

**Town of Lockport
Sexual Harassment Policy**

Index: Administrative

Effective: August 17, 2010, Revised May 2019

Reference

Section 703 of Title VII, Civil Rights Act of 1967 29 CFR 1604.11 RCW 49.60

Definition

"*Sexual harassment*" is any unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct or behavior of a sexual nature which is deliberate or repeated or which:

- is part of a decision to hire or fire;
- is used to make decisions regarding wages
- promotions or job assignments;
- interferes with an employee's work performance; or
- creates an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include, but are not limited to:

- sexual innuendo
- suggestive comments
- insults
- humor and jokes about sex or gender-specific traits threats
- suggestive or insulting sounds
- leering
- whistling
- obscene gestures
- touching
- pinching
- brushing the body
- coerced sexual intercourse
- assault

The creation of an intimidating, hostile, or offensive work environment may also include such actions as persistent comments on a worker's sexual preferences or the display of obscene or sexually oriented photographs or drawings.

Purpose

Sexual harassment can be a significant problem in any workplace, particularly for women. It is an illegal and discriminatory practice. The Town of Lockport promotes a work environment free of actions or behaviors which are illegal and/or which contribute to interpersonal conflicts, poor morale or poor performance in the workplace. Further, the Town condemns any such conduct and affirms that it will take appropriate action to eliminate such offensive conduct from the workplace.

Policy

NOTE: The police department policy manual supersedes the above policy where differences occur.

It is the policy of the Town of Lockport that all employees shall enjoy a work environment free from all forms of discrimination, including sexual harassment. All workers, including supervisors and managers, will be subject to severe discipline, up to and including discharge, for any sexually harassing behavior.

It is illegal, and against Town policy, for any worker— male or female—to make unwelcome sexual advances, or other verbal or physical conduct of a sexual nature a condition of employment; to use a worker's submission to or rejection of such conduct as the basis for or a factor in any employment decision affecting the individual; or to create an intimidating,

hostile, or offensive work environment by engaging in such conduct. No person shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.

Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee, either male or female, shall be subjected to unsolicited or unwelcome sexual overtures or conduct, either verbal or physical.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. Instead, it refers to behavior that is not welcome, that is personally offensive, that lowers morale and that, therefore, interferes with productivity. Conduct or actions that arise out of a personal or social relationship and that are not intended to have a discriminatory effect on employment may not be viewed as harassment.

Mandatory Yearly Education and Training for Public Servants

Each public servant shall receive a minimum of one hour of education and training on preventing sexual harassment during each full calendar year of his public employment or term of office, as the case may be. Supervisors and any persons designated by this policy to accept or investigate a complaint of sexual harassment in his or her agency are to receive additional education and training as the state may mandate. The education and training required pursuant to this policy may be received either in person or via the internet through training and education materials approved by the public servant's supervisor, Town Council, Chief of Police, or Mayor.

For purposes of this Sexual Harassment Policy, a public servant shall be defined as each public employee or elected official.

A "public employee" means anyone who is:

- (a) An administrative officer or official of the Town of Lockport who is not filling an elective office.
- (b) Appointed to a post or position created by rule, law, resolution, ordinance, charter, or executive order.
- (c) Employed by an agency, officer, or official of a governmental entity.

An "elected official" means any person holding an office filled by the vote of the appropriate electorate in the Town of Lockport, including any person appointed to fill a vacancy in such office.

Mandatory Reports

The members of Town Council, the Mayor, and the Chief of Police shall ensure that each public servant in his or her agency is notified of the agency's policy against sexual harassment and the mandatory training requirement on preventing sexual harassment. The agency head, or his designee, shall be responsible for maintaining records of the compliance of each public servant in the agency with the mandatory training requirement. Each public servant's record of compliance shall be a public record and available to the public in accordance with the Public Records Law.

Posting Requirement

Each agency head shall ensure that its policy against sexual harassment and its complaint procedure is prominently posted on its website or, if the agency does not have a website, that a notice on how to obtain the information is posted in a conspicuous location in each of the agency's offices.

Complaints

No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

Any employee who believes that he or she has been the subject of sexual harassment should report the alleged act immediately. Supervisors and managers who receive a sexual

harassment complaint shall carefully investigate by gathering information, in as confidential manner as possible, and by questioning all employees who may have knowledge of the alleged incident or similar problems. Both the complaint and the investigative steps and findings shall be documented as thoroughly as possible. Any supervisor or other employee who has been found, after appropriate investigation, to have sexually harassed another employee will be subject to disciplinary action up to and including termination.

No employee shall willfully and with malice bring forth or threaten to bring forth a false accusation of sexual harassment contemplated solely to damage, harm, "get even with," or otherwise intimidate a co-worker, supervisor or manager. False accusations will result in disciplinary action up to and including termination.

Complaint Procedure

If a person's behavior makes another public servant uncomfortable, the public servant should feel free to immediately advise the person that, in the employee's opinion, the behavior is inappropriate and that the public servant would like it stopped. If the public servant is not comfortable discussing the issue with the person, or if the person fails to respect the public servant's request, the public servant should report the incident to his or her supervisor. If, for whatever reason, the public servant does not feel that the supervisor is a suitable person to whom to report the incident, the employee should contact the agency head (Mayor or Chief of Police). Once a complaint has been made, the following steps should be followed and carefully documented.

Sexual Harassment Complaint Checklist

Every situation is different and some steps may be discretionary and not all steps are required to validate documentation of the complaint procedure. It is anticipated that these checklists will act to preserve a record of actions taken.

If the complainant public servant ("complainant") has communicated with offender regarding the offensive behavior, the timing of that communication should be documented to the best of the complainant's ability. "Communication" may be construed as a face-to-face discussion between complainant and offender, with or without witnesses present, or a written document delivered to the offender.

Date:_____

Complainant should request an opportunity to discuss the situation with his or her immediate supervisor.

Date:_____

If allegations involve the immediate supervisor, the complainant may report directly to the next higher level of supervision.

Date:_____

The complainant may request that a representative (Name)_____ be appointed to participate in discussions with offender.

Date:_____

Within seven (7) calendar days of the occurrence or knowledge of the occurrence of sexual

harassment, complainant should make a written report of the incident to the immediate supervisor. Complainant's written complaint shall contain the name of the alleged offender, a description of the events, dates, times, locations, the names of any witnesses, and the desired remedy.

Date: _____

If the allegations involve the immediate supervisor the victim may report directly to the next higher level of supervision.

Date: _____

Within seven (7) calendar days of receipt of the allegations, the supervisor shall meet with the parties involved, or a representative, and attempt to remedy the complaint.

Date: _____

Within seven (7) calendar days of such meeting, the supervisor shall submit a recommendation to the involved parties. If the remedy is unsatisfactory, the complainant may, within ten (10) calendar days of the recommended remedy, notify the agency head (Mayor or Chief of Police).

Date: _____

Within seven (7) calendar days following receipt of the formal written complaint, the agency head shall initiate an investigation of the allegations.

Date: _____

Within fourteen (14) calendar days, the investigating authority shall submit a written report to the Mayor or Chief of Police detailing the nature of the complaint and results of the investigation. The report shall contain a recommendation for further action.

Date: _____

Within ten (10) calendar days of report completion, the Mayor or Chief of Police shall respond to the complainant and the accused, and shall institute corrective or disciplinary actions deemed necessary.

Date: _____

Reference - Sexual Harassment Policy

EMPLOYEE RIGHTS

1. Any involved employee may seek counseling or advice at any stage of the complaint procedure.
2. A victim and/or any witnesses shall be free from any restraint, interference, coercion, discrimination or reprisal in connection with or subsequent to the filing of a complaint.
3. The time limits specified in the checklist section may be extended by mutual consent, agreed to in writing by the involved parties;
4. An employee who fails to comply with any time limitations set forth in the checklist shall be deemed to have withdrawn his/her complaint. Such withdrawal status is applicable only to departmental action, and the victim may elect to pursue the complaint through other agencies.
5. If the Town of Lockport fails to comply with any time limitations set forth herein, such failure shall entitle the employee to automatic advancement to the next step in the complaint process.
6. Complaint resolution meetings shall be scheduled, whenever possible, during normal work hours, subject to the public interest and efficiency of department services.
7. Employees determined to have filed false allegations shall be subject to disciplinary action up to and including termination.
8. An employee who elects to pursue a complaint with outside agencies (i.e., Equal Employment Opportunities Commission, Washington State Human Rights Commission) must discontinue further action within the City to facilitate full cooperation with any such outside investigating agencies.
9. Employees electing to file complaints with an outside agency should contact that agency to determine its requirements for pursuit of a complaint.
10. An employee may seek private legal counsel at any time. Any legal action instituted by an employee is solely the responsibility of the employee.
11. Any employee instituting a criminal complaint should contact local law enforcement officials and proceed through the criminal justice system as prescribed by applicable criminal laws.