

Sexual Harassment

Number: H-8

Revision:

Revision Date: 07/01/2017

1.0 POLICY

The Town of Carolina Beach is committed to the maintenance of a workplace free from harassment and intimidation.

2.0 PURPOSE

While most forms of harassment are covered under the **Policy on Corrective Action**, sexual harassment is the subject of a special policy reflecting its coverage under Title VII of the Federal Civil Rights Act of 1964, as amended. Because sexual harassment undermines the integrity of the employment relationship, upsets morale, and interferes with the productivity of its victims and co-workers, it is unacceptable and will be considered employee misconduct and will not be tolerated. While the Town has no intention of attempting to regulate employees' social interaction or relationships freely entered into (except where a supervisory relationship exists), sexual harassment on the job and retaliation against victims and witnesses will not be tolerated.

3.0 SCOPE

This policy applies to all Town employees.

4.0 DEFINITIONS

- 4.1 **Sexual Harassment** - Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
 - B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- 4.2 **Quid pro quo (This for That) Harassment** - Quid pro quo occurs when an employee is requested to engage in a sexual act as a term or condition of a job benefit or assignment.
- 4.3 **Hostile Environment Sexual Harassment** - A hostile environment occurs when comments, conduct or actions of the employer, supervisors or co-workers is so severe or pervasive that it creates an unwelcome, intimidating, offensive work environment.

5.0 ORGANIZATIONAL RULES

- 5.1 **Prohibited Conduct** - The following are examples of conduct that would be considered sexual harassment or unlawful retaliation. These examples are provided to illustrate the kind of conduct prohibited by this policy. However, this is not an exhaustive list.
 - A. Physical assaults of a sexual nature, such as: rape, sexual battery, molestation, or any attempt to commit these assaults; or intentional physical

conduct which is sexual in nature, such as touching, pinching, patting, grabbing, or brushing against another body.

B. Unwanted sexual advances, propositions, or other sexual comments, such as: obscene and insulting terms related to gender; unwelcome persistence in requesting social contacts; comments about a person's sexuality or sexual experience, or other sexually oriented or sexually demeaning jokes or comments; preferential treatment or promises of preferential treatment for submission to sexual behaviors.

C. Behavior which has an adverse effect on employees who are not directly subjected to harassment but whose employment status or work environment are impacted by sexual conduct directed toward others, whether that behavior is welcome or not.

D. Displaying or publicizing in the work place sexually oriented or discriminatory displays or publications, such as sexually oriented pictures, posters, calendars, graffiti, sexually oriented objects, or other material.

E. Adverse employment action taken as a result of an employee filing a complaint of sexual harassment.

- 5.2 This policy shall be communicated to employees in the following ways: during employee orientation, as part of the employee handbook, in supervisory and management training programs, and through posters displayed at work sites.
- 5.3 Any level of supervision or management that knowingly fails to report incidents of sexual harassment to the appropriate officials shall be subject to corrective action up to and including dismissal.

6.0 PROCEDURES

- 6.1 Complaint Process

A. Any employee who feels that she or he has been sexually harassed should directly inform the harasser in a polite but firm manner that the conduct is unwelcome and must stop. If the employee is afraid to talk to the harasser because it is her/his immediate supervisor or because of fear of the harasser's possible actions, the employee may report the matter to the next higher level supervision or anyone listed in Section 6.1 B below.

B. Any employee who feels that she or he has been sexually harassed should contact a supervisor (unless the harasser is an offending supervisor). If allegations involve the immediate supervisor, the victim may report the conduct to the next higher level of supervision, Human Resources Director or Town Manager within 24 hours.

C. Any department that receives an allegation of sexual harassment shall notify the Human Resources Director and the Town Manager within 24 hours.

D. Any management official who receives information related to a sexual harassment complaint (whether the complaint is considered formal or informal) must notify the Human Resources Department and the Town Manager within 24 hours. Additionally, any management official who observes sexually harassing behavior, or is aware of such behavior by other means, shall immediately notify the Human Resources Department and the Town Manager.

E. All complaints of sexual harassment will be promptly, thoroughly, and impartially investigated by the Human Resource Department. All complaints will be handled with the greatest degree of confidentiality possible.

F. Once the investigation is complete, the complainant will be notified by the Human Resources Department that the investigation is complete. The Human Resources Department will make follow-up inquiries to ensure the harassment has not resumed and the victim has not suffered retaliation.

- 6.2 Corrective Action - Any employee who is found through an investigation to have sexually harassed another employee or citizen will be subject to corrective action, up to and including dismissal; see **Policy on Corrective Action**.

7.0 APPENDIX, APPENDICES

- Acknowledgement of Sexual Harassment Policy