

**Town Board of the Town of Windsor
Resolution #5-1999
Harassment Policy of the Town of Windsor**

Resolution Offered By: Councilman West

Seconded By: Councilman Huyck

Be It Resolved, by the Town Board, of the Town of Windsor, Broome County, NY that all Town of Windsor employees and applicants for employment are entitled to freedom from harassment based on sex, race, ethnic origin, religious affiliation, age or perceived or actual disability in the workplace by co-workers, supervisors or non-employees with whom Town of Windsor employees come into contact in the course of employment. The Town of Windsor does not condone or tolerate any form of unlawful harassment.

It Is Therefore Resolved as follows:

I Prohibited Harassment:

- A. Prohibited harassment in the workplace includes, but is not limited to, unsolicited remarks, gestures, physical contact or display or circulation of written or computer-based materials or pictures derogatory to either gender or to a racial, ethnic or religious group or on the basis of an employee's age or perceived or actual disability. Harassment is unacceptable not only in the workplace, but also in other work-related settings such as business trips or business-related social events.
- B. Personnel decisions based on an employee's response to harassment are expressly forbidden.
- C. As defined by the Courts and the Federal Government, sexual harassment includes, but is not limited to, unwelcome or unwanted gender-based conduct:
 - (1) when an employee's submission to or rejection of this conduct affects decisions regarding the hiring, evaluation, promotion, or any other material aspect of employment; or
 - (2) when such conduct substantially interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.
- D. It is not easy to define exactly what actions or course of conduct will constitute sexual harassment because it will depend on the specific facts and circumstances of each particular case. Examples of behavior which may constitute sexual harassment may include the following types of behaviors depending on how pervasive, abusive or offensive the behavior is:
- E. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made 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;
- (3) 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;
- (4) Coerced sexual acts;
- (5) Expressed or implied demands for sexual favors in exchange for promotions, continued employment or promises of continued employment, assignments, favorable job evaluations;
- (6) Unwelcome verbal or physical sexual advances;
- (7) Touching or assaulting an individual's body, or staring in a patently sexual manner;
- (8) Graphic, verbal commentary about an individual's body, sexuality or private sexual conduct;
- (9) Repeated sexual jokes, sexual language, sexual epithets, sexual gossip, sexual or gender-based comments or sexual inquiries;
- (10) Repeated and unwelcome flirtations, advances, or propositions, or repeatedly asking an employee for a date after the employee has indicated that he or she is not interested;
- (11) Sexually-suggestive or obscene comments or gestures;
- (12) The display in the workplace of graphic and/or sexually-suggestive objects, pictures, or graffiti;
- (13) Negative statements or disparaging remarks consistently targeted at one (gender either men or women), even if the content of the remarks is not sexual in nature, or;
- (14) Any others harassment of a sexual or gender related nature.

II Procedures:

- A. All forms of unlawful harassment, including sexual harassment, constitute workplace misconduct which undermine the integrity of the employment relationship. Incidents of harassment should be reported promptly. Employees may report any incidents of harassment to their superior, or, *if the employee prefers, by reporting directly to the Town Board Personnel Committee, without first notifying the employee's supervisor.* Supervisor's should immediately pass on all reports of harassment to the Town Board Personnel Committee.
- B. Complaints will be investigated promptly, and corrective action taken where warranted. Action may include termination or other disciplinary measures against offending individuals. All complaints will be handled in a confidential manner to the extend.

III Non-Employees:

Sexual harassment of or by non-employees, or temporary employees, visiting the employment premises, or conducting business on the premises will not be tolerated. Such incidents should be reported in the manner set forth above. Non-employees in violation of this policy may be barred from the premises and may have their conduct reported to their employers. This prohibition is not intended to expand or enlarge the employers legal liability to non-employees or for the acts of non-employees.

IV Retaliation:

The Town of Windsor will not in any way tolerate retaliation against an employee or applicant who makes a complaint of harassment, nor will it permit it's managers and supervisors to do so. Retaliation is a serious violation of the Town of Windsor policy. Any employee or applicant who believes that they have been subjected to retaliation should immediately report such conduct to management or to the Town Board Personnel Committee. Any person who retaliates against another individual for reporting perceived acts of harassment will be subject to disciplinary action, up to, and including termination of employment.

V Disciplinary Action:

Violation of this policy can constitute employee misconduct and result in disciplinary action.

VI Requirement to Report Within Thirty (30) Days/Waiver:

If any employee or other person reporting any incident of harassment, shall fail to report such incident within thirty (30) days of occurrence, or shall fail to comply with the employers reasonable corrective efforts or protections for such employee or person, *then, that employee or person shall have been deemed to have waived any claim or legal action against the employer based on the reportable incidents.*

We trust that all individuals on company premises will act responsibly to maintain a pleasant working environment free from sexual harassment. You are encouraged to raise any questions you might have with your supervisor, or Town Board Personnel Committee.

It Is Hereby Resolved, by the Town Board of the Town of Windsor that this resolution shall be effective immediately upon passage by the Town Board.

Vote of the Board:

Supervisor Williams - Aye Councilman Colwell – Aye Councilman West – Aye
Councilman Huyck – Aye Councilman Pierson – Aye

Resolution Carried, Effective April 7, 1999