



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

TOWN OF SIMSBURY ANTI-HARASSMENT POLICY

Adopted by the Board of Selectmen on February 24, 2020

Revised by the Board of Selectmen on October 24, 2022

1. Purpose

The Town of Simsbury is committed to providing and maintaining a work environment that is free from unlawful harassment and in which individuals are treated with respect and dignity. The Town strictly prohibits all forms of unlawful harassment. This includes, but is not limited to, harassment based on a person's race, religion, age, sex, marital status, sexual orientation, gender identity or expression, genetic information, national origin, ancestry, military service, veteran status, disability and any other legally protected characteristic. All staff are responsible for ensuring that the workplace is free of unlawful harassment.

All Town officials, employees, and volunteers are expected to comply with this policy. Anyone who engages in such conduct will be subject to discipline up to and including immediate discharge.

2. Prohibited Conduct

The Town of Simsbury will not tolerate harassment as defined in this policy by anyone, including any employee, volunteer, vendor, citizen or resident, whether in the workplace, at assignments outside the workplace, or at Town-sponsored functions, including social functions.

3. Effective Date

This policy shall be effective immediately and shall remain in effect until revised or rescinded.

4. Definitions

- A. **"Harassment"** is unwarranted and unwanted verbal or nonverbal conduct that threatens, intimidates, or unduly aggravates or insults another person based upon a protected classification, 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, however, include the conduct or actions of supervisors intended to provide employee discipline, performance feedback/evaluations, instruction or other supervisory actions intended to promote positive performance and/or discourage negative behavior or performance.

- B. **"Sexual harassment"** is a form of sex discrimination, and is prohibited by law. "Sexual harassment" is defined as 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.

Please note, harassment can involve people of the same or the opposite gender.

5. 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. Examples of Unlawful Harassment

- Jokes/mockery about ethnicity, religious beliefs or practices, accents, disability, age other legally protected traits;
- Referring to others by a nickname that references some protected characteristic of the person;
- Unwanted questions or comments pertaining to any aspect of an employee's person or personal life with regard to some protected characteristic.

B. Examples of Sexual Harassment

- 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;
- Obscene body language or gestures;
- Display of printed or visual material that is sexual in nature;
- 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 gender, sexual-orientation, or gender identification/expression;
- Physical contact, such as touching, patting, pinching or brushing against another's body;
- Discussion of or inquires about a person's sexual activities.

6. 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 them to stop the behavior. If for any reason you do not wish to address the offender directly or if you are not successful in ending the harassment, you should immediately report the harassment to any one of the following individuals:

- Your Supervisor, Manager, or Department Head; or
- The Human Resources Coordinator; or
- The Deputy Town Manager; or
- The Town Manager.

If an employee believes they are being harassed by any person identified in the reporting above structure, they should report the alleged behavior to another person in the reporting structure.

Reports of alleged harassment against the Town Manager should be directed to Human Resources or Deputy Town Manager; Human Resources or Deputy Town Manager will then notify the Personnel Sub-Committee promptly.

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, (CHRO) Capitol Region Office, 450 Columbus Boulevard, Hartford, CT 06031. (TELEPHONE NUMBER 860-566-7710; TDD NUMBER 860-566-7710) and/or the Equal Employment Opportunity Commission, (EEOC) Boston Area Office, 15 Sudbury Street, Room 475, Boston, MA 02208 (TELEPHONE NUMBER 617-865-3676; TDD NUMBER 617-565-3196).

State and federal law requires that a formal written complaint be filed with the CHRO or EEOC within 300 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 is urged to immediately report the conduct to one of the individuals listed above.

If the employee has reason to believe that by any person identified in the reporting above structure may be engaging in unlawful harassment, they should report the alleged behavior to another person in the reporting structure.

- 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 Human Resources Coordinator, Town Manager or Deputy Town Manager.** Ignoring such conduct is not acceptable and may subject the supervisor or manager to disciplinary action and legal liability.

7. Report Disrespectful, Inappropriate Conduct

Employees are entitled to respect and to work in a safe environment. Even though conduct may not constitute unlawful conduct, it may be inappropriate for the workplace and unacceptable. Employees should report such conduct utilizing the reporting procedure outlined above.

8. No Retaliation

The Town strictly forbids retaliation against employees who report harassment in good faith 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 6.A above.

9. Investigating Complaints

The Town takes 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 promptly and all necessary steps taken to resolve the problem. Employees have a duty and are obligated to participate in investigations when requested. Where investigation confirms that harassment has occurred, the Town will take corrective action as appropriate. Discipline up to and including discharge from Town service, banning from Town facilities or property, or legal action may be implemented by the Town. 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 harassment is eliminated.

10. False Reports

If the Town determines that a false complaint was made under this policy, disciplinary action may be imposed.