

# TOWN OF WEATHERSFIELD, VERMONT

## POLICY PROHIBITING HARASSMENT

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### I. POLICY OBJECTIVES

- A. The Town of Weathersfield will not tolerate unlawful harassment based on race, sex, religion, national origin, age, disability, color, ancestry, place of birth, sexual orientation, or any other protected status defined by Federal or State law.
- B. The Town of Weathersfield will not tolerate retaliation against an employee for filing a complaint of harassment or for cooperating in an investigation of harassment.
- C. The Town of Weathersfield will address complaints regarding harassment committed in the workplace by employees against non-employees and by non-employees [such as vendors, customers, board members, and other workplace visitors] against employees to the extent possible.

### II. DEFINITION

- A. Unlawful harassment is a form of discrimination based on membership in a classification protected by law. It involves behaviors that are viewed as offensive or harassing.
- B. Examples of harassment include the following:
  - 1. Insulting comments of a sexual, racial, or religious nature;
  - 2. Insulting references to an individual's age, sexual orientation or disability;
  - 3. Aggressive or bullying behaviors;
  - 4. Inappropriate physical contact or gestures, physical assaults or contact that substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment;
  - 5. Retaliation against an employee for complaining about the behaviors described above or for participating in an investigation of a complaint of harassment.

### III. EMPLOYEE'S RESPONSIBILITIES

- A. Any employee who believes that she or he has been the target of harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

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- B. If the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to her or his supervisor, or to the Weathersfield Town Manager [who has been designated to receive such complaints or reports], or to the Chairperson of the Select Board [the head of this organization].
- C. It is helpful to an investigation if the employee keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.
- D. If the complainant is dissatisfied with the Town's action, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following State or Federal agencies:

- 1. Vermont Attorney General's Office  
Civil Rights Unit  
109 State Street  
Montpelier, Vermont 05602  
Telephone: [802] 828-3171 [Voice/Telephone Data Device]

Complaints should be filed within three hundred (300) days of the adverse action.

- 2. Equal Employment Opportunity Commission  
1 Congress Street  
Boston, Massachusetts 02114  
Telephone: [617] 565-3200 [Voice]  
Telephone: [617] 565-3204 [Telephone Data Device]

Complaints must be filed within three hundred (300) days of the adverse action.

Each of these agencies can conduct impartial investigations, facilitate conciliation, or, if there are reasonable grounds to believe harassment occurred, take the case to court. Although employees are encouraged to file their complaint of harassment through the Town of Weathersfield's complaint procedure, an employee is not required to do so before filing a charge with these agencies.

- E. In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court within three (3) or six (6) years, depending on the type of claims raised.

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### IV. ENFORCEMENT

- A. In the event the Town of Weathersfield receives a complaint of harassment, or otherwise has reason to believe that harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed.
- B. The Town of Weathersfield is committed to take action if it learns of potential harassment, even if the aggrieved employee does not wish to formally file a complaint.
- C. Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of harassment. Supervisors should report to the Town Manager [who has been designated to receive such complaints or reports], or to the Chairperson of the Select Board [the head of this organization].
- D. Failure by a supervisor to appropriately report or address such harassment complaints or suspected acts shall be considered to be in violation of this Policy.
- E. Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation.
- F. It shall be a violation of this Policy for any employee who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in this investigation.
- G. If the allegation of harassment is found to be credible, the Town of Weathersfield will take appropriate corrective action. The Town will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease and that no retaliation will occur. Any employee, supervisor, or agent who has been found by the Town to have harassed another employee shall be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to, and including, dismissal.
- H. If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the State or Federal agencies identified in this Policy.

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### **V. DISCIPLINE**

Any actions found in violation of this Policy will be grounds for disciplinary action against an employee under the Town of Weathersfield's personnel rules and regulations. Such action may include written warnings, suspension, or termination depending on the severity of the offense.

### **VI. INCONSISTENT POLICIES REPEALED**

This Policy shall amend and replace any provisions of any policy of the Town of Weathersfield in effect at the time of enactment of this Policy governing any activity included in this Policy.

### **VII. SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Policy, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Policy or any part thereof.

The Board of Selectmen hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

### **VIII. DISTRIBUTION**

- A. This Policy shall be incorporated in to the Town of Weathersfield's personnel rules and regulations.
- B. A copy of this Policy shall be provided to each employee and appointed/elected official of the Town of Weathersfield.
- C. Extra copies will be available in the Town Manager's office.
- D. Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

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**IX. EFFECT**

No section of this Policy shall be construed to supersede or replace any Vermont statute.

This amended Policy shall be entered in the minutes of the Select Board's meeting.

The foregoing amended Policy is hereby adopted by the Weathersfield Select Board this seventeenth day of May, 2007, and is effective as of this date until amended or repealed.

Henry C. Cobb, Chairperson

Norman John Arrison, Vice-Chairperson

Patricia W. Daniels, Board Clerk

Daniel E. Boyer, Selector

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**RECEIPT**

I hereby acknowledge that I have been provided a copy of this Policy.

I further acknowledge that I am responsible for familiarizing myself with the contents and provisions of this Policy.

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Printed Name]

\_\_\_\_\_  
[Date]