment.
  - 5.1.4. Employee who is not satisfied with the resolution by the Supervisor or Department Head has 10 working days to appeal to the Town Manager.
  - 5.1.5. A complainant making a sexual harassment complaint with the Town does not forfeit the right to make a further complaint with the New Hampshire Human Rights Commission.
- 5.2.0. SUPERVISORS:
  - 5.2.1. Supervisors are responsible to provide a work environment for their employees that is conducive to productive work and is free of Sexual Harassment.
  - 5.2.2. Supervisors will receive the complaint and/or assist the employee in filing the written complaint. Supervisor will make no judgement about the validity of the complaint until

the complaint is fully investigated. Supervisors shall not discourage employees from filing an incident report.

- 5.2.3. The supervisor shall investigate the complaint, by speaking with the complainant, any witnesses, the respondent, and any other person whom the supervisor reasonably believes may assist the supervisor in rendering a decision.
- 5.2.4. Supervisor will then make a determination if Sexual harassment has occurred and if so, to what degree.
- 5.2.5. Supervisor will then take steps to stop the harassment and document the corrective action taken.
- 5.2.6. Supervisor will notify the victim of the results and will periodically check with the victim to insure that no retaliation or continued harassment occurs.
- 5.2.7. Supervisor shall submit a complete written report of the investigation and the corrective action taken to the Town Manager, within 10 working days of the original complaint.
- 5.3.0. TOWN MANAGER
- 5.3.1. Town Manager will receive a copy of the original incident report within ten (10) working days.
- 5.3.2. Town Manager will receive the supervisor's or department head's completed investigation within 10 working days.
- 5.3.3. Town Manager will receive any appeal from the victim within 10 working days.
- 5.3.4. If there have been prior incidents involving the same alleged harasser, the Town Manager shall appoint an investigator other than the alleged harasser's supervisor who shall conduct an investigation as described in 5.2.2 through 5.2.7.
- 5.3.5. The Town Manager shall insure that all employees, and elected/appointed officials receive training in sexual harassment awareness and prevention.
- 5.3.6. In case(s) involving elected/appointed officials, the Town Manager working with the Board of Selectmen shall take all lawful steps intended to protect complainants from continued harassment.
- 5.3.7. In cases involving alleged harassers who are not town employees or town elected/appointed officials, the Town Manager shall take the steps necessary to protect the victimized employees from continued harassment. Such steps could include a letter of complaint to the harasser, or to the harasser's employer, or ultimately refusing to do business with companies who continue to victimize town employees.
- 5.4.0. At the conclusion of the investigation, all documentation from parties involved will be given to the Town Manager. No



documentation will be placed in employees personnel file except for records of disciplinary action. The Town Manager will be responsible for sealing all documentation and storing the documentation in a secure location indefinitely. Secured documentation will only be retrieved with the approval of the Town Manager except as necessary to comply with Section 7.0. The Town Manager will be responsible for documenting the opening of a secured file.

#### 6.0 DISCIPLINARY ACTION:

- 6.1.0. Complaints and cases of sexual harassment will be dealt with promptly. An employee who sexually harasses another employee will be disciplined as in any other case of serious, illegal employee misconduct.

If the investigation shows that the accused employee did engage in harassment, the supervisor will take appropriate action, which will include a warning that any continued harassment may result in a negative employment action, such as suspension or termination. Additional actions that may be taken include verbal and/or written reprimands, a letter in the employee's file, or an employee transfer, where warranted.

#### 7.0 BOARD OF REVIEW:

- 7.1.0 Once a year the Town Manager will appoint a three (3) person Review Board, to review the past 12 months Incident Files. The Board will meet and review the incident files and determine if proper reporting, investigation, training, disciplinary action, and follow up procedures were followed. The Board will report their findings along with any recommendations to the Board of Selectmen.

SEXUAL HARASSMENT INCIDENT REPORT FORM  
TOWN OF WOLFEBORO

NAME OF COMPLAINANT \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

WORK TELEPHONE \_\_\_\_\_ HOME TELEPHONE \_\_\_\_\_

PERSON RECEIVING COMPLAINT \_\_\_\_\_

ACCUSED HARASSER \_\_\_\_\_

NATURE OF COMPLAINT-Please briefly describe the incident. Include date, time, location, what took place, and any witnesses to incident. (Use additional sheets if necessary.)

SIGNATURE OF COMPLAINANT \_\_\_\_\_

RECORD OF INVESTIGATION

NAME OF INVESTIGATOR \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ WORK TELEPHONE \_\_\_\_\_

PROCEDURE FOLLOWED-Please document on a separate sheet the steps taken in investigating this incident. Record time, date and location of all persons interviewed, and a brief summary of each person's comments.

DETERMINATION \_\_\_\_\_

ACTION TAKEN \_\_\_\_\_

SIGNATURE OF INVESTIGATOR \_\_\_\_\_

DATE \_\_\_\_\_

DATE OF APPEAL \_\_\_\_\_

DATE OF RESOLUTION \_\_\_\_\_

**SEXUAL HARASSMENT INVESTIGATION REPORT**

**NAME OF INVESTIGATOR**\_\_\_\_\_

**NAME OF INTERVIEWEE**\_\_\_\_\_

**DATE OF INTERVIEW**\_\_\_\_\_

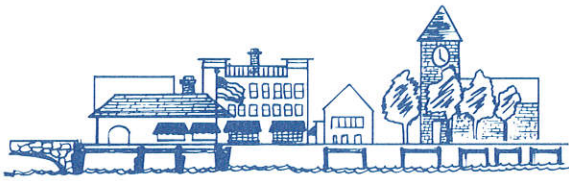
**SUMMARY OF INTERVIEW:**

The above is an accurate summary of the information given in the  
interview conducted on this date.

**SIGNATURE OF INTERVIEWEE**\_\_\_\_\_

**SIGNATURE OF INVESTIGATOR**\_\_\_\_\_





*Town of Wolfeboro*

www.wolfeboronh.us

BOARD OF SELECTMEN  
Linda T. Murray, Chairman  
Sarah M. Silk, Vice Chairman  
Q. David Bowers  
Brad Harriman  
David A. Senecal

TOWN MANAGER  
David W. Owen

TOWN OF WOLFEBORO  
SEXUAL HARASSMENT POLICY  
ACKNOWLEDGMENT OF UNDERSTANDING

I, \_\_\_\_\_ acknowledge receipt of the following  
(Employee Name - Please Print)  
Documents:

- 1.) Town of Wolfeboro's Sexual Harassment Policy.
- 2.) Sexual Harassment Incident Report Form.
- 3.) Sexual Harassment Investigation Report.

I have read, understand, and discussed such documents with my immediate supervisor.

\_\_\_\_\_  
(Supervisor Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

(This form is to be retained in the employee personnel file.)

84 South Main Street Post Office Box 629 Wolfeboro, New Hampshire 03894  
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