

TOWN OF MILFORD
POLICY ON HARASSMENT – Acknowledgement
Adopted 2008
Revised 7.15.2016

Acknowledgment

I have received a copy of the Town of Milford’s Policy Against Harassment and Reporting Procedure for Discrimination, Harassment, and Retaliation, and have read them or had them read to me.

This includes the following:

- I. Your Rights
- II. Town of Milford Anti-Harassment Policy
- III. Purpose of the Policy
- IV. What Constitutes Harassment
- V. Policy Implementation Procedures – Employees Responsibility
- VI. Policy Implementation Procedures – Management Responsibility
- VII. Reporting
- VIII. Retaliation is Prohibited
- IX. Corrective/Disciplinary Action
- X. Other Remedies Available

Employee’s Printed Name

Employee’s Signature

Date

To be signed and returned to HR

TOWN OF MILFORD POLICY ON HARASSMENT Revised 7.15.2016



The Town of Milford, by and through its Board of Selectmen and in accordance with Title VII of the Civil Rights Act of 1964 (amended 1981) and NH RSA 354A, has determined that the Town will not tolerate the harassment of any employee, citizen, vendor, or any other person having any dealings with the Town.

I. Your Rights

Harassment of any kind violates the “Civil Rights Act.” The Board of Selectmen will not permit or ignore harassment in the workplace. We are committed to providing a workplace free of harassment in any form. Violations of this policy will not be tolerated and any violation may result in disciplinary action up to and including immediate termination of employment.

II. Town of Milford Anti-Harassment Policy

It is the policy of the Town of Milford that all employees should be able to enjoy a work environment free of discrimination and harassment. The Town of Milford **will not** tolerate harassment of any type. This policy includes – but is not limited to – harassment based on (1) age, (2) race, (3) color, (4) national origin, (5) religion, (6) sex, (7) sexual orientation, (8) marital status, (9) disability, and (10) veterans’ status. Harassment includes: display or circulation of written materials or pictures degrading to either gender or to racial, ethnic, or religious groups; verbal abuse or insults directed at or made in the presence of members of a racial, ethnic, or minority group; and behavior which is personally offensive, impairs morale, or interferes with the work effectiveness of employees.

Activities falling in the realm of sexual harassment, or harassment in general, distract employees from legitimate Milford functions and serve no useful purpose. Therefore, unwelcomed sexual advances, requests for sexual favors, or verbal or physical conduct that has sexual connotations **will not** be tolerated. Sexual harassment includes unwelcomed sexual advances (verbal or non-verbal), requests for sexual favors, and other offensive verbal or physical conduct that is sexual in nature. Sexual harassment undermines the employment relationship by creating an intimidating, hostile, or offensive work environment and will not be tolerated.

In fulfilling their obligation to maintain a positive and productive work environment, managers and supervisors are expected to immediately stop any harassment as soon as they are made aware of it and will take appropriate action – including disciplinary action. Said harassment will be reported **immediately** to the Director of Human Resources or to the Town Administrator and will be reported to the Chairman of the Board of Selectmen. Human Resources will actively investigate any allegation of harassment and, if it is determined that harassment has occurred, the Town will take appropriate disciplinary action which may include discharge of the offending employee.

III. Purpose of the Policy

Title VII of the Civil Rights Act of 1964 and New Hampshire's Law against discrimination (RSA 354-A) prohibits discrimination because of **age, race, color, religion, national origin, marital status, pregnancy, physical disability, mental disability, sex, or sexual orientation in all employment practices including terms, conditions, and privileges of employment.** The policy of the Milford Board of Selectmen is to prevent harassment in the workplace.

Harassment by any Board of Selectmen member, Department Head, Supervisor, or others **will not** be tolerated. Appropriate disciplinary action will be taken against any employee who violates this policy against harassment.

IV. What Constitutes Harassment

Harassment

Harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of Town of Milford. Verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

Sexual Harassment

Acts that constitute sexual harassment include – but are not limited to – sexual advances and suggestions where:

1. submission to such conduct is either an expressed or implied term or condition of employment;
2. submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; and/or
3. the conduct has the purpose or effect of substantially interfering with an effected person's work performance or creating an intimidating, hostile, or offensive work environment.

In other words -

- **Any demand or sexual inference connected with your job. Verbal or non-verbal** sexual innuendos, suggestive comments, threats, insults, jokes about specific traits, sexual propositions, suggestive or insulting noises, obscene gestures, physical body contact, or coercing of any sexual activity.
- **Any unwelcomed sexual advances or requests for sexual favors** as a term or condition of employment or when this conduct is used as a basis for employment decisions. Furthermore, when such conduct has the purpose or effect of unreasonably interfering with work performance thereby creating an intimidating, hostile and/or offensive work environment.

- **The above acts** are in no way the exclusive means by which sexual harassment can occur. They are merely non-exhaustive examples of potentially prohibited conduct.

Other examples of sexual harassment include – but are not limited to – repeated verbal abuse of a sexual nature, repeated offensive sexual flirtations, graphic verbal commentaries about an individual’s body, sexually degrading words used to describe an individual, repeated brushing against an individual’s body, touching/patting/pinching, sexually explicit gestures, and the display in the workplace of sexually suggestive objects or pictures.

V. Policy Implementation Procedures – Employee Responsibility

Any employee who believes that he/she is being harassed by anyone on the premises of the Town of Milford shall report the harassment using the following steps:

1. Attempt to politely but firmly confront whoever is doing the harassing – state how you feel about his or her actions, and request that the person cease harassing you immediately.
2. If the harassment continues, if you believe some employment consequences may result from your confrontation or if you feel incapable of confronting the harasser directly, go to the Department Head responsible for that department. If the issue involves the Department Head, go to Human Resources. If circumstances prohibit this response, report the behavior to the Town Administrator. Verbally or in writing, state specific details of the harassing behavior.
3. If, after a reasonable length of time, you believe inadequate steps have been taken to resolve your complaint, your next line of recourse is to bring the matter to the attention of the Chairman of the Board of Selectmen for resolution of your problem. The policy of the Board of Selectmen is to listen to all complaints of harassment, investigate, and quickly apply sanctions when appropriate.

VI. Policy Implementation Procedures – Management Responsibility

Every member of the Town of Milford Board of Selectmen’s management team is responsible for ensuring that no harassment occurs within his/her area of authority. All Departments Heads and Supervisors, as part of their job requirements, will be responsible for preventing and eliminating harassment in their respective departments or work areas.

1. Any complaint of harassment shall be immediately reported to and receive the immediate attention of the Human Resources Director and/or the Town Administrator who will, in turn, inform the Chairman of the Board of Selectmen.
2. Investigation of a complaint of harassment normally will include conferring with the parties and witnesses named by the complaining employee.
3. Because of their sensitive nature, complaints of sexual harassment will be investigated with particular care and will remain – to the extent possible – strictly confidential.
4. In no event will information concerning a complaint of harassment be released by the Town to any third party or to anyone within the Town’s staff who is not directly involved with the investigation. More specifically, information will not be released to the employee’s family or to the news media. The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidence of sexual harassment, and to protect the reputation of any employee wrongfully charged with sexual harassment.
5. If the investigation reveals that the complaint is valid, prompt disciplinary action designed to immediately stop the harassment and to prevent its reoccurrence will be taken.

6. In the event that a complaint is made against a member of the Board of Selectmen, the Chairman of the Board of Selectmen will be the investigating party. In the event that a complaint is made against the Chairman of the Board of Selectmen, the Vice-Chairman or other individual as designated by the Vice-Chairman will be the investigating party.

VII. Reporting

Immediately report any acts that affect or interfere with your position in the workplace. All complaints of alleged harassment should be referred immediately utilizing the chain of command as outlined below:

1. Your immediate supervisor/Department Head;
2. The Director of Human Resources;
3. The Town Administrator;
4. The Chairman of the Board of Selectmen or, as appropriate, the Water Commissioners or the Board of Library Trustees.

The matter will be promptly investigated. Confidentiality will be maintained to the extent possible consistent with the need to conduct a prompt and thorough investigation of the complaint.

VIII. Retaliation is Prohibited

Retaliation or discrimination against any employee for complaining about harassment is strictly prohibited.

Any instance of harassment as described herein, any act of retaliation, or any failure to cooperate in the investigation or resolution of a harassment complaint may result in disciplinary action up to and including immediate termination.

IX. Corrective/Disciplinary Action

Sanctions against harassment will be administered dependent upon the circumstances surrounding the incident. Minor first offenses will lead to oral reprimands, written reprimands, time off without pay, or other forms of disciplinary action as outlined in the Employee Handbook of Personnel Rules. Major or multiple offenses will lead to the dismissal of the offender.

X. Other Remedies Available

This policy is intended to offer an in-house resolution to harassment complaints. It in no way excludes an aggrieved party from exercising his/her rights before any other appropriate forum - including the **NH Commission on Human Rights, 603-271-2767** and the **Boston Area Office of the Equal Employment Opportunity Commission, 1-800-669-4000**. The party under investigation will not discourage or in any other manner dissuade the employee from utilizing his/her external remedies and will assist the employee in the exercise of his/her rights.

Approved by the Board of Selectman on 8/8/16.