

CHAPTER TWENTY TWO

ARTICLE I - Policy on Discrimination/Harassment

22.1.1 Policy

A. Any form of harassment related to an employee's race, sex, ancestry, color, religion, national origin, age or handicap is a violation of this policy and will be treated as a disciplinary matter. For these purposes, the term "harassment" includes, but is not necessarily limited to, the following:

Slurs, jokes, other verbal, graphic or physical conduct relating to an individual's race, color, religion, sex, national origin, ancestry, age or handicap.

Sexual harassment specifically includes:

1. Verbal and non-verbal abuse, such as:
 - a. Offensive language
 - b. Sexual jokes
 - c. Lewd comments
 - d. Suggestive sounds
 - e. Insulting sounds
 - f. Leering
 - g. Lewd gestures
 - h. Requests for sexual favors
 - i. Epithets

2. Physical abuse, such as:
 - a. Offensive touching of any kind
 - b. Attempted touching
3. Sexually-explicit or implicit propositions
4. Improper questions about an employee's private life
5. Remarks directed against one's sex as a class or group
6. Threat of rape, attempted or actual sexual assault
7. Repeated sexually-explicit or implicit comments or obscene and suggestive remarks that are objectionable or discomfiting to the employee
8. Offers of employment benefits in exchange for sexual favors, or threats or intimidation of reprisals for negative responses to sexual advances
9. Proliferation of pornographic materials or objects

B. It is the policy of The Town of Glasgow to provide and maintain a work environment free from harassment whereby no employee is subjected to unsolicited and unwelcome overtures or conduct, either verbal or non-verbal, creating a hostile work environment. All employees have the right to be free from harassment on the job. Such conduct or harassment shall not be tolerated within the workplace and is prohibited by State and Federal anti-discrimination laws where (1) submission to such conduct is made a term or condition of employment, either explicitly or implicitly (2) submission to or rejection of such conduct

by an individual is used as the basis for personnel actions affecting such individual; or (3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Conduct of this nature shall result in appropriate disciplinary action which may include dismissal.

- C. In summary, The Town of Glasgow will not tolerate harassment of its employees by anyone – department heads, supervisors, other employees or vendors.
- D. This policy is consistent with all requirements and obligations as set forth by the United States Equal Employment Opportunity Commission and the West Virginia Human Rights Act.

22.1.2 Procedures – Violation of this policy by an employee, functioning in any capacity, shall subject that employee to disciplinary action, up to and including discharge.

- A. Any employee who believes that you are or have been the subject of harassment, sexual or otherwise, shall report the alleged act immediately in accordance with the following procedures. (All information shall be held in strictest confidence and shall be disclosed only to appropriate individuals on a need-to-know basis to investigate and resolve this matter.)

1. An individual alleging harassment shall report the incident or

complaint, in writing, to the elected official or department head in charge of your office or department. If the charge or complaint involves the elected official, you shall immediately report the incident or complaint to the appropriate elected official.

2. The appropriate elected official shall acknowledge in writing to the employee the receipt of a complaint of alleged harassment within five (5) working days of such receipt. A copy of the complaint and the acknowledgement of receipt shall be provided only to the appropriate elected official.
3. The appropriate elected official shall thoroughly investigate claims of harassment. The appropriate elected official shall appoint an investigative team consisting of two (2) persons one female and one male, to assist it in resolving the complaint, to ensure valid result and to establish a comfort level for all parties involved.
4. To obtain all relevant information, the appropriate elected official shall promptly interview the complaining employee, witnesses and the accused. Investigations shall be concluded within thirty (30) calendar days of acknowledgement of receipt of complaint.
5. Within five (5) calendar days after the conclusion of the investigation, the appropriate elected official shall inform the employee in writing of the results of the investigation

and the fact that appropriate disciplinary action, if any, will be taken within the specified time limit.

The accused shall also be advised within five (5) calendar days after the conclusion of the investigation. Any conclusions reached based on evidence received shall be shared with the accused, even if the results are inconclusive. The accused shall be given an opportunity to respond, either verbally or in writing, prior to any final personnel action being taken.

6. The appropriate elected official shall take action within fifteen (15) calendar days of the conclusion of the investigation. The severity of any disciplinary action will be determined by the seriousness of the offense and may include, but is not limited to, the following:
 - a. Verbal warning, documented in writing and placed in the employee's personnel file;
 - b. Written reprimand with copy placed in the employee's file;
 - c. Employee transfer, when warranted;
 - d. Suspension, demotion, and/or termination.
7. In case of complaints validated by an appropriate investigation, the appropriate elected official shall periodically check with the employee to ensure that the harassment has stopped and that no retaliation has occurred.

B. All employees shall refrain from all forms of harassment, sexual and otherwise; shall report instances and/or allegations of harassment, and shall fully cooperate in any investigation of same.

C. The elected official shall:

1. Monitor the work environment to ensure that it is free of sexual harassment..
2. Review complaints of sexual harassment in accordance with this policy.
3. Ensure that employees and/or persons interviewed regarding complaints suffer no adverse impact or reprisals.
4. Ensure that confidentiality is maintained by keeping all information regarding a harassment complaint in a separate confidential file with limited access only to appropriate individuals on a need-to-know basis.

D. Harassment of employees in connection with their work by non-employees may also be a violation of this policy. Any employee who becomes aware of any harassment of an employee by a non-employee should report such harassment to his or her supervisor, department head, who is responsible for investigating all such incidents. Appropriate action will be taken against violation of this policy by a non-employee.

DISCRIMINATION/HARASSMENT

EMPLOYEE COMPLAINT FORM

Name _____

Department _____

Date _____

Job Title _____

Basis of Complaint of Harassment

_____ Race

_____ Religion

_____ Color

_____ National Origin

_____ Sex

_____ Handicap

_____ Age

_____ Ancestry

Describe as best you can why you feel you have been harassed or discriminated against (use additional sheets if necessary.)

Signature _____

Submit completed form to Elected Official or Department Head for whom you work.