

EMPLOYEE SEXUAL HARASSMENT

It is the policy of Village of Grosse Tete to provide an employment environment that is free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications deemed to constitute sexual harassment under federal and state laws, regulations, and guidelines. The Village of Grosse Tete shall not tolerate sexual harassment by employee or non-employee volunteer toward any individual.

All managerial and supervisory personnel shall be responsible for enforcing Village of Grosse Tete's sexual harassment policy. Failure to enforce this policy in a prompt and strict manner may subject such personnel to disciplinary action.

DEFINITION

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of sex, race, color, national origin, and religion.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational opportunity;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment/educational decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work/educational performance or creating an intimidating, hostile, or offensive working or learning environment.

Conduct which may constitute sexual harassment may include, but is not limited to, verbal harassment such as derogatory comments, jokes, or slurs, or remarks or questions of a sexual nature; physical harassment such as unnecessary or offensive touching; and visual harassment such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, looks, or gestures. Harassment does not only depend upon the perpetrator's intention, but also upon how the person who is the target perceives the behavior or is affected by it. Individuals who believe they have been the victim of sexual harassment from co-workers or others should make it clear that such behavior is offensive to them by saying so to the offender.

REPORTING PROCEDURE

Any employee who believes he or she has been the victim of sexual harassment, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to his/her immediate supervisor.

INVESTIGATION AND RECOMMENDATION

The Village of Grosse Tete shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible.

Upon receipt of a report or complaint alleging sexual harassment by an employee or nonemployee volunteer, such a complaint shall be immediately investigated by personnel designated by the Mayor to conduct such investigation. The investigation shall include personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint, as well as a review of related charges, if any, personnel files, work records and other pertinent information.

In determining whether alleged conduct constitutes sexual harassment, the Superintendent or designee should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred.

A report shall be made to the Mayor upon completion of the investigation involving an employee or non-employee volunteer. The report may include a finding that the complaint was unfounded, informally resolved, or recommended to the Superintendent for disciplinary action. No record of an unfounded or unsubstantiated complaint shall be filed in an employee's personnel file.

RESULTS OF INVESTIGATION

Upon receipt of a recommendation that a complaint is valid, the Superintendent shall take such action as appropriate based on the results of the investigation, which may include, but not be limited to, suspension with or without pay, demotion, or termination.

If, based on the results of the investigation, the claim of sexual harassment is found to be intentionally false, the Superintendent shall take such action as appropriate, which may include, but not be limited to, suspension with or without pay, demotion, or termination.

Any employee shall have the right to pursue a claim of sexual harassment under state or federal law, regardless of the outcome of the Village of Grosse Tete's investigation.

RETALIATION PROHIBITED

The Mayor shall discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. *Retaliation* shall include, but not be limited to, any form of intimidation, reprisal or harassment at the time of a report or any time after a report.

NON-HARASSMENT

The Village of Grosse Tete recognizes that not every advance or conduct of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. Deliberate false accusations of sexual harassment can have a serious detrimental effect on innocent parties and subject the accuser to disciplinary actions.

NOTIFICATION/TRAINING

Copies of this policy shall be circulated to all departments of the Village of Grosse Tete. Training sessions on the provisions of this policy and the prevention of sexual harassment shall be held on an annual basis. Training sessions for new shall be conducted annually. Supervisors and other persons designated to accept or investigate complaints of sexual harassment in the workplace shall receive additional education and training.

Employees shall be apprised of applicable federal and state law on sexual harassment, including the right of the complainant to pursue a claim under state or federal law, regardless of the outcome of the investigation.

Revised: August 7, 2019