

TOWN OF WEAVERVILLE

HARASSMENT POLICY AND PROCEDURES

Section 1. Purpose and Objectives

Harassment disrupts the workplace. The Town's goal is to provide a workplace free of tension or unfair treatment based on race, color, religious beliefs or creed, sex (including gender, gender identity, transgender status, or sexual orientation), age, national or ethnic origin (ancestry), disability or genetic information, marital status, pregnancy, military status, or any other characteristic protected under applicable federal or state law.

Section 2. Harassment Prohibited

Each employee is charged with conducting himself or herself in a manner which reflects the right of his or her fellow employees to work in an environment free from harassment. All employees are prohibited from engaging in harassment of any other employee or other persons in the course of or in connection with their employment.

The Town can't necessarily control the behavior of citizens, customers, clients, vendors, contractors, and anyone else its employees interact with in their work; however, employees do not have to endure harassment from third parties. Harassment inflicted on town employees by third parties will not be tolerated.

All management employees have the responsibility for ensuring the provision of a harassment-free workplace.

Section 3. Definitions.

For the purposes of this policy the following definitions shall apply:

Harassment – Harassment includes any unwarranted and unwanted verbal or non-verbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has a purpose or effect of creating offensive, intimidating, degrading, or hostile environment or interferes with or adversely affects a person's work. Harassment that is prohibited includes, but is not limited to:

- (a) Making or repeating offensive jokes, slurs, epithets or name calling;
- (b) Physical assaulting or threatening;
- (c) Intimidating;
- (d) Ridiculing or mocking;
- (e) Insulting or putting someone down;
- (f) Displaying offensive objects or pictures;
- (g) Making negative comments about an employee's religious beliefs, or trying to convert them to a certain religious ideology;
- (h) Using racist slang, phrases, or nicknames;
- (i) Remarks about an individual's skin color or ethnic traits;
- (j) Displaying racist drawings or poster that might be offensive to a particular group;
- (k) Making offensive gestures;
- (l) Making offensive reference to an individual's mental or physical disability;
- (m) Offensively talking about negative racial, ethnic, or religious stereotypes;

TOWN OF WEAVERVILLE HARASSMENT POLICY AND PROCEDURES

- (n) Sharing inappropriate images, videos, emails, letters or notes;
- (o) Making derogatory age-related comments;
- (p) Interfering with work performance.

Sexual Harassment – Sexual harassment includes:

- (a) Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature;
- (b) Threats or insinuations, either explicitly or implicitly, that an employee's employment, evaluations, wages, advancement, assigned duties, shifts, or any other conditions of employment or career development is dependent upon submission to or rejection of sexual conduct;
- (c) Other sexual harassment which is prohibited in the workplace includes but is not limited to:
 - (1) Engaging in offensive sexual flirtations;
 - (2) Repeatedly requesting a date or for sexual activity;
 - (3) Pressuring or demanding a date or for sexual activity;
 - (4) Making sexual advances or propositions;
 - (5) Engaging in verbal abuse of a sexual nature;
 - (6) Making graphic verbal comments about an individual's body;
 - (7) Using sexually degrading words used to describe an individual;
 - (8) Sharing or displaying pictorial or actual displays of obscenities or sexually suggestive objects or pictures;
 - (9) Making written, verbal, pictorial or nonverbal communications of a sexual nature;
 - (10) Unwelcomed, deliberate, or repeated touching or physical contact (including pinching, patting, rubbing, massaging, or purposefully brushing up against another person);
 - (11) Making or repeating jokes of a sexual nature;
 - (12) Sharing sexually inappropriate images or videos, such as pornography or salacious gifs, with co-workers;
 - (13) Sending suggestive letters, notes or emails;
 - (14) Displaying inappropriate sexual images or posters in the workplace;
 - (15) Telling lewd jokes, or sharing sexual anecdotes;
 - (16) Making inappropriate sexual gestures;
 - (17) Staring in a sexually suggestive or offensive manner, whistling, or cat-calling;
 - (18) Making sexual comments about appearance, clothing, or body parts;
 - (19) Asking sexual questions, such as inquiries about someone's sexual history or their sexual orientation of preferences;

TOWN OF WEAVERVILLE

HARASSMENT POLICY AND PROCEDURES

- (20) Making offensive comments about someone's sexual orientation or gender identity.

Section 4. Confidentiality

The Town has an obligation to ensure a harassment-free workplace, so confidentiality cannot be guaranteed if it will compromise a thorough investigation.

Section 5. No Retaliation

Employees and others making complaints of harassment are protected against retaliation from alleged harassers or other employees.

Section 6. Complaints Against Employees

All complaints against employees shall be taken seriously and shall be fully investigated. Consistent with Article XI of the Town's Personnel Policy, a complaint under this Section should proceed based on the following procedure, except as provided in Section 7 below:

Step 1 – Notification of Claim. Any employee affected by such conduct or is witness to such conduct, whether physical or verbal, should notify their Department Head, the Town Manager, or Human Resources Officer as soon as possible. It is preferred that such notification be made in writing, signed and dated by the employee, so as to more easily facilitate an investigation.

Step 2 – Investigation of Claim. The Human Resources Officer shall immediately investigate the complaint by interviewing, at a minimum, the complaining employee, the alleged harasser, and any witnesses named by the parties. In the event that the Human Resources Officer is the alleged harasser, the Town Manager will conduct the investigation. To effectuate a thorough investigation the Human Resources Officer or Town Manager may seek the advice or assistance of the Town Attorney.

Step 3 – Report of Investigation. Upon completion of the investigation of the alleged harassment, the Human Resources Officer shall submit to the Town Manager a report setting forth the facts of the case and a recommendation for action. All investigative information should be documented in detail. Witness statements should be reviewed and signed by the witnesses.

Step 4 – Remedial and/or Disciplinary Action. A finding that an employee harassed another employee or member of the public may lead to a full range of disciplinary actions up to and including dismissal. Any disciplinary action based on the results of the investigation will be handed by the Town Manager under the Disciplinary Policy. Remedial action based on the findings of the investigation may include but are not limited to the following: re-assignment, back pay, promotion, pay adjustments, reinstatement and hiring adjustments.

Step 5 – Notification of Resolution. The Human Resources Officer and/or the Town Manager will notify the complainant of the results but in so doing, may not be

**TOWN OF WEAVERVILLE
HARASSMENT POLICY AND PROCEDURES**

authorized to share confidential details. To that end, the complainant may only receive a statement that the situation has been handled.

Section 7. Complaints Against Mayor, Council Members, Manager or Attorney

Complaints of harassment against the Town Manager should be made to the Mayor or Town Attorney, complaints of harassment against the Town Attorney should be made to the Mayor or Town Manager, complaints of harassment against the Mayor should be made to the Town Attorney, complaints of harassment against any member of Town Council other than the Mayor should be made to the Mayor or Town Attorney, and in all situations an investigation shall be promptly conducted and appropriate corrective action taken.

Section 8. Complaints Against Third-Parties

Complaints of harassment against a third party should be made to the complainant's Department Head or the Town Manager, and in all situations an investigation shall be promptly conducted and appropriate corrective action taken. Any third party found to be in violation of this policy risks criminal prosecution and civil actions, as appropriate.

Section 9. Adoption and Effective Date

This policy has been adopted by Town Council and is effective beginning July 1, 2019, and shall be in full force and effect until such time as it is amended or repealed.

ADOPTED BY the Weaverville Town Council on the 17 day of June, 2019.

TOWN OF WEAVERVILLE

By: 
Allan P. Root, Mayor

ATTESTED:

By: 
Derek K. Huninghake, Clerk