

City of New Haven

Sexual Harassment Policy Statement and Administrative Procedures

Purpose: The purpose of this policy is to set acceptable standards of conduct for all municipal employees by providing a work place free of discrimination based on race, sex, age, national origin, disability, veteran status, and sexual orientation. Sexual harassment is a form of sexual discrimination and is therefore unlawful (See definition page 3). Sexual harassment is prohibited by Civil Rights Act 1964 as amended in 1972, the Connecticut Fair Employment Practices Act amended effective October 1, 1980 and the Code of the City of New Haven Sec. 12½. Employees of the Board of Education will be exempt under this policy since the New Haven Board of Education adopts and enforces its own policies in compliance with State law.

Issuing Authority: The Chief Administrative Officer is the issuing authority for this policy.

Enforcement Authority: Daily administration is the responsibility of all Coordinators and Department Heads.

Policy

1. The City will take disciplinary action against any employee found to have engaged in sexual harassment of another employee. The extent of discipline will depend upon the nature and severity of the offense.
2. In the event an investigation finds that the complainant falsely accused another employee of sexual harassment knowingly or in a malicious manner, the complainant will be subject to appropriate disciplinary action.
3. This policy will be enforced at all levels of municipal government including but not limited to employees, applicants for employment, vendors, volunteers and visitors.
4. Forms of sexual harassment include unwanted sexual advances; employee harassment of non-employees; harassment of employees by non-employees; male harassing female coworker; female harassing male coworker; same-sex harassment; and unwanted physical contact.

Examples of sexual harassment include but are not limited to:

Verbal

sexual propositions, sexual innuendo, or suggestive comments
sexually teasing or kidding, practical jokes, jokes about gender specific traits
whistling, cat calls, verbal slurs or stereotypic comments
gender based remarks about someone's clothing, body or sexual activities
requesting sexual favors in exchange for employment or to avoid negative consequences

Non-verbal

giving gifts of a personal nature, sexually explicit materials such as posters, cartoons, pictures, calendars or similar materials
displaying of foul or obscene printed or visual materials

Physical

touching or rubbing oneself sexually around another person
hugging, patting, pinching, or brushing against another person's body
sexual gestures with hands or through body movements
assault, attempted rape, rape

In addition to being examples of sexual harassment, incidents of assault, attempted rape, rape and similar actions constitute criminal behavior and will be reported by the City to the proper authorities.

5. **Complaint Resolution**

- A. **Informal Procedures.** The informal process is discretionary and is not required prior to filing a formal complaint.

Any person who wishes to pursue the informal process, however, should do the following:
promptly notify the offender that his/her conduct is unwelcome, inappropriate and illegal and should cease immediately, or
make the complaint known to their Department Head, or
notify the Director of Human Resources or Affirmative Action Officer, when the Department Head is the offender.

- B. **Formal Procedures.** In the event that the aggrieved party does not wish to pursue the informal procedure, or the informal procedure fails to produce satisfactory results, the following procedure should be followed to initiate a formal complaint:

Immediately file the complaint, i.e., a written description of the offensive conduct with the Affirmative Action Officer or the Director of Human Resources or the Commission on Equal Opportunities.

All complaints must be filed within 180 days of occurrence in accordance with State Law. The recipient, i.e.: the Director of Human Resources, the Affirmative Action Officer or the CEO, must acknowledge receipt of the complaint within 10 days.

A thorough, objective and complete investigation of all allegations will be undertaken by the recipient of the complaint or his/her designee.

The investigator(s) shall make a written report of the results of the investigation to the Director of Human Resources within 90 days of receipt of the complaint.

Copies of the complaint and report will be provided to the complainant and respondent. An investigator(s) may consult with the Office of Corporation Counsel on any formal complaint.

The Department Head, the Director of Human Resources, and the Affirmative Action Officer will endeavor to protect the confidentiality and legal rights of all parties involved.

The Director of Human Resources, the Affirmative Action Officer or the CEO shall take appropriate actions.

6. Persons filing charges of sexual harassment are instructed to notify the investigator(s) of any attempt at retaliation. Retaliation by anyone is a violation of the Civil Rights Act Sec. 704(a). Department Heads will be required to:

mediate any informal complaints.

notify the Director of Human Resources and/or the Affirmative Action Officer of anyone wishing to file a formal complaint.

maintain files on all sexual harassment complaints.

Definitions

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, or 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 employment (quid pro quo), or
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions, or
- c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Issuing Authority: _____

Effective Date: _____

Previously Revised: Date 3/83

A copy of this policy is available for review at the Department of Human Resources and is also available on the City's computer network at N:\policies\sexualhr.doc